

MINUTES  
SEBAGO BOARD OF SELECTMEN'S MEETING  
5:00 PM  
TOWN OFFICE  
THURSDAY, DECEMBER 16, 2021

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

## **5:00 PM TOWN OFFICE**

### **CALL TO ORDER**

The Executive Session was called to order by Chairman Ann Farley at 5:00 pm.

### **I. ROLL CALL**

Present: Selectmen; Ann Farley, Charles Frechette, Phil Lowe, Tim Mayberry and Chris Parker, Town Manager, Michele Bukoveckas, Code Enforcement Officer Brandon Woolley, Town Attorney Tim Murphy

### **II. Executive Session Pursuant to Title 1 § M.R.S.A. 405 (6) (E) Consultation with Legal Counsel – Land Use Issues**

Ann Farley made a motion to enter into Executive Session pursuant to Title 1 § M.R.S.A. 405 (6) (E) Consultation with Legal Counsel – Land Use Issues at 5:02 pm. It was seconded by Phil Lowe. Motion carried with all in favor.

The Board returned to regular session at 5:47 pm with no action taken during the Executive Session.

Ann Farley made a motion to hold another Board of Selectmen's meeting on Tuesday, December 28, 2021 at 6:00 pm, with another Executive Session with legal counsel at 5:00 pm. It was seconded by Phil Lowe. Motion carried with all in favor.

### **III. ADJOURNMENT**

Chris Parker made a motion to adjourn at 5:50 pm. It was seconded by Phil Lowe. Motion carried with all in favor.

## **6:00 PM TOWN HALL**

# **PUBLIC HEARING-MORATORIUM EXTENSION: PROHIBITION ON NEW MINES, GRAVEL PITS AND QUARRIES WITHIN VILLAGE DISTRICT OF THE TOWN**

***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:** Both face masks and hand sanitizers  
were made available for attendees of this meeting.

## **CALL TO ORDER - PUBLIC HEARING**

Chairman Ann Farley called the Public Hearing to order at 6:03 pm.

Guests present: Anne McMahon, Joe McMahon, Donelle Allen, Nancy Thompson, Mike Vacchiano, Patricia Schrader, Tina Vanasse, Cathleen Griffin, Dan Patch, Tyler Plummer, Janice Johnson, Rachel Pickus, Jim Belfiore, Shannon St. Peter, Mark Roy, Claudia Lowe, Diana Letellier, Deb Dolan, Helen Twombly, Susan Gasset, Brandon Woolley, Jeremy Turon, Heather Gorzik, June Allen, Cynthia Hoard, Joanne Chessey, Thomas Thompson, Marjie Jansz, Jim Jansz, Scott Douglas, Lisa Douglas, John Schrader, Marcy Laliberte, Bob Laliberte, Alan Munroe, David McCarthy, Marc Assante, Lori Cohoon, Mia Stucchi, Paul Severino, Rick Dennen, Britany LeBoeuf, John LeBoeuf, Wendy Newcomb, Grove Newcomb, Carmen Leighton, Shawn Leighton, Jackie Andrews, Glenn Grant, Kelly Hale, Kevin Hale, Christine Jordan, Tony Vacchiano, Patty Taylor, Eric Shute, Fernand Letellier, Owen Williams, Virginia Williams, David Twombly, Phillip Hook, Rocco Severino, Alan Greene, Kerry Herrick, Alan Herrick, Joe Williams, Carol Mayberry, Stephen Harlan, Amanda Dearborn, Walt Dearborn, Brenda Merritt, Tammy Robinson, Roger Robinson, Ted Davis, John Lucy, Tina Libby-Hook, Michael Cyr, Evan Dunten, Chelsea Sincyr, Valerie Greene, Philip Strike, Andy Pappas, Susan Newton, Frank Merritt, Linda Horowitz, Susan Farrell, Michael Farrell, Marie Brume, Ben Hartwell, Diana Libby, Maggie Bannon, Douglas Newton, Lauris Champagne, Jane Foye, Kevin Miner, Barry Jordan, Carol Clark, Michael Foye, Cindy Wilson, Natalie Crawford, Andrew Plummer, Marcia Christensen, M.L. Douglas Jr., Carolyn Calarese, John Calarese, Surrie Coyne, Jimmy Coyne, David Heath, Deborah Howard, Mary MacKinnon, Kurt Christensen

Selectman Charles Frechette addressed the audience with a statement attesting to the fact that he was raised in this town, has family in this town and is raising his children in this town. He cares about this town just like the other members of the Board of Selectmen. The Selectmen understand the resident's concerns and frustrations. Although some people may feel their concerns are going un-noticed, please understand that the Board is trying to navigate through this situation fairly and properly. He asked that we all try to move forward in a positive manner. Negative comments or insults will not benefit anyone.

