

**TOWN OF SEBAGO
BOARD OF SELECTMEN MEETING MINUTES
TUESDAY, OCTOBER 4, 2022
SELECTMEN MEETING 6:30 PM
TOWN OFFICE BUILDING**

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 Chair and only during public comment. Comment time is limited to 2 minutes per speaker. Matters related to personnel or Boards will not be heard or discussed.

**5:30 PM – 6:30 PM EXECUTIVE SESSION – PURSUANT TO TITLE 1 § 405 (6) (A) – PERSONNEL
MATTERS – TOWN MANAGER SEARCH PROCESS**

Chairman Phil Lowe called the meeting to order at 5:40 p.m.

Present: Selectmen: Charles Frechette, Barry Jordan, Phil Lowe, Mark Roy and Interim Town Manager Maureen Scanlon.

Mark Roy made a motion to enter into Executive Session – Pursuant to Title 1 § 405 (6) (A) – Personnel Matters – Town Manager Search Process at 5:41 p.m. Charles Frechette seconded the motion. Motion carried with all in favor.

Phil Lowe made a motion to return to regular session and adjourn at 6:29 p.m. Mark Roy seconded the motion. Motion carried with all in favor.

No action was taken during the Executive Session.

CALL TO ORDER

Chairman Phil Lowe called the meeting to order at 6:33 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: Philip Strike, Tina Vanasse, Claudia Lowe, Andrew Plummer, John & Carolyn Calarese, Susan Thuotte, Wendy Newcomb, Richard Allen

II. PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS TO THE AGENDA

Mark Roy made a motion to move New Business Item A up to Old Business Item A since it has been discussed by the Board previously. Charles Frechette seconded the motion. Motion carried with all in favor.

IV. CONSENT AGENDA

A. Approval of the September 12, 2022 Selectmen's Executive Session Meeting Minutes

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There was no meeting because there was no quorum present. Barry Jordan and Phil Lowe were able to speak with the representative from MMA (Maine Municipal Association).

B. Approval of the September 20, 2022 Selectmen's Meeting Minutes

Barry Jordan made a motion to approve the September 20, 2022 Selectmen's Meeting Minutes as presented. Mark Roy seconded the motion. Motion carried with all in favor.

C. Approval of the September 26, 2022 Selectmen's Executive Session Meeting Minutes

Mark Roy made a motion to approve the September 26, 2022 Selectmen's Executive Session Meeting Minutes as presented. Barry Jordan seconded the motion. Motion carried with three in favor, Charles Frechette abstained since he was absent.

D. Approval of the FY 23 Warrants Weeks 12 & 13

Charles Frechette made a motion to approve the Fiscal Year 23 Warrants for Weeks 12 and 13. Mark Roy seconded the motion. Motion carried with all in favor.

IV. OLD BUSINESS

A. Sebago Artists Mural Project Update

Wendy Newcomb and Richard Allen presented an update about the mural that they are planning to paint on the wall in the meeting room. It is a depiction of the Town of Sebago from the 1920's. Wendy Newcomb produced the drawing that a number of artists will be working from. The Historical Society originally approached the artists asking them to consider painting the mural pre covid. The Historical Society originally budgeted \$500.00 and the artists will check with them if more funding is needed. The artists will work with the Town Office to schedule times to come in and work on the mural.

B. Remote Meeting Discussion

Mark Roy commented that the Town of Bridgton uses some sort of remote meeting equipment, he is willing to visit Bridgton and ask about the logistics, cost, equipment etc.

Barry Jordan made a motion to authorize Mark Roy on behalf of the Board to research this and for Phil Lowe to reach out for a legal opinion about the ramifications of this to make sure that the Board can legally hold remote meetings and vote remotely. Charles Frechette seconded the motion. Phil Lowe noted that at a recent MMA meeting they were promoting that remote attendance is as interactive as in person. Barry noted that while remote meetings will be convenient if someone is out of town it shouldn't be used to sit at home and eat dinner while the meeting is being held. A policy or ordinance will need to be adopted to allow for remote meetings. Motion carried with all in favor, Mark Roy abstained since he will be doing the research.

Mark Roy stated that he hopes to have information for the Board by late November.

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C. Information Disbursement / Website Improvements Discussion

Barry Jordan noted that this agenda item goes with New Business item B. Last month the ORC (Ordinance Review Committee) held a meeting, and the time was changed from 6:00 p.m. to 4:30 p.m. The agenda was uploaded correctly, but the time on the calendar was not changed. Due to a FOAA (Freedom of Access Act) complaint filed with the Attorney General's office, Barry is recommending that anything that the ORC needs posted to the website be done by the office staff. This would take the responsibility of posting to the website off of a private citizen and place the burden on the office staff. The Attorney General mentioned that the town should record all meetings. Barry recommended that the Board implement recording all meetings whether they are regular meetings or workshops.

