

TOWN OF CUSHING  
BOARD OF  
SELECTMEN

Minutes of Meeting

October 23, 2017  
Cushing Community Center

**Selectmen Present:** Chair Alton Grover, Martha Marchut, Dan Staples, Heidi Alley

**Selectmen Absent:** Laurie Haynes

**Staff Present:** Lisa Young, Cushing Town Clerk; Kate Hoyt, Deputy Clerk of Cushing

**Public Present:** Cushing taxpayers t.r.jackson, Carole Leporati, Frank Muddle, Kristi Niedermann, David Sears, Judith Sears, Bill Aboud, Pat Aboud, Paul Alley, Claus Metzner, Caleb Marshall, Monika Magee, Alan Magee, Bruce Prior, Judy Knowlton, David Farmer

**1. Call to Order:** Chair Alton Grover called the meeting to order at 6:00 P.M.

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

**3. Approve and Sign the Warrant:**

**ACTION:** Selectman Dan Staples made a motion, seconded by Selectman Martha Marchut, to approve Warrants 44 and 45.

**Motion Carried 4-0-0**

**4. Approve Minutes of the 10/10/17 Meeting:**

**ACTION:** Dan Staples made a motion, seconded by Selectman Martha Marchut, to approve the Minutes of the 10/10/17 meeting.

**Discussion:** none.

**Motion Carried 4-0-0**

**5. Additions and Changes to the Agenda:**

**5a. Ancient Cemetery Account \$150.00 Over Budget**

**ACTION:** Dan Staples made a motion, seconded by Selectman Heidi Alley, to move \$150.00 from the Pleasant View account to cover the cost of the season's last mowing of the ancient cemeteries.

**Discussion:** Town Clerk/Treasurer Lisa Young advised the Selectmen that, with Guy Barter's most recent mowing of Cushing's ancient cemeteries, the account would be \$150.00 over budget. Dan Staples commented that the Pleasant View account had a large budget remaining.

**Motion Carried 4-0-0**

**6. Unfinished Business:** none

**7. New Business:**

**7a. Good Neighbor Park**

**ACTION:** none taken

**Discussion:** Select Board Chair Alton Grover addressed Kristi Niedermann, who was in the audience. Kristi was wondering if the D.O.T. had got back to the Selectmen; Alton Grover said they had. He told Kristi that D.O.T. had requested adding a culvert, in addition to the parking lot specifications, and that they had specified the culvert should be of metal. Metal culverts cost twice as much as plastic ones. D.O.T. said the culvert should drain to the brook. The D.O.T. had commented that a hard rain would probably result in standing water in the field. Dan Staples wondered why a plastic culvert would not do, and was told because of the depth over the culvert: not enough gravel over it for a plastic one. The diameter of the culvert will be 15", the normal diameter for culverts on state highways. The permit had not been received yet.

Kristi said also that the committee would like the Selectmen to start putting the parking lot out to bid. Alton Grover said they could not, until they had the permit in hand. Kristi asked that, as soon as the permit is received, it be put out to bid. Alton Grover said he was sure they would.

**7b. Cushing Recycling Committee**

**ACTION:** none taken

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**ACTION:** none taken

**Discussion:** Dan Staples said it had come to the Selectmen's attention that monies had been taken out of the Recycling Committee, and had been moved from one account to another account. He said "We didn't think that that was the proper thing to do, so we went to our minutes to make sure. In 2013, in that account, we had monies from donations and collections, and we also had monies from a grant that was put into the account under the Town's ID number. At that time, the Recycling Committee wanted to get their own ID number, and we said they could, but, as Selectman Robert Worthing said at the time (noting that the Town's auditor had made a recommendation regarding a checking account for the Recycling Committee) any investment account should remain under the Town's tax ID number; that way, it is not a tax liability; it is clear what it is for and where it is. When we found out funds had been moved, we called MMA [Maine Municipal Association, which advises towns on procedural and legal questions] and they said the funds in question should be put back under the Town's tax ID number, and that any money that's expended should go through the Selectmen. They did say, when they found out some of the money might be donated to Good Neighbors Park, that there was a way to raise money for the park—by getting a Warrant up and having it an item on the list at Town Meeting. What you can't do is raise money for one purpose and dedicate it to another. The lawyers were very clear about this."

