

**TOWN OF SEBAGO  
BOARD OF SELECTMEN MEETING MINUTES  
TUESDAY, SEPTEMBER 6, 2022  
EXECUTIVE SESSION 4:30 PM  
EXECUTIVE SESSION 5:30 PM  
SELECTMEN MEETING 6:30 PM  
TOWN OFFICE BUILDING**

**ALL REGULAR BOARD OF SELECTMEN MEETINGS ARE HELD THE 1<sup>ST</sup> AND 3<sup>RD</sup> 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 Chair and only during public comment. Comment time is limited to 2 minutes per speaker. Matters related to personnel will not be heard or discussed.*

**I. 4:30pm – 5:30pm Executive Session – 1 M.R.S.A. § 405 (6)(A) – Personnel Matters – Policies**

Phil Lowe called the meeting to order at 4:36 p.m.

Present: Charles Frechette, Barry Jordan, Phil Lowe, Mark Roy (arrived at 4:45 p.m.)

Barry Jordan made a motion to enter into Executive Session – 1 M.R.S.A. § 405 (6)(A) – Personnel Matters – Policies at 4:37 p.m. Charles Frechette seconded the motion. Motion carried with all in favor.

Barry Jordan made a motion to close the executive session at 5:24 p.m. Mark Roy seconded the motion. Motion carried with all in favor.

**II. 5:30pm – 6:30pm Executive Session – 1 M.R.S.A. § 405 (6)(E) – Consultation with Legal Counsel – Regarding pending litigation**

Present: Charles Frechette, Barry Jordan, Phil Lowe, Mark Roy, Interim Town Manager Maureen Scanlon, by phone Attorney John Wall III.

Barry Jordan made a motion to enter into Executive Session – 1 M.R.S.A. § 405 (6)(E) – Consultation with Legal Counsel – Regarding pending litigation at 5:30 p.m. Charles Frechette seconded the motion. Motion carried with all in favor.

Charles Frechette made a motion to close the executive session at 6:21 p.m. Mark Roy seconded the motion. Motion carried with all in favor.

**CALL TO ORDER**

The meeting was called to order by Phil Lowe at 6:30 p.m.

**I. ROLL CALL**

Present: Selectmen; Charles Frechette, Barry Jordan, Phil Lowe and Mark Roy, Interim Town Manager Maureen Scanlon, Interim Town Clerk and Recorder Desirae Lyle

Guests present: Code Enforcement Officer Brandon Woolley, David Donahue, Catherine McIntire, Mike Borsetti, Virginia Williams, Philip Strike, Tina Vanasse, Andrew Plummer, Claudia Lowe, Mike Bouffard, Bob & Marcy Laliberte, Lucille Matthews, Deborah Howard, Tina Libby-Hook, Ann Farley, Richard Merritt

**II. PLEDGE OF ALLEGIANCE**

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

**III. ADJUSTMENTS TO THE AGENDA**

There were none at this time.

**IV. CONSENT AGENDA**

**A. Approval of the August 16, 2022 Selectmen's Meeting Minutes**

Charles Frechette made a motion to approve the August 16, 2022 Selectmen's meeting minutes. Mark Roy seconded the motion. Motion carried with all in favor.

**B. Approval of the FY 23 Warrants Weeks 7 & 8**

Desirae Lyle asked that the Board add the warrant for week #9 as well.

Mark Roy made a motion to approve the Fiscal Year 23 warrants for weeks 7, 8 & 9. Charles Frechette seconded the motion. Motion carried with all in favor.

**V. OLD BUSINESS**

**A. Zoning Board of Appeals Concerns-Richard Merritt**

Richard Merritt spoke briefly about the extensive number of items on the list of proposed moratoria. There are 68 items listed, the Selectmen should be trying to bring the town together, not breaking it apart with 68 moratoriums. Phil Lowe asked Mr. Merritt to read the first sentence on the list. "Dear Ordinance Committee, List for review for new moratorium." Phil explained that they are trying to be proactive. Mr. Merritt stated that if there isn't a problem why would you go looking for one. Phil asked if a \$120,000 bill over the last year is a problem. Mr. Merritt is concerned that the town will be opening itself to a bigger lawsuit with the proposed list of moratoria. Barry Jordan commented that the proposed moratoria would provide a slow down of any major projects, allowing the town to get ahead of any issues.

