

TOWN OF CUSHING
SELECTMEN
Minutes of Meeting
August 8, 2016
Cushing Community Center

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

Selectmen Absent: None

Staff Present: Lisa Young

1. Call to Order: Chairman Alton Grover called the meeting to order at 6:02 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 #29 and #30.
Carried 5-0-0

3. Approve Minutes of 7/25/16:

ACTION: Selectman Martha Marchut made a motion, seconded by Selectman Laurie Haynes, to approve the minutes of the 7/25/16 meeting.
Carried 3-0-2 Selectman Daniel Staples and Selectman Heidi Alley abstained due to not being at the meeting.

4. Additions or Changes to the Agenda:

Selectman Martha Marchut reminded the Board that the Pay as You Throw Public Hearing will be held on Tuesday, August 16th at 5:30 pm at the Waldoboro Town Office.

Town Clerk, Lisa Young, reminded the Board that on Thursday, August 18th at 6:00PM, at the Cushing Community Center, the Knox County Recovery Coalition will be holding a community forum on the problem with opiate addiction in the area.

Town Clerk, Lisa Young, inquired when Chairman of the Board of Assessor's Dan Remian thought they would commit the taxes. He said by the end of August.

Chairman Alton Grover wanted to know what the Board wanted to do with the copier that Rockport gave the Town. After a brief discussion, the Board decided to contact Salvation Army or Goodwill to see if they would want it. Chairman Grover also said he could talk to Alvin Chase, who is selling a car for a fund raiser, and maybe they would want a copier too. They also talked about putting it on Cushing Posting.

5. Unfinished Business: There was none.

6. New Business:

A. Applying the Site Plan Review Ordinance- Planning Board: Planning Board Chairman Daniel Remian reported that for the last few years the Planning Board has received complaints about the property on the corner of Pleasant Point Road and Davis Point Road. The Planning Board has asked the CEO to address this situation. The CEO is looking into one solution that involves the State, but Chair Remian said that the town has a local ordinance that would apply to this and he feels it should be administered. The Site Plan Review Ordinance sets standards and permitting procedures for non-residential land uses. The CEO said he is willing to administer it; however, the Board of Selectmen has to direct the CEO if that is the way the Board wants to go to get this clarified.

Selectman Daniel Staples said he talked with CEO, Scott Bickford, who was concerned that the Site Plan Review may not be enforceable due to the town not having a comprehensive plan. Selectman Staples contacted the Towns' Attorney and found that a comprehensive plan is not required to administer the Site Plan Review. CEO Scott Bickford said he is willing to administer the Site Plan Review.

Dan Remian noted that some other concerns the people on Davis Point have are waste disposal, parking, road edge crumbling, and work that is being done in the road. This Ordinance addresses these issues. If the CEO goes in the direction of a junkyard permit, which the State governs, the Town loses control, and he is not even sure that it falls into that category. He explained that in the past they have had DEP come for other things and they have been "wishy washy" in their decision making. Selectman Daniel Staples and Chairman Grover noted that they had DEP come to that property in the past and found the same thing. Chair Remian feels that it is really a violation at this point, and he is leaving it up to the Board of Selectmen to decide if they feel the CEO should go with the Site Plan Review.

Planning Board Member Robert Ellis stated it should have been sited as a violation years ago. The Site Plan Review Ordinance was adopted back in 2011, and it clearly states that Commercial development that isn't compatible with Residential Uses needs to comply with the Site Plan Review Ordinance. He noted that most of the language came from the State model for site plan review other than the methadone clinic and marijuana dispensary.

Selectman Martha Marchut wanted to make sure that the Board has thought it over thoroughly, so if the CEO comes to the Board of Selectmen and says it does not apply, the Board is ready to not go back to the drawing board but to move forward with it. The Board agreed that they have.

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Martha Marchut, to direct CEO Scott Bickford to apply the Site Plan Review Ordinance and to use it as a basis for his findings.
Carried 5-0-1 Selectman Laurie Haynes abstained

B. Stop sign at intersection of Pleasant Point Road and Cross Road: Selectman Daniel Staples has asked Chairman Grover if there is anyway the Department of Transportation would approve changing the yield sign to a stop sign. He noted that recently he has had three close calls.