Barry Jordan made a motion to have all workshops recorded and that the Town Office be responsible for posting provided information to the website. Mark Roy seconded the motion. Maureen Scanlon asked to clarify that the office staff will be posting items that are sent to them, not producing the items to be posted. Desirae Lyle asked the Board to consider who will be setting up and operating the camera, since she is not required to attend workshop meetings. The camera is locked in the safe. Charles Frechette voiced the same concerns and asked if it would need to be a paid position. John Calarese mentioned that if the Board does decide to have zoom meetings the laptop would be able to record the meetings.

Barry Jordan amended his motion to state that the town office should take over posting to the website immediately and Mark Roy should research the logistics of recording workshop meetings. Charles Frechette seconded the amended motion. Motion carried with all in favor.

D. Cumberland County Tax Decision

Desirae Lyle reported that Cumberland County needs to be notified by December 1, 2022 whether or not Sebago will pay the 6-month transitional budget in a lump sum (approx. \$149,000 added to the approx. \$300,000 annual county tax) or over 2 to 5 years. There is no interest if you decide to pay over a number of years.

Mark Roy made a motion that the Cumberland County Tax transitional budget be spread out over 5 years. Charles Frechette seconded the motion. Motion carried with all in favor.

Desirae Lyle will contact Jim Gailey at Cumberland County tomorrow to let him know about the Board's decision and will put a copy of the letter in the budget request folder. Phil Lowe asked about using ARPA funds to pay for this. Desirae explained that there is nothing due until the next budget cycle, so ARPA funds would not be needed.

V. NEW BUSINESS

~~A. Sebago Artists Mural Project Update~~ Moved to Old Business A.

B. FOAA Complaint/Resolution Discussion – 80B Complaint Statement

There was a statement from Town Attorney Tim Murphy This will be added to the next agenda.

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C. Road Grading Discussion

Since Public Works Director Jim Palmer is absent, this will be moved to the next meeting.

D. 60-Day Review Deadline Discussion

Phil Lowe noted that he will try to spend time with Brandon Woolley prior to the next meeting to discuss this. There was some discussion between the Selectmen and the Planning Board members present. Andrew Plummer stated that he has tried to change the application process, but there are state statutes that restrict how the Planning Board can process applications. Tina Vanasse noted that it is the Planning Board's responsibility to interpret the ordinances and follow them. Andrew reiterated that it is a state law.

E. Land Use Ordinance Section 7 – Site Plan Review – A (4)

From the Land Use Ordinance: *The Committee shall vote to commence Substantive Review in accordance with Maine State 1 M.R.S.A § 302. From the statute: Construction and effect of repealing and amending Acts The repeal of an Act, resolve or municipal ordinance passed after the 4th day of March, 1870 does not revive any statute or ordinance in force before the Act, resolve or ordinance took effect. The repeal or amendment of an Act or ordinance does not affect any punishment, penalty or forfeiture incurred before the repeal or amendment takes effect, or any action or proceeding pending at the time of the repeal or amendment, for an offense committed or for recovery of a penalty or forfeiture incurred under the Act or ordinance repealed or amended. Actions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby. For the purposes of this section, a proceeding shall include but not be limited to petitions or applications for licenses or permits required by law at the time of their filing. For the purposes of this section and regardless of any other action taken by the reviewing authority, an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before. For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law. [PL 1987, c. 766, §1 (AMD).*

Phil Lowe would like to see this section moved further into the ordinances and will talk to Brandon Woolley prior to the next meeting to discuss this. Tina Vanasse commented that it is up to the Planning Board to protect the Town as well as the applicants. There were some arguments about how the ORC was formed, that two or three of the members are appellants and that as appellants those members cannot be objective. Tina stated that there is a better way to balance who is on that committee. Charles Frechette noted that it is the citizens that ultimately vote on the ordinances not the committee. Andrew commented that it is a lopsided committee that cannot be objective.

VI. REPORTS FROM TOWN OFFICIALS

A. Interim Town Manager

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- Maureen Scanlon offered the following as her Interim Town Manager Report:

Tax Acquired Property Committee will be meeting soon.

Animal Control Officer, Richard Guilbault, has met with Maureen about a possibility about joining “forces” with the Town of Standish, this could potentially allow Sebago’s ACO to use more resources from Standish.

