

**TOWN OF SEBAGO
TOWN WARRANT
SPECIAL TOWN MEETING MINUTES
JANUARY 25, 2022**

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.

The meeting was called to order at 6:00 p.m. by Town Clerk, Maureen Scanlon.

Present were Selectmen: Ann Farley, Chris Parker and Phil Lowe, Town Manager Michele Bukoveckas, Town Clerk and Recorder Maureen Scanlon.

Absent were Selectmen: Charles Frechette and Tim Mayberry.

There were 115 registered Sebago voters in attendance including the Selectmen, and approximately 15 non-residents.

Maureen Scanlon asked the members of the assembly to turn their phones to either vibrate or silent. She then asked the public to stand and recite the Pledge of Allegiance.

To Scott Douglas, Resident, in the Town of Sebago, in the County of Cumberland:

Greetings:

In the name of the State of Maine, you are hereby required by law to notify and warn the inhabitants of the Town of Sebago qualified by law to vote in Town affairs, to meet at the Town Hall in said Town of Sebago at 6:00 p.m., Tuesday, January 25, 2022, for a Special Town Meeting, to act on the following:

Article 1. To choose a Moderator to preside at said meeting.

Ann Farley made a motion to nominate Norman Blake as moderator. Motion was seconded by Chris Parker. There were no other nominations. After a written vote was taken, Norman Blake was sworn in as Moderator.

Mr. Blake reviewed the rules of order for this meeting and stated that he will be using the Maine Moderator's Manual to govern this proceeding.

Article 2. Shall the Town adopt a Successor Moratorium prohibiting gravel extraction, quarrying and mining entitled "Prohibition on New Mines, Gravel Pits and Quarries Within the Town." (Copy attached; a majority of the Selectmen so recommend).

Ann Farley made a motion to approve Article 2. It was seconded by Barry Jordan.

Alan Greene asked for clarification on this article. He asked if Section 2 applies to any excavation in the Town of Sebago. He stated that the way it reads, he

understands it to pertain to any excavation in the town, which would include septic systems, houses, road building, driveway repair, fence building and even moving manure piles.

Ann Farley suggested allowing Code Enforcement Officer Brandon Woolley to respond to Mr. Greene's question.

Alan Greene made a motion to allow Brandon Woolley to speak at this meeting. It was seconded by Andrew Plummer. The motion carried with a majority consent from the assembly to allow Code Enforcement Officer Brandon Woolley to speak and answer questions.

Brandon Woolley explained that there are two documents being proposed tonight; one is the Moratorium and the second is a Gravel Extraction Ordinance. In regards to the Moratorium the first line states "Prohibition on New Mines, Gravel Pits and Quarries within the Town of Sebago". This only applies to quarries, gravel pits and excavation in the licensed extraction industry. It does not apply to items such as septic systems and foundations that were mentioned by Mr. Greene. That is not the intent of the Moratorium. This Moratorium is meant to be a replacement of the existing Moratorium that has already been passed and is in place. Ann Farley stated that this Moratorium has the same language as the prior one, the only thing that was removed was the January 1, 2021 retroactivity date.

Alan Greene asked for clarification on Section 3. He stated that every load removed from a gravel pit expands the gravel pit. This section says that a gravel pit can not be expanded. Brandon Woolley explained that most extraction industries are permitted by the DEP (Department of Environmental Protection). The intent of this is not to allow any further expansions than what has already been permitted/approved by the DEP. Mr. Greene responded that he understands the intent, but he feels as though this document needs to be clearer in its language. He pointed out that Section 4 would interfere with his composting activities because it would be considered earth and materials. He suggested that addendums should be added with clear definitions.

In response to Alan Greene's comments, John Abrams stated that in regards to an expansion, you can't expand an area that has been licensed by the DEP for a specific area. He also stated that compost is located above the ground, not below.

Brandon Woolley clarified that the DEP doesn't license an entire parcel, just a certain area within the parcel. We have a number of gravel pits that, by statute, are held to a maximum limit of acreage. This may include reclaiming an area before another area can be processed.

Brandon responded to further questions from both Alan Greene and Nate York regarding clarification on this matter.

Philip Hook suggested that in regards to the language, the intent is clear. A lot of residents feel that mining and quarrying is too disruptive and that it will degrade the community if it is allowed. Picking it apart will not help. Alan Greene

responded that it is not his intent to pick it apart, but to make sure that it can't be picked apart by attorneys. He stated that this needs to be done correctly. He is trying to prevent having to do it over again.

Non-resident Mark Curtis, from Gorham Sand and Gravel, asked to be allowed to speak.