Chairman Alton Grover contacted Dave Allen of DOT and he suggested that the Town talk to the Sherriff's Department and have them monitor that area and give a summons to those that are not yielding. He said to try it for a month. If after a month, there is still problems, he said to write him a letter requesting a stop sign and he would be willing to approve it and put it up.

Selectman Daniel Staples will talk to the Sheriffs Department to ask them to come and watch for violators at the intersection.

C. Shellfish Warden Contract: Selectman Daniel Staples updated the Board in regard to the Sherriff's Department taking over the shellfish warden position. The lawyer has sent the contract back to the Clam Board but there was a lot in it that was not needed. Selectman Staples met with the Sherriff's office and they agreed to take out some of the language which could make the Clam Management liable. They also will pay the insurance for the Clam Warden. He is hoping by the end of the week that the contract will be signed and approved through the end of the year. He said if the Sheriffs Department does not come up with a better deal this will give the Board 3 months to get someone trained through the Department of Marine Resources.

Chairman Alton Grover asked Selectman Staples to tell them about the truck that the Georges River Shellfish Management just purchased for the clam warden. Selectman Staples said it is a 2016 Maroon Dodge Ram 4X4 with an extended cab. He said they received bids from Fuller's, Ford Garage, and Shepard's, The Board decided to go with the Dodge. It is the property of the five town program, but the Sherriff's Department will use it, once the contract is signed, and they will keep it out back of the Sheriff's Department. He did note that if it doesn't work with Knox County after the 31st of December, then the clam program will retain the truck and may start a 2-3 month contract with them until the board knows exactly what they want to do. The clam program has a limited budget, so they are moving very cautiously due to what happened when the town went in with Knox County for dispatching. The dispatching cost has risen significantly over the years; it started at 5 thousand and is now over 40 thousand.

Chairman Alton Grover asked if Selectman Staples knew what was going on with the Animal Control Officer. Selectman Daniel Staples has talked with Tim Carroll, Deputy Warden of Knox County, and told him that Cushing may be interested but he said he is optimistically cautious. He went on to say if Cushing did join in with Knox County that he would recommend having it in the agreement, that if it didn't work out, that the Town could withdraw from the program and take it back over.

7. Comments from Citizens: Property owner, Peter Lynch, wanted to clarify if the Town has the power to cite junkyard ordinance or the power to control and regulate the disposal of hazardous waste. The Town has no junkyard ordinance that would come from the State, but Selectman Staples said that it will be covered under the Site Plan Review. Mr. Lynch hopes that the Town has learned from this experience so it will not be repeated again if something pops up somewhere else. It is important for any problem to be recognized quickly if there is a potential for the spilling of hazardous waste because it is clearly irreversible to some degree if it gets into the ground water. The whole reason that this is centralized in specialized junkyards and regulated is to prevent contamination of the ground water our only source of drinking water.

Kate Holland Lynch stated she appreciates all of the work that has been done but wonders how can it be enforced.

Selectman Laurie Haynes has talked to CEO Scott Bickford, and he informed her that the individual has received a letter that states he has thirty days to clean up the site. For every day over the thirty, that it is not cleaned up, he could have a fine for up to \$100 per day. If the person could not pay the fine the Town could take them to court for contempt.

Enter into Executive Session pursuant to 1 M.R.S.A. §405(6)(A) a personnel matter:

ACTION: Chairman Alton Grover made a motion, seconded by Selectman Daniel Staples, to enter into executive session pursuant to 1 M.R.S.A. § 405(6)(A) a personnel matter at 6:38PM.
Carried 5-0-0

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Laurie Haynes, to enter back into the regular scheduled meeting at 6:50pm.
Carried 5-0-0

ACTION: Selectman Laurie Haynes made a motion, seconded by Selectman Heidi Alley, to post the job position for Office Assistant.
Carried 5-0-0

8. Adjournment

ACTION: Selectman Daniel Staples made a motion, seconded by Selectman Heidi Alley, to adjourn at 6:55 P.M.
Carried 5-0-0

Respectfully submitted by Lisa M. Young, Town Clerk