Monika Magee asked Dan Staples to email her a copy of the report from the lawyer. Dan Staples said the conversation had been verbal, but offered to call MMA back and ask for a written statement. He then asked if the Recycling Committee had a copy of the Selectmen's minutes from the 2013 meeting. Recycling Committee Treasurer Carole Leporati answered that it would be helpful to have a copy of those meeting minutes, too. Copies were made and distributed. Carole continued that the Selectmen had mentioned grant money. Did they have any information on that amount? The Selectmen were not sure of the amount. They said the principle remained that money raised through the Town's tax ID

number belonged to the Town and had to go through the Selectmen to be disbursed. While MMA and the Selectmen agreed that putting money towards Good Neighbors Park was a good idea, that money was raised for recycling and could have been spent, for example, on composting bins or some recycling-related thing. The upshot was that the funds have to be transferred back into Town accounts under the Town's tax ID number as a first step.

Carole asked when they would be able to get that paperwork from the Selectmen. Copies of the minutes were distributed, and Dan Staples agreed to call the lawyer again. She asked what the attorney's name was. Dan Staples replied that it was one of the attorneys at the MMA. He said again that in the meantime, the funds needed to be transferred into the Town's account. Carole asked what was meant by "Town's account." She said that the balance had been placed in the Recycling Committee's checking account. Heidi Alley added, "but under another tax ID. It's got to go under the Town's ID." Dan Staples said he had been told by MMA that the funds had been moved incorrectly, probably through no fault of the Recycling Committee's, and that they therefore had to be transferred back under the Town's tax ID number. He thought the Town might have to open another account to receive the funds. Carole then told the Selectmen that the investment account had been closed by agreement among the Recycling Committee members for good reasons. Dan Staples said it was a decision taken by a few people. Carole responded that it was a decision made by the Recycling Committee. Board Chair Alton Grover asked Carole if she agreed that anything with the Town of Cushing's name on it should go through the Selectmen and be part of Town accounts; "That way, it would be visible to everybody, if it's in the Town Office. Anybody can come in and look at it, if they want to how much is in there. It's public information." Carole said they would discuss that later. She said that apparently there was a misunderstanding, that, if the Committee had thought [it was wrong], then things would have been handled differently. She said the Recycling Committee needed to get the requested information from the Selectmen and then they would discuss the issues raised, at a later date; that tonight the Recycling Committee representatives had come before the Selectmen to find out how the Selectmen viewed what had happened. Dan Staples commented that, in any case, the money needed to come back to the Town. Monika Magee reiterated the Recycling Committee's request of the report from the MMA attorney. Dan Staples agreed to do this, agreed that it was all public knowledge. Carole Leporati also asked the Selectmen for whatever tax ID numbers the Town has on file for Recycling Committee accounts, the number of the Wells Fargo account that the funds had been held under, as well as any other information the Town had that refers to the Recycling Committee. Treasurer Lisa Young said that the Town has no recent account numbers or tax ID numbers; for privacy reasons, these are no longer listed on statements. She said that the Town did not know the Wells Fargo [investment] account number, though they did know the original A.G. Edwards account number.

### **7c. Copier in the Assessor's Room**

**ACTION:** [informal] copier will be looked at before the next Selectman's meeting

**Discussion:** The copier in the assessor's room needs to be repaired or replaced. Heidi Alley asked if the copier needed to be as large as the one in the office. Cushing Assessor Bill Aboud was in the audience and spoke to the convenience of having a copier in the assessor's office. Selectman Martha Marchut added that the assessor's copier could serve as backup in case the main copier were to break down.

### **8. Comments from Citizens none**

### **9. Adjournment:**

**ACTION:** Selectman Alton Grover made a motion, seconded by Selectman Heidi Alley, to adjourn at 6:26 p.m.

**Motion Carried 4-0-0**

APPROVED 11.13.2017

Respectfully submitted,

Katherine Hoyt,  
Deputy Town Clerk