

TOWN OF CUSHING
SELECTMEN
Minutes of Meeting
June 27, 2016
Cushing Community Center

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

Selectmen Absent: Heidi Alley

Staff Present: CEO Scott Bickford

1. Call to Order: Chair Alton Grover called the meeting to order at 6:00 P.M. and the Pledge of Allegiance was recited.

2. Approve and Sign the Warrants:

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to approve Warrants #23 and #24.
Carried 4-0-0

3. Approve Minutes of 6/13/16:

ACTION: Selectman Martha Marchut made a motion, seconded by Selectman Daniel Staples, to approve the minutes of the 6/13/16 meeting.
Carried 4-0-0

4. Additions or Changes to the Agenda: None

5. Unfinished Business: Selectman Haynes said it was the MDOT (not the DEP) property on the corner of River and Pleasant Roads that she had referred to in Section 5, Paragraph 2, of the 6/13/16 minutes.

6. New Business:

A. Knox County Animal Control Officer: Chair Grover said the gentleman had failed to appear for the meeting.

B. Violation and Consent Agreement (Map 2, Lot 6): CEO Scott Bickford said the Meklins had an existing pond across from Prior. They had now put in a driveway that disturbed wetlands because it was too close to the pond. The Meklins had entered into a consent agreement that required they have an engineer design the driveway to meet the requirements for setbacks from the pond.

Selectman Staples asked if the plan met all the ordinance requirements. Mr. Bickford responded that the agreement cited the applicable ordinance. Selectman Haynes asked if the CEO was sure the agreement would be followed. Mr. Bickford replied that the Meklins wanted power at the end of the driveway and he would not sign off on the power until the conditions of the agreement were met.

Selectman Marchut asked if the Board typically signed such an agreement before the final step, in this case seeding, was done. The CEO believed the Board had done that a couple of times. Selectman Marchut asked why the Board didn't wait, as it was so close to the end of meeting the terms of the agreement; she was afraid the Board would be setting a precedent. Mr. Bickford noted that this had been going on since last fall. Selectman Staples said two more weeks didn't seem that much longer. The CEO explained that the agreement stated that the notice would continue if the Meklins didn't complete the job. In addition, the power form stipulated that all regulations had been met.

Bob Ellis asked from the audience if the Meklins had gotten a permit when they dug the pond 12-15 years ago. Mr. Bickford responded that he had no proof of any violation and the engineer now said it met the setback criteria. He pointed out that the consent agreement under discussion was for the setback from the pond, not the pond itself.

ACTION: Selectman Martha Marchut made a motion, seconded by Selectman Daniel Staples, to approve the document contingent upon completion of the seeding.
Carried 4-0-0

Selectman Haynes said that two weeks ago the CEO had recommended a letter of no action on the Sue Fisher matter and Selectman Staples asked why. Mr. Bickford said it was because it smelled of estoppel. He suggested that those concerned with this decision take it to the Board of Appeals. He said if the Board made a decision on the matter tonight he would follow it if the Board gave him an attorney, as he would need to prosecute.

Selectman Staples said the Board had an attorney and so far her advice had been right. He said it bothered him that Mr. Bickford had turned to Sue Fisher in the meeting to get her agreement. He said the CEO was all over other people with violations, but not Ms. Fisher. Mr. Bickford said he had given the Board his statement and Selectman Staples and Selectman Marchut could decide individually if they wanted to go to the Board of Appeals, or the Select Board could ask for his resignation. Selectman Staples said neither he nor the attorney thought it went to the BOA; furthermore, he said the Chair of the BOA said he had addressed this with the CEO, which was a violation.

Selectman Haynes was concerned about how the Board was feeling about the Sue Fisher issue: what she had done was clearly wrong, but a municipal employee had told her it was OK. Selectman Staples said that was true of the building, but Ms. Fisher had put the porches on later. CEO Bickford said former CEO Ham Boothbay had looked out his window and seen the porches. He suggested the Board ask its attorney what she would recommend in this situation without mentioning estoppel. Selectman Marchut asked if the Board could have Mr. Bickford and the attorney here at the same time to discuss this. Both the CEO and Selectman Staples thought this was a good idea. Mr. Bickford said if the attorney thought the town should go after this he would be needing her.