Selectman Phil Lowe addressed the audience with a statement explaining that he has been on almost every Board in this town at one time or another, except the Appeals Board. Being on a Board requires a lot of dedication from a lot of people. Like Charles stated, you may not understand all that is going on, and it gets a little tough when you feel as though things are not going the way you would like to have them go. When you don't have all the facts it is easy to jump to conclusions. Frustration is normal when this occurs. He asked that everyone bear with the process, we will get this done.

Town Manager Michele Bukoveckas informed the audience of the direction the town is going in. She will be filing an Appeal on behalf of the town with the Zoning Board of Appeals. Additional legal resources will be consulted for expertise in this field. She asked for patience as we move in this direction.

Joe McMahon read aloud a statement referencing the town's Comprehensive Plan which disallows certain operations that you normally would not find in a residential neighborhood. He stated that approval of the proposed quarry operation would have a strong negative impact on this town. He suggested contacting the town's Assessors to determine the impact the proposed quarry will have on property values. Ann Farley responded that this has already been done by the Town Manager.

Claudia Lowe read aloud a statement thanking everyone that chooses to serve on a board or committee or in a volunteer capacity. Their efforts are vital and so often overlooked. In her mind it is about honoring expectations for people who decided to own property in our town. If a person purchased a piece of property in the village district they should be able to expect it to stay the same or grow slowly in a manner described in the town's Comprehensive Plan. She would like to think that ordinances are written in support of the intent of that plan. Obviously, the ordinances need to be reviewed and kept up-to-date for changes in use. This should be done on an ongoing basis by boards and committees. She commented on the negative impact a quarry in the village district would have and suggested that this ordinance should be addressed first and then the others should be reviewed on a regular basis.

Grove Newcomb read aloud a statement about concerns that may have been overlooked in the review process.

Susan Gassett stated that she recently attended the Bar-B-Que that was hosted by Gorham Sand & Gravel for residents to ask any questions they had regarding the proposed quarry. She reviewed for the audience some of her questions to them and their responses. She closed by stating that she does not think they understand the lives of the people that live in the village district.

Rick Dennen had two thoughts about things that perhaps have not been talked about yet. The first was the summer guests who have spent tons of money to have wonderful places along the lake. If this has an impact on having them starting to sell their property, the property may be sold at a much lower price and therefore tax revenues would drop. The second is that Camp O-At-Ka has been here since 1906. People love to come to this very quiet, safe place. What if Camp O-At-Ka closes because of this noise that scares people away?

Deb Dolan asked where we are with the moratorium. Ann Farley responded that this will be discussed under "New Business" after the close of this public hearing.

Donelle Allen stated that as a member of the Historical Society she wanted to speak about the heritage of this town. The heritage of this town has historically been focused on two things: agriculture and recreation. This town was a vacation destination at the turn of the century. She feels as though the boards and committees of this town should be asking the citizens how they would like to see the town grow. Many of them will still say agriculture and recreation. The town needs low impact businesses, not large scale entities.

Jim Belfiore asked the Board to consider two points: When Gorham Sand & Gravel was asked during the Special Town Meeting how many other quarries have they developed next to a residential area, their answer was none. This means Sebago would be the first, therefore potential issues have not already been addressed by them in the past. His second concern relates to the need to retain resources for future generations.

Andrew Plummer stated that he is a member of the Planning Board and that he does not speak for them. He wanted to express his own thoughts. As a Planning Board member he follows a set of guidelines, the ordinances. He stated that this is a volunteer position that is for a five year term. He explained the review process that the Planning Board has been following. He stated that he follows the rules placed in front of him, not popular opinion.

Helen Twombly stated that she is a registered nurse and the Health Officer for the town. Her responsibility is to protect the health of the citizens of Sebago. Therefore, her concerns are about the impact on the health of the citizens such as hearing, contamination, and dust for breathing. She has been informed that Gorham Sand & Gravel has done studies to address these issues, but she would like to see independent studies done by the town, at the expense of Gorham Sand & Gravel.

Wendy Newcomb stated that she has lived in Sebago for thirty-four years and the reason they moved here is because it is a beautiful place in which they raised their children. As a professional artist she feels as though having a quarry in our village would destroy the beauty for which Sebago is known.

