

TOWN OF CUSHING  
BOARD OF SELECTMEN  
Minutes of Meeting  
Thursday, December 3, 2020  
EMERGENCY MEETING  
via ZOOM Video Conference due to COVID-19

**Selectmen Present:** Chair Alton Grover; Selectmen Craig Currie, Corey Jones, and Martha Marchut

**Selectmen Absent:** Dan Staples

**Staff Present:** none

**Public Present:** Carolyn Ahlstrand and "Maine" [someone joined meeting with that name]

**1. Call to Order:** Chair Alton Grover called the meeting to order at 6:00 P.M. and a quorum was determined.

**2. Pledge of Allegiance** was recited.

### **3. New Business**

#### **3a. Kalloch lease/garage**

**ACTION:** Selectman Corey Jones made a motion, seconded by Craig Currie, to accept the Town Garage Lease Contract with JK Kalloch with the change of the word basement to buildings.

**Discussion:** The Board reviewed draft of the contract. Corey felt the date the lease began should be changed to today's vote [date the decision to accept lease is being made/signed]. Martha saw his point but thought they were making it retroactive. Craig agreed with Martha adding that Dan made that earlier date the begin date because there was already equipment in the garage that Kalloch put in. Corey understood that but stated he didn't feel the equipment should have moved in before they had this meeting. He said at the last meeting they were going to find out what Kalloch wanted to do. He added there are signs posted on the building stating no unauthorized personnel allowed and he's been in there cleaning; he feels it shouldn't have happened prior to having an emergency meeting. Alton said there was a little mistake made there, part on his part and part on Jimmy's; he said Jimmy called him and said he wanted to do it. He said Jimmy asked to do it for \$500 but Alton told him the Board agreed to \$800; Jimmy then realized it included water and heat, so he then agreed to the \$800. Alton said they had left it at that then Saturday or Sunday morning they were down there moving in. He didn't know anything about it until Jimmy called and asked him if they wanted him to drop his backhoe off at his house on their way back by; that was the first he knew anything about it. Corey said it's been in there now, but he feels the terms should be the same and next year it would begin on a certain date. Alton said he had insurance on it before he moved anything in and asked if the Board read the insurance paper; he said he was covered with the building and everything before any of this, but no one knew it. Corey said it was just left at the next meeting to come back to it. He added he and Danny were going to go in and take pictures of all our assets to cover everything before he moved in so there was a record of it all. He said normally if you move in before the first of the month there's rent due before hand, too, but it should have just started on December 1. He went back to if the lease is being made on December 3, that should be the begin date because that's when it's being approved. Martha asked if he wanted to have it retroactive to the back

date. Corey said no, he personally feels it should be December 3 because we voted to bring it back to the next meeting before making any decisions. Corey said other than that it was the only issue he had with it. Alton asked what about next year, what would the start date be. Corey said normally if you don't know what the weather is going to do, he'd think Jimmy would want to rent it from November on but this year we were late getting started and never voted on him even using the garage. Alton asked what date we should have started on. Corey said next year it would probably be November 1 unless he wants to chance it to see when the snow starts. Martha confirmed Corey is saying he thinks the lease should start on December 3. Corey said yes because in the last meeting that's what we said we would do; come back to it after seeing if he even wanted to lease the building as there were documents that needed to be made before the next meeting. Alton said well it's all over now, it's a done deal; he's in there and we know he has insurance, and we all have a contract we can sign so we should be good, right. Corey said yeah, that's totally fine, but it was just a big thing where last year we had to post signs that no one besides employees could even be in the buildings. Alton said that is still true, they [Kalloch] are employees, they are leased by the town. Corey said yes, but it's now binding with this contract, before there was no legality to it, there was nothing written up. Martha said she thought what Alton was saying is we had the contract for him to plow for the town and that would make him an employee who could be in that building for that reason. Alton said he believes that is correct, he believes while we're contracted with him his men are allowed in the building as employees. Corey said that would be a question for Kristen, he didn't think contracting with someone automatically made them town employees adding Jimmy has his own insurance for that. Alton asked if they're not allowed in the town building then they're not allowed in the sand shed either then. Corey said he personally feels they shouldn't have been in the building until we did this, insurance or not the town hadn't signed off on it but it's water under the bridge now. Alton agreed and said we can't chew on this all night. Craig said he wondered if the lawyer prorated it based on some legal argument she might have had, based on the day he actually moved in and some legal thing to be sure it was covered from that date. Craig said there is nothing legally wrong with prorating a date. Corey said again it goes back to consistency, we had said we would bring it back to the next meeting. Craig agreed adding it was no question, we should have done it and Kalloch shouldn't have moved in, we all agree on that. He added she could have asked Danny what date he first moved in, and that might have sparked her knowing they should be covered then. Corey said he just wanted to state his issues with it. Craig said he didn't feel comfortable changing the date without understanding why the lawyer felt that date should be used, and without Danny there no one has that understanding right now. Corey agreed and said moving forward, when we ask the lawyer a question, it might be a good idea to do it via email so we all can read the question asked and her response. That way everyone sees the same information, and no one can misunderstand what was asked or answered. Martha said recently in the past with MMA contact we have asked for something in writing. She added she isn't sure why we don't with Kristen but thought it might cost a little more money. She asked if we need to go back to her for the rationale for that date. Craig suggested just agreeing on the date and vote on it with finding out the explanation. Craig felt the contract should be enforced sooner than later. Corey agreed it needs to be moved ahead for legality reasons. Alton asked how soon you want the contract signed. Corey said it should be done tomorrow.

#### **Motion Carried 4-0-0**

#### **3b. Heidemann letter**

**ACTION:** Selectman Craig Currie made a motion, seconded by Martha Marchut, to approve Lisa sending the letter to the Heidemann's with edits

**Discussion:** Craig mentioned the letter the Board drafted up to send to Jorgen Heidemann at the last meeting; he asked if now that changes have been made to the draft, should there be a motion to send it. Martha felt it was a good idea. Alton felt it should be sent certified; Craig said the Board had agreed.

#### **Motion Carried 4-0-0**

### 3b. Killeran Lane Culvert

**ACTION:** none taken

**Discussion:** Alton asked if anyone had looked at the culvert yet. Corey said he had. Alton said he went down in the hard rain and he thought it was running through the culvert fine. Alton said the home owner was complaining because the bottom was rusted out but the State wouldn't fix it unless it has a hole in the top of it or it's being restricted; he added if it works the way it is the State won't fix so it depends if the Board wants to go by their rules or not. Corey asked Craig and Martha to take a look before the next meeting and see what they think. Alton said he got the impression Danny wants to change it, but if the others look before the next meeting we can decide then. Alton said it is working now, no problem.

### 4. Comments from Citizens: none

#### ---Executive Session---

The Select Board entered into Executive Session, pursuant to 1 M.R.S.A. §405(6)(F), for discussion of a confidential record, at 6:25 p.m. A motion was made by Chairman Alton Grover and seconded by Martha Marchut, to go into Executive Session.

**Motion Carried 4-0-0**

Selectman Corey Jones motioned, seconded by Martha Marchut, to enter back into the main meeting at 6:38 pm.

**Motion Carried 4-0-0**

**ACTION:** Chairman Alton Grover made a motion, seconded by Martha Marchut, to send her a certified letter and go and see her in person to talk with her.

**Motion Carried 4-0-0**

### 9. Adjourn

**ACTION:** Chairman Alton Grover made a motion, seconded by Corey Jones, to adjourn at 6:45 p.m.

**Motion Carried 4-0-0**

Respectfully submitted,

Samantha Jones  
Recording Secretary