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to have Kristen Collins come to the next Select Board meeting if available.
Carried 4-0-0

C. Community Room Use Request: Chair Grover said Brooke Harrington of the Salt Pond Homeowners Association had asked to use the community room on September 10, 2016.

ACTION: Selectman Laurie Haynes made a motion, seconded by Selectman Martha Marchut, to allow them to use the Community Hall on Sept. 10, 2016 from 10 a.m. to Noon, pending verification of insurance.
Carried 4-0-0

D. Possible Tree Cutting Violation: Selectman Staples asked whether there would be a violation for cutting issued to Bob Emery. CEO Bickford said there was a question about whether Mr. Emery had exceeded the 40% clearing and 250' canopy while cutting on his land. Mr. Bickford had checked it on Google Earth and thought he had not taken more of the canopy than allowed. Selectman Grover asked if the previous owners had cut a lot of trees. Mr. Bickford said he thought so, but he had talked with Mr. Emery and was waiting for his permit application after-the-fact. Dan Remian asked from the audience why the CEO was not using an aerial survey to check Mr. Emery's cutting. Mr. Bickford replied that Mr. Remian was suggesting using the tax map overlay, which was not a good way of doing Shoreland zoning.

E. Roadside Limb Cutting: Selectman Grover reported that Sam Olson had complained that the town was not mowing the roadsides correctly and he did not like how the bushes were trimmed. Mr. Olson offered to cut the limbs himself and Mr. Grover had told him he could, though he doubted it would happen. Mr. Olson had said a big truck had lost its lights by hitting a limb sticking out. He wanted something done because the town's mower did not reach the high branches. Selectman Grover said he would measure any branches 14' or less, make a location mark on the road, and get a quote for a bucket truck to cut them.

7. Comments from Citizens: Bob Ellis said there was a recurring pattern of code violations in town and in several instances people asked Planning Board members about them. When people started asking if something was in the Shoreland zone, the CEO only became active after-the-fact. He noted several instances of this and said violations only happened to some people, probably those least likely to fight back, after the CEO knew it was going on. He said this made PB members look bad and sometimes the CEO had blamed it on the PB.

Mr. Ellis complained that sometimes the PB got applications from people who did not include all the submittals required, but the CEO was supposed to review a checklist before the applications came to the Board. Mr. Ellis said Mr. Bickford was not consistently doing that and applicants were mad that the PB was wasting their time. Selectman Haynes suggested the PB could pre-check the submittals themselves, but Mr. Ellis said Mr. Bickford should do it. Mr. Remian said the Board had asked that every applicant get the checklist. Mr. Ellis said Mr. Bickford was not consistently doing that and expressed other complaints about the CEO.

Selectman Staples said the Board would discuss this when the attorney came to meet with them and the CEO. He said he was sometimes frustrated because he thought the CEO was working for other people rather than the town. He complained that Mr. Bickford had tried to make out that the attorney didn't know what she was doing.

Selectman Marchut asked if this should be addressed as a personnel matter and Mr. Ellis replied that he considered the CEO part of the planning office. Selectman Haynes said the appropriate thing would be for Mr. Ellis to put his complaint in writing to Mr. Bickford, telling him he should have all the applicant's ducks in a row before they came to a PB meeting. Mr. Remian said the CEO had violated the ordinance by coming to the Select Board to get \$1,100 for survey work on the Sue Fisher issue.

Chair Grover asked were we thinking of getting rid of Mr. Bickford or what. Mr. Ellis said that would be a wonderful thing. Selectman Marchut asked if someone did annual reviews of town employees. Chair Grover said that was intended but was not being done. Mr. Remian said he was not trying to get rid of the CEO, but wanted equal treatment

8. Adjournment:

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to adjourn at 7:15 P.M.
Carried 4-0-0

Respectfully submitted

Deborah Sealey