

APPROVED 3/15/2017

TOWN OF CUSHING
BOARD OF
SELECTMEN

Minutes of Meeting

February 27, 2017
Cushing Community Center

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

Selectmen Absent: Laurie Haynes

Staff Present: Lisa Young, Kate Hoyt

1. Call to Order: Chair Alton Grover called the meeting to order at 6:12 P.M.

2. Pledge of Allegiance was recited.

3. Approve and Sign the Warrant:

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Heidi Alley, to approve the Warrant.

Carried 4-0-0

3. Approve Minutes of 01/23/17:

ACTION: Selectman Dan Staples made a motion, seconded by Selectman Heidi Alley, to approve the minutes of the 01/23/17 meeting.

Carried 4-0-0

4. Additions or Changes to the Agenda:

(1) Regarding a challenge to Cushing's Site Plan Review Ordinance, Cushing resident Robert Stackpole summarized a letter he had written to the Board and requested that it become part of the minutes. (Attached.) Bob Stackpole felt that proper procedure had not been followed in the handling of his signed petition to do away with the ordinance. Discussion between Stackpole, the Board, and two members of the Cushing Planning Board who were in the audience. Selectman Martha Marchut said that, out of respect to Mr. Stackpole, the Board should wait for the Town's attorney to weigh in, that the Board should not develop a practice of ignoring ordinances at will, that this would be a bad precedent. There was discussion of repealing versus amending the Site Plan Review Ordinance, which seems to have come about at a time when a methodone clinic was being considered for the area. Tabled.

(2) Regarding the state of Cushing roads and how Cushing spends its money, Randy Martin addressed the Select Board. He wondered if the Town had spent all its money on trash removal at the corner of Davis Point Road, leaving no money left to repair the uneven surface on Spear Mill Road near Rick Young's. Martin said this "bomb crater" had been there for more than a week, and he'd heard on the news that the Town was obligated to fix it within 24 hours. His second point was to ask how Cushing can afford to clean up one corner with a pick-up, when it can't afford to provide better roads throughout town. He wondered who paid to have the Johnson property cleaned up, and asked, "Was it the Town?" Alton Grover told Martin that the Town had had nothing to do with that clean-up. Martin went on to say he thought it was time to sub[contract] the plowing out. Alton Grover suggested that Martin submit a proposal. Martin continued that he'd like the Town to "do away with the clam committee," that it was not

right to use Town funds to support one business. He suggested that the money from clamming licenses should go to fund the Georges River Regional Shellfish Management Committee and Board activities. After summarizing the efforts of "Clam Boards" in the state of Maine, Dan Staples suggested that Cushing residents who agree with this point of view come to the annual Town Meeting and vote it down.

6. Unfinished Business: Review and sign the paramedic agreement. Contents were discussed. Action tabled until the original document can be obtained.

7. New Business:

7a. Review and sign Violation of the Cushing site Plan Review Ordinance at 3 Davis Point Road.

ACTION: Selectman Dan Staples made a motion, seconded by Selectman Martha Marchut, to accept the terms of this letter. CEO Scott Bickford was in the audience and summarized the terms.

Discussion: Amount charged, along with the payment terms, judged to be fair; procedure reviewed; how to proceed going forward. Alton Grover donated the use of his excavator for this purpose, and CEO Bickford suggested that the Town give Grover the money gained from the fine. Alton Grover said he didn't care one way or the other. Dan Staples suggested taking the question under advisement. This discussion was tabled.

Motion to accept the terms of letter re: 3 Davis Point Road Carried 4-0-0

7b. Vote on interest rates for 2017 unpaid and abated taxes.

ACTION: Selectman Dan Staples made a motion, seconded by Selectman Martha Marchut, to set the 2017 interest rate as 6%, with 2% on abated taxes.

Discussion: None.

Motion carried 4-0-0.

7c. Sign Town Meeting Warrant.

ACTION: Selectman Martha Marchut made a motion, seconded by Selectman Dan Staples, to accept the Town Warrant for the upcoming meeting.

Discussion: None.

Motion carried 4-0-0.

7d. Sign Emergency Management Operations Plan.

ACTION: Select Board Chair Alton Grover made a motion, seconded by Selectman Heidi Alley, to accept the Emergency Management Operations Plan.

Discussion: None.

Motion carried 4-0-0.

8. Comments from Citizens: None.

9. Adjournment:

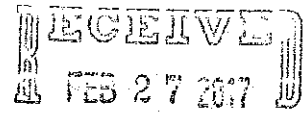
ACTION: Select Board Chair Alton Grover made a motion, seconded by Selectman Dan Staples, to adjourn at 6:50 P.M.

Carried 4-0-0

Respectfully submitted,

Katherine Hoyt

Robert Stackpole
446 River Road
Cushing, Maine 04563



BY:.....*hy*.....

February 27, 2017

To; The Board of Selectman
Cushing, Maine

Dear Selectpersons,

Having received a letter from Dan Staples regarding the petition with an appropriate number of voters on said petition stating that this petition would not be presented to the voters until the November General Election due to an April 14, 20078 select meeting policy.

First off it seems Mr. Staples is acting alone in this decision. The 2/13/17 select meeting was clearly canceled as with email notification, there has been no new email advertizing a meeting to replace it so a reasonable person would assume there has been no replacement meeting. If there was a replacement meeting it was clearly illegal because no notice was afforded. With no meeting there could be no quorum for taking any actions and there for Mr. Staples was acting far beyond his authority.

While Mr. Staples reason for delaying the vote on this issue is based on a 9 year old selectboards policy decision, with my personal involvement, the simple fact is that board did not do it's due diligence. The law clearly states that an ordinance amendment shall be inserted into the next warrant or call a special town meeting within 60 days for it's consideration. Furthermore, the select boards policy can only be considered as a wish list because to become a true ordinance it would have needed a vote from the residents of the town. My apologizes for my involvement in this policy with out proper research.

The petition in question states that the question be voted on at the 2017 Town Meeting and was delivered to the town in the required time frame with the required amount of signitures. I have included the pages from the Municipal Officers Manual concerning this matter which clearly states action must be taken, either at Town Meeting or within 60 days of receipt of petition.

I would hope the select board take this matter up at this evenings meeting.

Thank you
Robert Stackpole

Incorporated January 28, 1789

First Settled 1736

Town of Cushing

39 Cross Road
Cushing, Maine 04563
Tel: 207-354-2375
Fax: 207-354-1375

Selectmen:

Alton Grover Laurie Haynes
Heidi Alley Daniel Staples
Martha Marchut

Town Clerk: Lisa Young
Treasurer: Lisa Young
Tax Collector: Irene Vinal

February 20, 2017

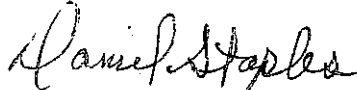
Attention: Robert Stackpole

Dear Bob,

We are in receipt of your petition to repeal The Site Plan Review Ordinance. Based on the Ordinance Policy approved by the Board of Selectmen at their April 14, 2008 meeting, this petition will be presented to the voters at the next November General Election. We have attached a copy of the Ordinance Policy along with the attested minutes from the April 14, 2008 meeting of the Board of Selectmen for your files.

If you have any questions, please contact Selectman Danny Staples 691-8000. Thank you for your interest in the administration of the Town of Cushing.

Sincerely,



Cushing Board of Selectmen