

TOWN OF CUSHING
BOARD OF SELECTMEN

Minutes of Meeting
April 9, 2018
Cushing Community Center

Selectmen Present: Chair Alton Grover, Selectmen Laurie Haynes, Corey Jones, Danny Staples and Martha Marchut

Selectmen Absent: none

Staff Present: Town Clerk Lisa Young

Public Present: Ordinance Committee Member Claus Metzner; Planning Board Chair Dan Remian; Planning Board Member Bill Aboud; Cushing taxpayers Nick Smith of Bull Run Farm, Donnie Young, and Austin Donaghy; and Deputy Clerk Kate Hoyt. Cushing taxpayer Carole Leporati joined the meeting in progress, about 15 minutes in.

1. Call to Order: Chair Alton Grover called the meeting to order at 7:15 P.M. after the Special Town Meeting.

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 2018 Warrants 13 and 14.

Discussion: Selectman Laurie Haynes had asked that payroll summaries match the Warrants that Selectmen approve. Treasurer Lisa Young agreed and had provided a breakdown. Laurie said she did not need a breakdown, just a summary that matched the Warrant numbers. Lisa said it was no trouble.

Motion Carried 5-0-0

4. Approve Minutes of the 3/26/18 Meeting:

ACTION: Selectman Martha Marchut made a motion, seconded by Selectman Laurie Haynes, to approve the Minutes of the 3/26/18 meeting as amended.

Discussion: none

Motion Carried 4-0-1 [Selectman Dan Staples abstained, not having been present at the 3/26 meeting.]

5. Additions and Changes to the Agenda:

5a. Foreclosure Update

ACTION: [Informal] The Selectmen agreed to put two Cushing foreclosures out to bid by May 14.

Discussion: (a) Regarding property on **River Road**, Town Clerk Lisa Young reported that Bank of America had not sent a check for the agreed-upon amount to protect its interest as mortgage holder on property that the Town had foreclosed on in December, 2017. BOA's mortgage had not been known to the Town, so, pursuant to Maine law, the Town had contacted the bank and allowed them 30 days beyond notification to pay the necessary amount and claim the property. The check had not arrived, and BOA had not contacted the Town. Treasurer Lisa Young reported that, at this point, only mail correspondence postmarked April 5th or before could change the fact that BOA had relinquished its right to the property. **(b)** Alton Grover reported that, regarding property foreclosed on **Sheep Point**, the Selectmen had agreed to grant the former homeowner an

extension until Ap. 11 at midnight to remove her belongings from inside the house, but that property, too, now belonged to the Town. Nick Smith asked for clarification on the River Road property and Alton told him where the house on River Road was located. Bill Aboud commented that leniency should better be afforded a homeowner as opposed to a bank. Alton Grover commented that it had been hard enough to get Bank of America to acknowledge any interest in the property to begin with.

6. Unfinished Business:

6a. Town Roads

ACTION (1): Selectman Dan Staples made a motion that, if there is enough money in the budget, Town House Road be added to the list of Town roads to be repaired in 2018. Martha Marchut seconded.

Discussion: (a) Killeran Lane. Whether or not the gravel end would be hot topped along with the rest of it. Alton Grover commented that residents were divided: one wanted the hot top; one did not; and the others had not cared either way. Dan Staples suggested they hot top it. Selectman Corey Jones commented that the ground was soft on Killeran Lane during mud season. [It was decided not to hot top the gravel end of Killeran Lane.] **(b) General Comment on Hot Topping.** Cushing resident Donnie Young suggested that, for roads that are hot topped, the Town could do what the state does and bring the gravel on the shoulders up to the level of the road, that this might prevent cracking for a time. He wondered if the state had any statistics on whether grading the edges added to the life of the hot top; if it adds 2-3 years to the life of the hot top, it could be worth the extra money. Alton Grover said some of the state roads were bad, as well. Nick Smith added that it could be a safety issue, that roads weak on the edges could be dangerous in Spring. He asked what the Selectmen planned to do to the roads they are fixing, for instance, to the middle of Spear Mill Road. Alton Grover answered that they would not dig the base up, because it would be too expensive, but that they would repave. He said he felt the underpinnings of Spear Mill Road were okay.