Brandon Woolley commented that the review of the gravel ordinance was started nine (9) months ago, how is it practical to address even twenty five percent (25%) of the proposed moratoriums when one ordinance has been worked on for nine (9) months and is still not ready. Phil Lowe would like to see the committee work on updating the Comprehensive Plan as well.

Andrew Plummer noted that he had been told that the proposed list was what the Ordinance Review Committee (ORC) will be submitting for moratoria. He asked if the \$120,000 was accurate and asked what the cost to the Town has been so far for the ORC. Phil noted that the \$120,000 is money spent by the town and private individuals and will try to have a number for him at the next meeting.

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Phil Strike asked the Board to confirm the original intent of the ORC. He asked if the Board felt that maybe the ORC has bitten off more than they can chew since it's been nine (9) months and they are still working on the gravel ordinance.

David Donahue encouraged the Board to review and update the Comprehensive Plan.

Phil Lowe made a motion to extend the life of the Ordinance Review Committee that it may possibly expand into review of the Comprehensive Plan as needed but that the committee as it exists may be expanded and continue as a viable part of our town's business and ordinance procedure. Mark Roy seconded the motion. Charles Frechette asked if the Committee was due to be ended. Phil responded that it's due to be ended once the gravel ordinance is finished, but he likes the activity it provides and likes the review process that it provides, and it is open to the public. Motion carried with three in favor, Barry Jordan abstained from voting on this matter since he is the chair of the committee.

## **VI. NEW BUSINESS**

### **A. Moratoria Discussion**

Phil Lowe asked if the Board felt they needed to discuss this further or if it had been discussed enough already. The Board did not feel the need to comment further and moved on.

### **B. Appointment of Maureen Scanlon as Interim Town Manager and Treasurer**

Barry Jordan explained that Phil Lowe was absent from the meeting where the Board discussed appointing Maureen Scanlon to the position of Interim Town Manager and Treasurer. They need to formally vote to appoint her to Interim Town Manager and Treasurer.

Mark Roy made a motion to appoint Maureen Scanlon as Interim Town Manager and Treasurer. Charles Frechette seconded the motion. Motion carried with all in favor.

### **C. Tax Commitment Adjustment and Signing**

Phil Lowe explained that an error was made when the original calculation was done to set the mil rate at \$10.30. The estimate for Motor Vehicle Excise Tax collection has been raised to offset the error as well as the State Revenue Sharing estimate, letting the Board set the mil rate at \$10.40 instead of \$10.60.

Phil Lowe made a motion to set the mil rate at \$10.40. Charles Frechette seconded the motion. Motion carried with all in favor.

The Board signed the tax commitment paperwork.

### **D. Signing of Bond Resolution for Public Safety Building**

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The Board members signed the Bond Resolution for the Public Safety Building.

**E. Cumberland County Budget Transition Discussion**

The Board was unclear about this item. Maureen Scanlon noted that Cumberland County is switching from a calendar year to a fiscal year. The towns will need to decide if they want to pay a lump sum or over time. Desirae Lyle noted that it was explained to her that Cumberland County is switching from a calendar year to a fiscal year. She is paying the calendar year tax this week. Since the County is changing billing cycles, we will have to pay an additional six (6) months either this fiscal year or next, but the town will have the option to pay the extra six (6) months as a lump sum or over time. It seemed more cost effective to pay it overtime instead of in the lump sum.

**F. Remote Meetings**

Phil Lowe asked to add this to the agenda at this time.

He attended the MMA (Maine Municipal Association) Planning & Appeals Board workshop last week where they spoke about remote meetings. There were concerns about who would run the meetings through zoom or any other avenue, the Board would need to have a volunteer or hire someone. Each Board would need to adopt a policy allowing remote participation with guidelines on what qualifies as a need for a remote meeting.

