

**TOWN OF CUSHING
SELECTMEN**
Minutes of Meeting
January 09, 2017
Cushing Community Center

Selectmen Present: Chair Alton Grover, Laurie Haynes, Martha Marchut, Heidi Alley, and Daniel Staples

Selectmen Absent: none

Staff Present: Lisa Young

1. Call to Order: Chair Alton Grover called meeting to order at 6:01 P.M.

2. Pledge of Allegiance: The Pledge of Allegiance was recited.

3. Approve and Sign the Warrant:

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to approve Warrant #47, #48, #1, #2.

Carried 5-0-0

4. Approve Minutes of 12/12/16:

ACTION: Selectman Laurie Haynes made a motion, seconded by Selectman Daniel Staples, to approve the minutes of the 12/12/16 meeting.

Carried 4-0-1 [Martha Marchut had not been present at the 12/12/16 meeting and abstained.]

5. Additions or Changes to the Agenda:

(5a) Dan Staples commented that Cushing ought to consider appointing an attorney to represent the Town on an official basis. He suggested retaining Kristin Collins, who had been serving as the Town's attorney for the past 12 months.

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Martha Marchut, to formally appoint attorney Kristen Collins as the attorney for Cushing.

Discussion: No additional.

Carried 5-0-0

(5b) Laurie Haynes addressed the Board regarding finding a replacement for herself as Cushing's Addressing Officer. She said she had had two responses, from Cushing residents Brooke Harrington and Tom LeBlond.

ACTION: Alton Grover made a motion, seconded by Laurie Haynes, to appoint Tom LeBlond Addressing Officer.

Discussion—centered around LeBlond's contributions to the Cushing School over the years and his work with computers. Martha Marchut asked Laurie Haynes to list her remaining committee obligations as Selectman, though the role as Addressing Officer was not connected to her Selectman status. Laurie Haynes said she served on the Recreation Committee and the Ordinance Committee.

Carried 5-0-0

(5c) Martha Marchut mentioned the need for the Selectmen to appoint a new alternate on the Transfer Station Committee. Though Monika Magee is currently the alternate, she might not be able to continue.

ACTION: None taken.

Discussion: There was some confusion about Monika Magee's status as alternate, and not as the Cushing representative to the committee. Martha explained that Monika has been alternate for some time, and that Randy Robbins is the citizen representative. Dan Staples suggested that Randy become the alternate in Monika's place and that Selectmen find a citizen representative to replace *him*. Tabled.

6. Unfinished Business: Fales Field Committee's attorney addressed the Board.

Action: None taken

Discussion: Peter Lynch, representing Kristi Niedermann, addressed the Board regarding a proposal to donate the land called Fales Field. (Niedermann's mother, Terry Dodge, now deceased, purchased Fales Field intending to donate it to the Town and call it Good Neighbors Park.) Mr. Lynch summarized attempts to set up a trust fund for donations to maintain this land, saying that this fund would be held by the Town and managed by the Selectmen. Laurie Haynes commented that, from what she had heard, people who wanted to donate to the effort also wanted their contributions to be tax write-offs. She asked whether donors could claim their contributions as tax write-offs if the Town managed the fund. The attorney replied that he was not a tax lawyer and could not answer the question. Attorney Kristen Collins, who was in the audience, commented that, as a nonprofit, the Town could collect donations that donors could then write off.

Kristi Niedermann commented that, as the current owner, she was donating the field to the Town. She advised the Town to set up a trust fund to maintain it, suggesting that the Town [for instance] appoint a committee. Martha Marchut asked if, once the land had been donated, Kristi would have any oversight. Kristi answered that she would not, but that there would be some restrictions, including a conservation easement. Selectmen considered the list of restrictions and Martha Marchut asked if it were exhaustive. Kristi said no. Laurie Haynes said the Board needed the restrictions to be spelled out. Attorney Kristen Collins added that restrictions would be included in a deed that Selectmen could review, and that the question would be put in front of Cushing voters at the Town Meeting in March. There was discussion of the timeline for putting this item on the warrant, and about whether it should be a secret ballot or open discussion at the Town Meeting.

Kristi Niedermann reiterated her request that there be a conservation easement on Fales Field/Good Neighbors Park. Kristen Collins said that the easement would be part of the deed, that the Board was okay with these terms as such. Attorney Peter Lynch asked if the Town would maintain the conservation easement as opposed to, say, the Georges River Land Trust. [Yes.] Martha asked why not present it to the Georges River Land Trust and have them maintain it? Kristi said that her mom had wanted it to go to the Town. "If the Town doesn't want it, I can always give it to the Georges River Land Trust and they will take care of it."

Martha thought it might be easier for Kristi to go through the land trust. Kristi replied that her mom had wanted the Town to "own something." Attorney Lynch added: "—subject to an easement."