Regarding the motion on the floor, Alton Grover commented that there would be enough money in the budget to add Town House Road to the list of repairs. Nick Smith asked what the budget numbers looked like. Alton said he'd rather not say at the moment, because he didn't have all the numbers. Nick asked if the Selectmen would ask for bids in writing, and Alton Grover said yes. Dan Remian commented that Town House Road is blind and asked if anything could be done to help drivers stopped at its intersection with Cross Road to see traffic before they pulled out. Alton Grover commented that he had added some fill to the head of Town House Road. Dan Staples commented to Nick that if the Town saves money in the road budget this year, this money would still be in the road budget next year. Nick said this was a good idea; he just wanted to be sure that saving in the short run was not going to be cutting corners that would end up costing the Town more money in the long run. Alton Grover added that the Town would put two inches of binder on the roads they were repairing. Nick asked if the state were going to start paving on Cross Road and River Road in 2018-19. Alton said yes and pointed out that Cross Road [beyond the Town Office in the direction of 97] was one place that would require digging up of the clay base.

Motion Carried 5-0-0

7. New Business:

7a. Prison Clean-Up of Roads

ACTION (2): Selectman Martha Marchut made a motion to contact the prison about sending prisoners to do roadside cleanup. Selectman Laurie Haynes seconded.

Discussion: Select Board Chair Alton Grover brought up hiring prisoners to do roadside cleanup in 2018. Alton Grover commented that May Wooster at the prison will help decide when this will happen, and where: on River Road, on 97, and on all the side roads that they have time to do. Pleasant Point Road was mentioned.

Motion Carried 5-0-0

7b. Proposed Moratorium Ordinance on Land Use and Growth

ACTION: Selectman Dan Staples made a motion to approve holding a Special Town Meeting on Monday, April 23, at 6 p.m. in the Community Center. Selectman Martha Marchut seconded.

Discussion: Nick Smith asked the Selectmen to explain what the moratorium ordinance was about. Alton Grover commented that it was regarding the ordinance that got voted down.

“You mean repealed,” Nick said. “So now somebody wants to put it back?”

Planning Board representatives Dan Remian told Nick that repealing the Site Plan Review Ordinance and leaving the Town with nothing in place had been a foolhardy move. “Says who?” Nick asked. “Who are we in jeopardy with?”

“Says who? It affects all property owners,” Dan answered: “Are you going to let someone come in and start a landfill operation next to you, or a pig farm? Marijuana?”

Nick reminded Dan that agriculture was exempt, and went on to ask, “If the ordinance no longer exists, how is anybody in violation? And who are we in violation with?”

“We have no control over what goes into this town unless we have an ordinance. We have no Comprehensive Plan. We have no zoning. That’s the only thing we had any control over. And the people who were against it, never really read it, because it did not affect whatever they operated on. I’m not going to say names, but there was one person that was the driving force, here.

“Well, just as a general comment, I have a problem with a 20-page ordinance, as a young business owner—even though I am exempt, being agriculture.”

Dan Remian said that the Planning Board had been in the process of amending the Site Plan Review Ordinance in a way that he thought would take everyone into account, but had not been able to do so in time to avoid its repeal. Alton Grover commented that, if we have a hearing and a Special Town Meeting, Cushing residents would have a chance to vote the ordinance down again. Martha Marchut added that the moratorium was not the ordinance and that, whether or not the moratorium was voted down, if the Planning Board were to produce a revised ordinance, this could be voted down. “It’s all up to the voters.” Town Clerk Lisa Young had the Selectmen certify a document that said the two-page document the Planning Board provided is the one that the Town will vote on, on April 23.

Motion Carried 5-0-0

7c. Appointments

ACTION (1): Dan Staples made a motion to accept appointments that were read aloud. Martha Marchut seconded.

Discussion: Town Clerk Lisa Young read the following appointments into the record: Helen Darmara, Rescue Squad Director; Andrew Blanchard, Rescue Squad Ass’t. Director; Scott Bickford, LPI and CEO; Mariann Ahola, Health Officer; Ian Clark, Shellfish Warden; Micki Day, Appeals Board Member; William Demmons, Animal Control Officer; Austin Donaghy, Harbormaster; Arthur Kiskila, Fire Chief and Director of Emergency Management; Tom LaBlond, Addressing Officer; Peter McBean, Ass’t Fire Chief; Dan Remian, Planning Board Member; David Studer, Alternate LPI and Alternate CEO; Carl Butch Taylor, Sr. and Sherri Taylor, Shellfish Committee Members; Gretchen Tripp, Recreation Committee Member; Irene Vinal, Tax Collector; Robert Weisert, Cemetery Committee Member; Anthony Winchenbach, Ass’t. Fire Chief; Lisa Young, Municipal Treasurer and Town Clerk; Job descriptions for the various Selectmen were gone over. She mentioned that Austin Donaghy had said that Nathan Dinces was willing to serve as a Harbor Committee member.