**VII. REPORTS FROM TOWN OFFICIALS**

**A. Interim Town Manager**

- Last week I met with Security 101, the town's security/monitoring provider to make changes to the existing security program. We discussed options for increasing the security of the Town Office building. Due to the nature of this matter, I will not be disclosing those options in this forum, but will communicate them to the Board for their consideration.
- The Portland Water District samples several beaches around Sebago Lake every Tuesday between Memorial Day and Labor Day. The E. Coli action level for freshwater beaches is 235 organisms per 100 ml, according to the EPA. If the level exceeds 235 cfu/ml, it is the suggestion of the EPA that you close the beach and resample until E. Coli levels decrease. Last Wednesday, I received the final Sebago Lake Beach Monitoring Program report for the summer season. In speaking with Water Resources Specialist Amanda Pratt, from the Portland Water District, the levels at the town beach are well below the level that would indicate an elevated public health risk and have consistently been well below the threshold throughout the summer. For the Board's review, I've included the summary of the testing data from May 31st through August 30th that she submitted to me.
- I communicated with Barry Woods, from ReVision Energy, regarding former Town Manager Michele Bukoveckas' request for information on a locking mechanism for the EV Charging unit at the Town Office building. He mentioned a valid point to consider. The charger is listed on

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the “Plug Share” App and says it is available 24/7 to the public. Shutting it off may strand a driver who assumes it is operational and can’t use it. He also suggested a few other options such as posting a sign advising of a two-hour charging limit, or installing a donation box to cover repeated usage. It costs about \$1.50 per hour when charging. He mentioned that if he needed a charger at night and there was a car connected to the charger that was fully charged, he would unplug the charger from their vehicle and connect it to his own. However, some cars lock the connector to the port so that isn’t always possible. This would also leave a driver stranded if they were unable to use the charger at night because an unattended vehicle is using the charger. I let him know that we intend to post signage advising drivers that the charger is only to be used while conducting business at the Town Office.

Charles Frechette made a motion to remove the Town Office location from the Plug share app. Mark Roy seconded the motion. Motion carried with all in favor.

- For the Board’s reference, I’ve distributed copies of “A Quick Guide for Executive Session Motion Citations” in your meeting packets. I’ve obtained additional information from the Understanding the Freedom of Access Act (Right to Know Law) workshop that Desirae Lyle and I attended last Wednesday afternoon if you would like more information on this matter.

## **B. Selectmen**

- Mark Roy mentioned that the employees at the Transfer Station have citizens asking about a Bulky Waste Day as well as Hazardous Waste Day. He also noted that their medical kit needs to be refilled. Phil Strike stated that Public Works would be in charge of making sure the medical kit is stocked. Maureen Scanlon noted that hazardous waste day will happen next year. Barry Jordan asked about an AED at the Transfer Station, Phil Strike believes that there is one there.
- Charles Frechette mentioned that the Board has received twenty-three (23) resumes for the Town Manager position.
- Barry Jordan also reported that the Board received twenty-three (23) resumes for the Town Manager position. He also noted that he was the one that asked Maureen to look into beefing up security at the Town Office.
- Phil Lowe expanded on the security discussion and noted that anyone can walk into the clerk’s office, not only is there cash and assets, but sometimes personal or confidential information. The office should be more secure to protect the town and the staff.

## **C. Department Heads**

- Philip Strike noted that the Public Safety Building plans have been submitted to the Planning Board and they will be discussed at next week’s meeting. The department is discussing who the “Clerk of the Works” should be.

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Engine 4 is due to be replaced in two (2) years, since November 2021 the price of a new truck has increase 17%, he is hoping to sign a contract before the price increases another 10-12% in November 2022. Phil noted that the fire department has been busy, he has made sure that the department Facebook page stays updated to help alleviate the number of rubberneckers.

Phil asked if the Board knew when the ramp (gang plank) would be installed at the Town Beach. Charles Frechette will look into this and make sure it's installed soon. Charles asked if Phil could comment on the low-speed chase through Sebago, and he explained that it was in the sheriff's hands at this point.

- Maureen Scanlon offered the following as her Town Clerk report.

Nomination Papers are due on September 23<sup>rd</sup>. As of today, no one has taken out papers for the Selectman's position for the Municipal Election on November 8<sup>th</sup>. In the event that no one does take out papers for this position there will not be any candidate names on the ballot. Only a Write-In candidate will be on the ballot. I confirmed with Maine Municipal Association that if numerous write-in ballots are cast for different people, only the person receiving the most votes may be sworn to the office. If that person declines to serve or fails to qualify, a vacancy would exist once again – the seat cannot be awarded to the next-highest vote-getter. Either the seat would remain vacant until the next Municipal Election or another Special Municipal Election can be held again.

