

TOWN OF CUSHING
BOARD OF SELECTMEN
Minutes of Meeting
September 24, 2018
Cushing Community Center

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

Selectmen Absent: none.

Staff Present: Cushing Treasurer/Town Clerk Lisa Young

Public Present: Planning Board Chair Bill Aboud and Planning Board member Frank Muddle; Cushing taxpayers Kristi Niedermann, Don Saastamoinen, Edward Amoroso, Cheryl Stackpole, J. Brooke Harrington, and Judith Bing

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 Laurie Haynes, to approve 2018 Warrants 35 and 36.

Discussion: none

Motion Carried 5-0-0

4a. Approve Minutes of the 8/27/18 Meeting:

ACTION: Selectman Laurie Haynes made a motion to approve the minutes of the August 27, 2018 meeting. Selectman Martha Marchut seconded.

Discussion: none

Motion Carried 5-0-0

4b. Approve Minutes of the 9/10/18 Meeting:

ACTION: Selectman Martha Marchut made a motion to approve the minutes of the September 10, 2018 meeting. Selectman Laurie Haynes seconded.

Discussion: Dan Staples made two small corrections, one concerning who had made/seconded a motion; and the other regarding the amount and percentage of the minimum bid for fcl. properties.

Motion Carried 5-0-0

5. Additions and Changes to the Agenda:

5a. Moving Toward Accepting Credit and/or Debit Cards at Town Office

ACTION [Informal]: The Selectmen authorized Treasurer Lisa Young to research accepting credit and/or debit cards at the Town Office, in addition to cash and checks, as forms of payment.

Discussion: Treasurer Lisa Young said it would help the office work with Rapid Renewal the online system the state uses to process motor vehicle transactions. Also, it would help people renew their dog licenses online. Cushing resident Kristi Niedermann asked if using a credit card carried more of a fee than using a debit card. Lisa said that the fee goes to the customer; the Town is not in the business of charging clients. Kristi asked if customers would know up front how much the fee was, and Lisa said yes.

5b. Hiring Additional Office Help

ACTION: none taken

Discussion: Town Clerk Lisa Young had left two résumés in the Selectmen's folders, and these were discussed, primarily one that came from Selectman Corey Jones' wife, Samantha. The Selectmen had contacted MMA about the potential impropriety or appearance of impropriety of hiring a blood relative of a member of the Select Board. Dan Staples read from the MMA reply, which said that, in this case, either Selectman Corey Jones would have to resign, or the rest of the Select Board would have to agree to keep him on and hire his wife as office staff, in addition. MMA added that Cushing has nothing in its personnel handbook to prohibit the situation, as Cushing *has* no such handbook. Dan said the Selectmen had allowed a similar situation involving relatives to go along for well over a year, and no one really wanted to speak up, and "we ended up hiring Kate [Hoyt] with the idea that we were not going to keep Renie on, and we ended up keeping Renie on. No one really wanted to face the fact that we should do it." Chair Alton Grover said it was a different situation because Irene Vinal was not related by blood to anyone in the office. Selectman Corey Jones pointed out that his wife had applied (he said "run") for the position that was eventually filled by Kate Hoyt, that of Deputy {Tax Collector, Clerk, Registrar, and Treasurer}. Town Clerk Lisa Young said that, actually, Samantha Jones had called her after Kate had already been hired, to express interest. Corey said that Samantha had dragged her feet because her son was still young. Corey said his point was that Samantha had been interested in working at the Town Office since before he had been voted in as Selectman, and had said that if there were ever another opening, Samantha wanted to apply for it. Dan Staples said hiring Samantha would be a conflict of interest as reflected in the rules. Alton Grover quoted from what the MMA lawyer had written that, as long as Corey "recuses himself, and the Selectmen make sure that he does" "—and he has nothing to do with the decision of hiring her—" Laurie Haynes added [then there would be no conflict of interest].