Ben Hartwell stated that he represents Gorham Sand & Gravel. He explained that he understands about the need to have the Ordinance Review Committee going through the Comprehensive Plan revisions, but tonight is about the moratorium and extending it. He started to explain that there are two main problems with the moratorium that was drafted. The first relates to dates. Ann Farley interrupted Mr. Hartwell and stated that she does not feel as though this should be discussed tonight. The town has legal counsel advising on the path to be taken for the moratorium. Mr. Hartwell asked that it be on the record that we do not have the power to extend the moratorium based upon language in the moratorium.

The Town Manager read aloud a statement regarding the moratorium. First of all, we believe that the moratorium that was enacted on November 23<sup>rd</sup> is valid, active and in effect. However, as the moratorium is to be applied retro-actively there is some question as to the start date. This question is being addressed.

Jeremy Turon expressed heartfelt concerns about his wife's serious existing health problem. He stated that he doesn't feel as though he can trust Gorham Sand & Gravel not to contribute to making matters worse for her.

Janice Johnson lives across the street from the quarry location. She stated that the noise scares her and her friend's horses and asked if noise studies have been done. She is concerned about her asthma becoming worse due to the dust. Brandon Woolley responded that noise studies have been done by sound engineers.

Carrie Herrick thanked the Board for serving. She stated that they moved here from Windham where they raised their family. She loves the fact that Sebago is a very family oriented town.

Everyone needs to work together, and not against one another, to decide what we want Sebago to be.

The Public Hearing was closed at 6:39 pm. and the Board moved to regular session.

## **I. ROLL CALL**

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

## **II. PLEDGE OF ALLEGIANCE**

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

## **III. NEW BUSINESS**

### **A. Moratorium Extension: Prohibition on new Mines, Gravel Pits and Quarries within Village District of the Town Approval**

The Town Manager stated that after speaking with legal counsel this evening and determining that other legal resources will be brought in, she suggests postponing the decision to extend the moratorium until December 28<sup>th</sup>, especially since we believe that our current moratorium is in place. This will give us time to meet with the new counsel, make a decision, and move forward. Ann Farley stated that the Board feels that this is a more cautious way to proceed.

Michele Bukoveckas mentioned that an extension of a moratorium does not require a Town Meeting vote. Under State statute, it is deferred to the Board of Selectmen to make that decision.

Ann Farley made a motion to table the moratorium extension until Tuesday, December 28<sup>th</sup> at 6:00 pm at the Town Office building. It was seconded by Chris Parker. Motion carried with all in favor.

### **B. Additional Appointments to Ordinance Review Committee**

Ann Farley reported that several applications were received for the Ordinance Review Committee positions for the Board's consideration.

Ann Farley made a motion to appoint Lori Cohoon to the Ordinance Review Committee. Lori was asked to explain why she wants to serve on this committee, which she did. The motion was seconded by Chris Parker. Motion carried with four in favor and Tim Mayberry abstaining from the vote.

Charles Frechette made a motion to appoint Chris Anderson to the Ordinance Review Committee. It was noted that Chris Anderson was not present at this meeting. The motion was seconded by Chris Parker. Motion carried with all in favor.

Tim Mayberry made a motion to appoint Bob Laliberte to the Ordinance Review Committee. Bob was asked to explain why he wants to serve on this committee, which he did. The motion was seconded by Chris Parker. Motion carried with all in favor.

Ann Farley made a motion to appoint Chris Parker to the Ordinance Review Committee as the representative for the Board of Selectmen. It was seconded by Tim Mayberry. Motion carried with four in favor and Chris Parker abstaining from the vote.

#### **MISCELLANEOUS ITEMS**

The Town Manager advised the audience that if they subscribe to "News" on the town's website, they will receive a notification when a meeting video has been posted on the website.

Ann McMahon asked if the video recordings of the meetings could pan the camera to show the person speaking. The Town Manager responded that the problem is that we need a volunteer. We had one that worked two meetings and then decided they did not want to do it after all. It is impossible for the person recording the minutes to also pan the camera while writing down the minutes. If anyone is interested in volunteering for the job, please contact the Town Manager.

#### **IV. ADJOURNMENT**

Ann Farley made a motion to adjourn at 6:50 pm. It was seconded by Chris Parker. Motion carried with all in favor.

**Respectfully submitted,**

A handwritten signature in cursive script, appearing to read "Maureen F. Scanlon".

**Maureen F. Scanlon**  
**Town Clerk**