Fire Station 3 Alarm wiring repair will be done by Security 101 for approximately \$300.00.

B. Selectmen

- Mark Roy had nothing to add.
- Charles Frechette asked who can report a street light that is out to CMP. Maureen Scanlon noted that any residents can, but if he can get her the pole number, she will report it. Charles also mentioned that the Port-a-let at the ball fields needs attention. Desirae Lyle commented that Casella services it and all Port-a-lets in town on Thursdays, there was an issue with the one at Douglas Mountain as well.
- Barry Jordan noted that he has called, texted and emailed Recreation Director Leslie Hayes about returning tables and chairs to the Town Hall that were used at Sebago Days.
- Phil Lowe would like to see all employees, boards and committees pursue any education that is available to them, whether it be through MMA or another resource.

C. Department Heads

- Fire Chief Phil Strike noted that all was quiet on the EMA front.

Annual Pump Testing happened last week at the Town Beach; Engine 4 will need to be retested.

He has met with the insurance adjuster, Fire Station 3 will need masonry, framing and electrical work. He suggested hiring a general contractor. Since there is no rebar in the building the block wall will need to be redone, a temporary wall will need to be erected to help support the building, Engine 3 is currently at the Public Works garage, but needs to be moved so that Public Works can use the garage for truck maintenance. Phil gave the Board two (2) different forms for request to bid on Fire Station 3 repairs that he and Desirae Lyle worked on. One (1) is a short and sweet request for bids and one (1) is formatted as an RFP (Request for Proposals). He recommended using the short form asking for a general contractor, hoping to get more responses quicker. Bids should be returned by Friday, October 28, 2022 at 5:00 p.m. Bid opening and awarding will be held at the November 1, 2022 Board of Selectmen meeting. Phil will work with Maureen on a list of companies to send the ad to.

Phil Lowe made a motion to proceed with the short and sweet request for bids. Barry Jordan seconded the motion. Motion carried with all in favor.

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Desirae Lyle asked how many times the Board would like this advertised. The Board agreed to have the ad run for the next two (2) weeks.

- Broadband Committee member, John Calarese asked to comment on a prior item before updating the Board on the Broadband COLAB (Cumberland Oxford Lakes Area Broadband Initiative). He stated that it does matter who is on the ORC, and what information they are presenting.

The RFP for Broadband will be received within the next two (2) weeks and the committee will begin reviewing it. John asked that the Board consider when the grant monies become available having a list of town properties ready, and have all town properties WIFI accessible. Maureen Scanlon noted that she had met with Jerry Holt last week and given him a list of town properties.

- Desirae Lyle offered the following as her Interim Town Clerk/Administrative Assistant Report:

Please make sure you (the Selectmen) are coming in on the off weeks when you don't have meetings to sign warrants. There was an Executive Session last Monday and no one signed the warrants while they were in the building. We sent out bills without signatures last week to avoid late fees.

Public Easement Roads, 166 letters were sent for the Second Notice of work needed last Friday and 79 letters will be sent for work complete or road acceptable this week. Letters for roads that state work is still needed will not be graded or plowed until the work is done. I provided a excel sheet of which roads got which letters. This is on the next agenda for discussion with the Public Works Director.

Received an email from North Coast Services (recycling) they will be increasing our rates to include \$100/trip (estimated 8 trips/year – last year we had 7 pickups) and \$70/per hour after the first ½ hour on site. Since these are new fees, I will add this to the budget request folder for next year's budget, there is no way at this point to know how long they are normally on site for a pick up. The Board briefly discussed increasing the fees collected at the Transfer Station.

Received a letter from BDS Waste Disposal there will be an increase in scrap tire pickup fees. Regular Passenger, Motorcycle and Light Truck tires are still \$3.00/each Oversized tires have increased from \$75 - \$100 and Big Truck/Tractor Trailer Tires have increased from \$15 - \$20. I don't think I've even seen us pay for oversized tires before. The Board mentioned increasing the fees collected at the Transfer Station

General Assistance – I would like to schedule a public hearing at your next BoS meeting to adopt the 2022 GA Maximums. The Board gave the go ahead to schedule this.

VII. COMMENTS FROM THE PUBLIC

There were none at this time.

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VIII. ADJOURNMENT

Mark Roy made a motion to adjourn at 8:23 p.m. Barry Jordan seconded the motion. Motion carried with all in favor.

Respectfully Submitted,



Desirae Lyle

Interim Town Clerk

Approved at the October 18, 2022 Meeting