

**TOWN OF CUSHING
SELECTMEN MEETING
September 28, 2009
CUSHING COMMUNITY CENTER**

Selectmen Present: Alton Grover, Randy Robbins, Robert Stackpole, Daniel Staples, and Robert Worthing.

Staff Present: Town Clerk Lisa Young

Board approved Warrant #36& #37

The meeting was called to order at 6:00 PM.

Selectman Daniel Staples motioned, Robert Worthing seconded, to approve the September 14, 2009 minutes as amended. The motion passed.

Board Approved 5-0-0

Additions and changes to the agenda

Resident Patrick Cardon addressed the Board in regard to a letter he had delivered to the Board informing them of his and his wife's recent court case against James Tower, representing Last Resort Holdings, LLC. Mr. Cardon's case was brought through the District Court and Last Resort, LLC was found guilty of and convicted of unlawful cutting of trees on Mr. Cardon's property. He noted that at the trial Mr. Tower was recognized as sole owner and director of the LLC, which may now be defunct, and is in fact also personally responsible.

Mr. Cardon stated that they now invite the Board to follow through on a possible new case with the DEP to determine if Last Resort Holdings, LLC and Mr. Tower (separately and together since they are inexorably tied by Mr. Tower's own repeated declarations of inseparability) are guilty of clear-cutting in shoreland zoning on the 'hammerhead peninsula'. He stated that perhaps the Board would go through the District Attorney's Office which is a less costly way to proceed. He informed the Board that their insurance company which indemnified them for their loss is also working through the District Court to attempt to recover the money it paid out now that the conviction has been established.

Selectman Robert Worthing inquired if the proceeding had been taped or if a stenographer was present. Mr. Cardon said it was not taped and a stenographer was not present but there were many witnesses there that heard Mr. Tower state he was sole owner and he has requested a letter from the District Attorney's office stating this. Selectman Robert Stackpole noted that there is nothing with Mr. Tower's name on the document that Mr. Cardon had given the Board.

Code Enforcement Officer, Scott Bickford, noted that the Town has never seen any evidence where their attorneys have ever asked for the payment of the fine that Jim Tower, Cushing Holdings, LLC owes the Town of Cushing. Selectman Robert Worthing

stated that the Board should send a letter to their attorneys simply asking for a copy of the demand of payment sent to Jim Tower, Cushing Holdings, LLC. The Board agreed.

Chairman, Alton Grover, inquired if it would be advisable to go to the District Attorney's Office. Selectman Worthing stated that before the Board approaches the DA's office that the Board needs to make sure that they have a case well developed. The Board agreed.

Selectman Randy Robbins motioned, Robert Stackpole seconded, to set the date for the General Assistance Ordinance Public Hearing for October 12, 2009 preceding the Selectmen's Meeting.

Chairman Alton Grover announced that he has contacted Maine Municipal Association in regard to the tax acquired properties and that they recommend having an attorney write up a quit claim deed. He recommended local attorney Patrick Mellor if the Board approves. Selectman Randy Robbins motioned, Daniel Staples seconded, to hire Patrick Mellor to draw up the quit claim deed.

Chairman Alton Grover informed the Board that he received a price from Meklin and Sons to put pavement over the culvert area at Haskell's driveway for a fee of \$500.00. Selectman Randy Robbins motioned, Robert Worthing seconded, to hire Meklin and Sons to put pavement over the culvert area at Haskell's driveway. The motion passed.

Board Approved 5-0-0

Unfinished Business

Open Community Center Roof Bids- Chairman Alton Grover opened the eight bids received for the roof; they are as follows: Miller and Miller-\$52,480.00, Sukeforth Builders- \$75,958.20, Emery Construction-\$59,807.00, Daggett Builders- \$106,580.88, Murray Builders-\$59,121.27, Clark Island Construction-\$99,800.00, Broad Cove Builders-\$62,400.00, Eastern Construction-\$45,300.00. Selectman Robert Stackpole motioned, Randy Robbins seconded, to accept the bid from Eastern Construction for \$45,300. The motion passed.

Board Approved 5-0-0

Animal Control Officer- The new Animal Control Officer inquired if the Board would approve of him carrying a 22 pistol in case he needed it. The Board unanimously agreed that they would not authorize the Animal Control Officer to carry any weapon and that he will need to take the required training course.

Open Culvert bids Stones Point Rd- Selectman Robert Stackpole stated that since the Board agreed to pave Haskell's culvert area that there should be a policy in place that the Town agrees to pave in the Town's right of way if there was pavement there originally. He noted that everyone should be treated the same. Selectman Robert Stackpole

motioned, Robert Worthing seconded, to pave the right of way when repairing the culvert on Stones Point Road. The motion passed.

Board Approved 5-0-0

Selectman Robert Worthing motioned, Selectman Robert Stackpole seconded, to direct the Ordinance Committee to establish the Towns' responsibility for repairing culverts on town roads. The motion passed.

Board Approved 5-0-0

New Business-

Sign Town of Cushing Warrant-The Board of Selectmen signed the Referendum Town Warrant for the November 3, 2009 Election.

Comments from Citizens -

Chairman Alton Grover motioned, Daniel Staples seconded, to adjourn at 7:30 PM. The motion passed.

Board Approved 5-0-0

Respectfully submitted,
Lisa M. Young
Town Clerk