Attorney Kristin Collins commented that the Town already had a ball field. About the trust fund, she asked, "Is that something you would ask the Town to seed some money into, every year? Or would you look to just donations?" Dan Staples thought that, when donations fell off, the Town would have to maintain it as part of its existing recreation and field fund. Chair Alton Grover added that it would be necessary to have insurance on the property. Attorney Collins asked if the Selectmen would oversee the trust fund or appoint a committee. The Selectmen said they would need to discuss that issue. The current Parks and Rec committee reports, as do all committees, to the Board of Selectmen: Chair Grover added that, as with the Fire Department, money goes into an account in their name, but the Selectmen oversee it.

[Note: Later, during Comments from Citizens, Frank Muddle, representing a group of local investors who had been involved in attempts to purchase the field before Terry Dodge bought it—a group which is currently advising Kristi Niedermann—suggested that the Board of Selectmen appoint a separate "Town Park Oversight Committee." This committee would specifically oversee Fales Field/Good Neighbors Park. He urged the Board to staff the committee with members of his group, who had been involved "from the get-go" with the sale of the Fales property. The Board gave no response.]

7. New Business:

7a. Recreation Department: Gretchen Tripp addressed the Board to discuss the Recreation Committee's budget and activities. Members of the community had asked that basketball facilities be updated, that hoops be maintained and regulation backboards be installed. Currently, kids have to play in Thomaston where there are regulation facilities. Gretchen Tripp said the Cushing gym is too small for 5th and 6th Grade games. Dan Staples commented that the request should be made directly to the Selectboard. Mowing the field (frequency, in Spring) and sanding school parking lot were discussed. Repairing the Snack Shack's rotted wood was discussed. Some vandalism had been reported to the Sherriff's Department. Gretchen Tripp, in charge of all programs, discussed requesting a stipend, a flat amount for roles and tasks. After enumeration of tasks and some discussion, Martha Marchut suggested that the monetary request be put on the Warrant and taken to the townspeople for a vote. In lieu of stating a dollar amount request, Gretchen Tripp agreed to estimate how many hours she puts in per week to perform these tasks.

ACTION: None taken.

7b. Notice of Violation Review: Scott Bickford addressed the Board regarding a nuisance and potential junkyard at the corner of Davis Point Road. He had met with Frank Johnson and Mrs. Reardon, property owners, over the course of the past two years. In the process, he served them with a Notice of Violation under state statute for nuisance, a dangerous situation, and a possible junkyard. In response, the property owner removed several vehicles. At one point, a group of concerned neighbors requested that the Planning Board ask CEO Scott Bickford to step in, according to the Site Plan Review Ordinance. Scott took action under this ordinance, though he pointed out that it pertained more to commercial violations, and visited the property owner. On Aug. 31, he issued NOV. Nothing—or not enough—was done. The Board discussed with Attorney Kristin Collins the timeline for going to court and the appeals possibilities. Alton Grover felt that something needed to be done soon, as the problem had been ongoing, and he expressed concern that another notice would not do any good. A group of volunteers was mentioned that was willing to help clean up the mess, as Mrs. Reardon said she's not financially able to do so and is willing to be taxed for the cleanup. Discussion of burning most of what remained. Attorney Kristin Collins suggested that Selectmen talk to volunteer clean-up crew informally. She would wait a week before proceeding.

ACTION: None taken.

7c. Discuss Foreclosures: Foreclosed on 3 properties map/lots get. (1) Ahola Lane, (2) by Cyrus Holmes and (3) up near Warren line. (1) might involve a BK. Can put out to bid (2) and (3).

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to put (2) and (3) out to bid.

Carried 5-0-0

7d. Review and Approve Cash Disbursement Policy: Town Clerk Lisa Young summarized her cash disbursement activities and reminded the Board that they had to approve her performing of these duties each year.

ACTION: Selectman Daniel Staples made a motion, seconded by Martha Marchut to allow Town Clerk Lisa Young to continue in her role in this capacity.

Carried 5-0-0

7e. Appoint Registrar of Voters: Town Clerk Lisa Young's position as Registrar is up for renewal.

ACTION: Select Board member Heidi Alley made a motion, seconded by Laurie Haynes, to reappoint Lisa Young as registrar of voters.

Carried 5-0-0

7f. Sign Notice of Election RSU #13: Town Clerk and Registrar Lisa Young explained the upcoming Feb. 28 election regarding assigning funds to schools in RSU #13.

ACTION: Select Board members signed around.

8. Comments from Citizens: Frank Muddle on Fales Field. (See his comment, under 6, Unfinished Business.)

9. Executive Session: The Board went into Executive Session at 7:20 to discuss a legal matter. No motions were made during this session.

ACTION: Dan Staples made a motion at 7:40 to return to the regularly-scheduled meeting. Seconded by Martha Marchut.

Carried 5-0-0

9. Adjournment:

ACTION: Heidi Alley made a motion, seconded by Dan Staples, to adjourn the meeting at 7:45 P.M.

Carried 5-0-0

Respectfully submitted,

Katherine Hoyt