Ann Farley made a motion to allow Mark Curtis to speak at this meeting. It was seconded by Andrew Plummer. The Moderator determined that there was a majority vote to allow Mr. Curtis to speak. The assembly protested the Moderator's determination of the voting results.

Mr. Blake stated that although he would encourage the free flow of information, a motion can be made to doubt the opinion of the Moderator. A motion was made and seconded to doubt the opinion of the Moderator. Motion carried with a majority vote of the assembly. Mr. Curtis was not allowed to speak.

Mr. Mallory stated that he would like to hear what Mr. Curtis has to say.

Evelyn Abrams stated that the reason she doesn't want to hear what he has to say is because she was at the last meeting and heard everything that they (Gorham Sand and Gravel) had to say then.

Barry Jordan made a motion to move the question. The motion was seconded and carried.

The Moderator once again read aloud Article 2 and called for a vote. Article 2 was approved by a majority vote of the assembly.

Article 3. Shall the Town adopt a law limiting the total amount of gravel, minerals or other earth materials which may be mined or quarried in Town (Copy attached; a majority of the Selectmen so recommend).

Ann Farley made a motion to approve Article 3. It was seconded by Chris Parker.

Doug Newton asked the Board of Selectmen, "Who drafted the proposed ordinance?". Ann Farley responded that it was the town's attorney.

Cathleen Griffin asked if the 15,000 cubic yards is individually, or is it collectively, throughout the town. Chris Parker responded that it is 15,000 yards per pit.

Janice Johnson asked why it doesn't say anything about it being specifically meant for the Village District or against Gorham Sand and Gravel. Chris Parker responded that this is not meant to be against one specific entity, but for all pits located within the town.

Philip Hook asked if permits will be granted under this new ordinance while the moratorium is in place. Is the moratorium the higher document in this situation?

Brandon Woolley responded that permits will be able to be acquired for anything less than 15,000 cubic yards. He clarified for Nate York that permits will be required by the town for anything less than 15,000 cubic yards. It was noted that prior to the approval of this proposed ordinance, a permit has not been required for less than 15,000 cubic yards.

Phil Lowe spoke to clarify the intent of the ordinance. The intent is not to cause a problem for home owners. It is to make the town's case stronger.

Ann Farley mentioned that this is a temporary ordinance while the Ordinance Review Committee develops a more detailed and complete ordinance.

Several more questions were answered regarding clarification on the permitting process.

Barry Jordan stated that he is the Chairman of the Ordinance Review Committee. He explained that a lot of the town's ordinances need to be fine-tuned and clarified. The committee is working on achieving this goal and to do what is best for the town. He encouraged the public to attend the committee meetings and to bring any concerns they may have to them. He stated that it is legally in the town's best interest to pass this ordinance tonight and then going forward, anything that needs to be improved will be improved.

In response to Jim Belfiore's request for clarification, it was noted by Phil Lowe that if this proposed ordinance is approved it will be the "law of the land" effective tonight. It will then go before the Ordinance Review Committee for any necessary fine-tuning that may be needed. If any changes are made to the ordinance, it will then go before the legislative body again for approval, before it is adopted.

Alan Greene stated that he just wants to make sure that people understand, that if passed, they will be passing an incomplete ordinance. It was noted that a hearing was held on this on December 28, 2021 which was a continuation of a previous hearing on December 16, 2021. Alan mentioned that both Barry Jordan and Phil Lowe told him the other day that we were going to "table" this matter.

Phil Lowe responded by stating that we have an imperfect process which includes comments being made on social media. He did not respond to comments made by Mr. Greene on social media because he does not think it is appropriate for a Selectperson to respond in this manner. After seeing those comments, he had a conversation with Mr. Greene the next day. He stated that at that time he also had questions on the ordinance's language. He stated to Mr. Greene that he would check with the town's attorney regarding his concerns. He explained that after consulting with the town's attorney he was confident in his (the attorney's) opinion as to what is in the best interest for the town.

It was noted that the Selectmen cannot explain the details of the legal circumstances that surround this situation because there is no case yet. However, they have had several Executive Sessions with the town's legal counsel regarding the matter.

Phil Hook made a motion to move the question. It was seconded by Ann Farley. Motion carried unanimously.

The Moderator once again read aloud Article 3 and called for a vote. Article 3 was approved by a majority vote of the assembly.

Article 4. Motion to Adjourn

Alan Greene made a motion to adjourn at 6:54 p.m. Motion was seconded and carried with all in favor.

Respectfully Submitted,

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

Maureen F. Scanlon
Town Clerk