After consideration of this matter, I have determined that it would be more cost effective to use the "old" paper ballot method for the Municipal Election instead of having the voting machine tabulate the results. Part of this decision is due to the fact that the write-in report that the machine generates makes it extremely hard to decipher the written names, therefore we would have to look at every single ballot to assure that the count is accurate. It doesn't make sense to spend the funds on a less effective process. If someone does take out nomination papers and a name is actually on the ballot, the process will still be effective due to the fact that only one race will be on the ballot.

- Brandon Woolley had nothing to report.

#### **VIII. COMMENTS FROM THE PUBLIC**

- Tina Libby-Hook of the Sebago Lions Club would like permission from the Board to hold a flag retirement ceremony at the Veteran's Park on Veteran's Day in an above ground fire pit annually.

Fire Chief Phil Strike noted that he is whole heartedly in favor of this, it is educational and the proper way to dispose of a flag, and recommended that the Board grant Mrs. Libby-Hook's request and offered to pay for the fire pit himself.

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Mark Roy made a motion to allow the Lions Club to hold an annual flag retirement ceremony at the Veteran's Park on Veteran's Day with the approval of the fire chief. Charles Frechette seconded the motion. Motion carried with all in favor.

Michael Bouffard spoke up and offered to buy a second fire pit to make sure that the Lions have enough room to hold a proper ceremony.

- Mike Borsetti asked to speak about the dock/right-of-way issue on Hawkes and Anderson Road. There is an Air B&B that is sending its tenants down Mr. Borsetti's driveway. He has documentation that he would like the Board to review and make a determination on the use of the right-of-way. The Board asked if Mr. Borsetti would be willing to sit down with CEO Brandon Woolley and go over all of the documents. Mr. Borsetti was agreeable, and Brandon will have something to report to the Board at the September 20<sup>th</sup> or October 4<sup>th</sup> meeting.
- Lucille Matthews introduced herself as Joan Morford's granddaughter and explained that they own property abutting the Chattin property that the Town foreclosed on. They would be interested in purchasing the property. The tax acquired property committee will need to meet and decide how to proceed.
- Claudia Lowe noted that she attended a regional library trustee meeting and they used a meeting owl that projected a video onto the wall behind the board and automatically picked up who was speaking. She suggested that the Board look into this for remote meetings. Ms. Matthews commented that Zoom is restricting the number of meetings and the amount (time) of the meetings. Google meets is worth looking into as well.
- Phil Strike mentioned that the Board had been thinking about a Bulky Waste Day in the fall after Labor Day, to help alleviate some of the summer crowd's disposal. He also suggested that legal questions be consolidated so that we aren't contacting the lawyer(s) daily with questions.
- Catherine McIntire informed the Board that there was an incident on Naomi Street over the weekend, someone broke into her vehicles and stole some personal items. It was reported to the police and is being handled.

She feels that the (Naomi Street) issue would have been resolved three years ago, if the Selectmen would have acted. Phil Lowe asked about the aluminum boat at the end of Naomi Street. Mrs. McIntire said that it is David Shea's and helps with erosion control. She clarified that this issue is not about walking to the beach, but being able to drive down to the beach and drop off items. The "No Parking" signs are in the wrong location. Barry Jordan noted that Town of Sebago Ordinances are not enforceable by the Cumberland County Sheriff's.

Michael Bouffard interjected that Mrs. McIntire is wasting tax payer money by taking so much of the Selectmen's time, he doesn't believe that there will be a solution that Mrs. McIntire agrees with. Charles Frechette agreed that there seems to be no solution to end this disagreement.

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- Tina Vanasse noted that she visited Naomi Street after the last Selectmen's meeting. There is room to maneuver around the signs and access the beach. She noted that it seems to work for everyone else.  
Phil Lowe invited both parties to come back to a Selectmen's meeting if they felt there was a need to do so.

**IX. ADJOURNMENT**

Mark Roy made a motion to adjourn at 8:34 p.m. Charles Frechette seconded the motion. Motion carried with all in favor.

**Respectfully Submitted,**



**Desirae Lyle  
Interim Town Clerk  
Approved at the September 20, 2022 Meeting**