Lisa Young went to get a list of Selectmen job duties for the Selectmen to review. There was no discussion of Selectmen job duties at this meeting.

Motion Carried 5-0-0

ACTION (2): Laurie Haynes made a motion to nominate Alton Grover Chair of the Board of Selectmen for 2018. Dan Staples seconded.

Discussion: Nick Smith asked if the Chair of the Board of Selectmen were going to change for 2018. He said, "Isn't there a rule that the Chair is supposed to change every couple of years?" Dan Staples said that Friendship did it that way, but that there was no rule. Nick asked if the Selectmen had bylaws, and Lisa Young replied no. Nick said he meant nothing personal, but suggested that the Chair should change. Alton Grover suggested the issue be addressed at the current meeting. Dan Staples added to his seconding of the motion the proviso that Selectmen be able to go into Executive Session at a future date to discuss the roles and duties of the various Selectmen, as well as any outstanding personnel matters. Martha said she'd considered nominating Danny Staples, so that there would be a choice. She wanted to recognize that Nick Smith had a point: that, "as great a job as Alton does, it does not benefit the Board for people in the community to have the impression that this is a rubber stamp sort of thing."

Nick: "There's also not a lot of faith in government—local, state, or federal—when you have the same people over and over and over again. That's just my general opinion."

Danny added that there had been different Chairs in the past, that Mike Myrick had been one, Nick Gardener had been one. Alton reminded everyone that he had not always been Chair; Danny Staples said Alton had been Chair since he (Danny) had been a Selectman. Nick Smith suggested term limits; Donnie Young replied, "Be careful what you wish for. You might not have a Board." Laurie Haynes reminded everyone that Alton's would be some pretty big shoes to fill. Martha agreed and said that the fact that Alton does so much and has been doing it for so long, made it difficult to tell how much of it he did—without pay—as Select Board Chair, and how much he did out of the goodness of his heart. "That makes it a little intimidating for anyone else to think about being the Chairman, but it might turn out that there's a certain amount that Alton just does because he does it. And he could keep some of those things." Nick Smith answered that if, "God forbid," something were to happen to Alton, the Town should be prepared. Alton said, "How much experience do you think I had when I started?" Nick said, "To my point. You're making my point. If someone were to step up, they could gain the benefit of your guidance." Danny commented from his experience on other Boards that there are a lot of things the Chair ends up doing because it's easier than asking somebody. Martha wanted to clarify that, just because she had wanted to nominate Danny Chair, she had not necessarily meant that she would have voted for him. Her interest was in the process. Nick added that the women on the Select Board might step into leadership roles.

Motion to Nominate Alton Grover 2018 Chair of the BOS Carried 4-0-1, with Alton Grover abstaining

8. Comments from Citizens: Dan Remian called attention to a bill, LD 260, sponsored by Governor LePage, that was an effort to keep impoverished seniors from losing their homes. He said it had experienced partisan bashing from Dave Miramant and John Spear, but wanted to remind Cushing residents of its high points.

—Executive Session—

The Select Board entered into Executive Session, pursuant to 1 M.R.S.A., § 405(6)(E), a personnel matter, at 8:05 p.m. Select Board Chair Alton Grover moved; Selectman Martha Marchut seconded, to enter into Exec. Session.

Selectman Dan Staples moved; Chair Alton Grover seconded, to return to the regular mtg. at 8:31 p.m.

—The Selectmen rejoined the main meeting at 8:31 p.m.—

ACTION: Selectman Martha Marchut made a motion to hire Cushing resident Terry Melanson as Custodian for the Cushing Community Center and the Fire Station. Selectman Dan Staples seconded.

Discussion: Brief comments about what should be discussed in Executive Session.

Motion Carried 5-0-0

9. Adjournment:

ACTION: Selectman Alton Grover made a motion, seconded by Selectman Dan Staples, to adjourn at 8:33 p.m.

Motion Carried 5-0-0

Respectfully submitted,

Katherine Hoyt, Deputy Town Clerk