Cushing taxpayer Kristi Niedermann asked what the difference in Corey's and Samantha's jobs would be. Alton said it didn't matter what the job difference was, because it would be a case of two employees being relatives. He added that the response from MMA said that the situation would disqualify [Corey] from participating in the hiring process. Laurie added that Cushing had no anti-nepotism laws. Dan said that this was the reason he had gone to the MMA handbook. Laurie said MMA had told them it was okay to hire Samantha, only Corey could not be part of the process. Martha Marchut said that, as she understood the MMA response, if Cushing were to write an ethics/personnel ordinance, the Town might well consider including an anti-nepotism statement in such an ordinance—that this sort of inclusion was common practice. She thought MMA was saying that, in small towns where there is often not a large group of people to choose from, the situation arose for practical reasons, but was not desirable. That said, Martha added that she was inclined to agree with Dan Staples that, knowing what was in the MMA handbook, the Selectmen might want to think awhile before hiring Samantha. Alton said the Selectmen still had time, that someone else

might apply who could turn out to be as qualified as Samantha. Laurie Haynes asked why the Selectmen had bothered to consult MMA, after they had agreed that Lisa would do that research. Corey said that, in his personal opinion and not knowing who else had applied, he felt that getting younger people into these positions would be preferable. He commented that someday Lisa would retire, and that Kate was getting older and would retire. Dan commented that he had been to the Thomaston Town Office on other business, and had talked to them about a similar employee situation. In Thomaston, it had caused a problem. Alton ended the discussion by saying the Selectmen had another two weeks. Corey added that he thought Samantha shouldn't be penalized for failing to apply two years ago, that she should have the option. Dan said what he'd said was nothing at all against Samantha, whom he had known and liked all her life. Martha said the Selectmen could address the issue with Samantha herself, during the hiring process. Corey thought his duties would not conflict with his wife's if she were hired into the Town Office. Alton said "You have to sign the warrant. [You oversee] payroll." "Selectmen oversee everything," Dan added. Martha said that, if any disciplinary action were taken against Samantha, Corey would have to recuse himself from the discussion. "It makes for an awkward situation," said an audience member. "There's an awkward situation everywhere," Alton said, adding a comment about plowing. "Business is business, and home is home," Corey said. Laurie reminded the Selectmen that there was nothing in Cushing that said they couldn't hire Samantha. Alton said that, in the end, Samantha might be the only reasonable candidate. Laurie added that the Selectmen would look at all the candidates the same. Martha disagreed with Laurie, saying that MMA had said "that we can do it. Now it's up to us to decide if we should do it." Laurie said that she didn't understand, that in the absence of a policy, "do we just do whatever we feel like doing? Policies are made to be followed, and we don't have one." "That's why you have the MMA book to guide you," Dan said. Alton asked what the Selectmen ought to do if Samantha were the only reasonable candidate, at the end. Dan said they should cross that bridge when they got to it.

6. Unfinished Business

6a. Follow-Up on Notification of Planning Board Appointment

ACTION: none taken

Discussion: Selectman Laurie Haynes reported that she had contacted Cushing taxpayer Bob Stackpole to notify him that Austin Donaghy had been appointed to the Planning Board instead of Bob. She said she had called several times and finally had left a message.

7. New Business

7a. Board to Vote Whether to Extend the Ordinance Entitled 'Moratorium Regarding Land Use and Growth Ordinance

ACTION: Selectman Dan Staples made a motion to extend the ordinance entitled 'Moratorium Regarding Land Use and Growth Ordinance'. Selectman Martha Marchut seconded.

Discussion: none

Motion Carried 5-0-0

7b. Animal Control Officer William Demmons To Address the Selectmen

ACTION: none taken

Discussion: Cushing School Principal Dawn Jones announced a night-sky viewing that the school has planned at Good Neighbor Park in October. An astronomer from Camden has been invited to speak at the assembly. All present were invited. Parking was discussed. Dawn Jones wondered if she should approach the Select Board each time the school had a request to use the Park. The answer, informally, was yes. Town Clerk Lisa Young agreed to put activities on the office calendar, and Dawn Jones said she would put an email out to Town residents.

7c. Animal Control Officer William Demmons To Address the Selectmen

ACTION: none taken; Mr. Demmons was not at the meeting.

7d. Discuss Replacement of Two Culverts on Spear Mill Road

ACTION: Martha Marchut made a motion, seconded by Laurie Haynes, to authorize Chair Alton Grover to use his own discretion to hire someone—up to and including himself, if necessary—to repair two ditches on Spear Mill Road.

Discussion: Alton Grover explained that two ditches need repair because they make it hard to plow the road in winter and will overflow in a heavy rain. He said he'd rather not do the job himself. The Selectmen agreed that the job needs to be finished before winter. Cushing Taxpayer Kristi Niedermann asked if the equipment could be hired close by. Chair Grover said he would prefer to do that, but he thought he might have to go as far as Lewiston. Alton agreed to check with Meklin to see if they had equipment to do the job. The Selectmen expressed concern about delaying.

Motion Carried 5-0-0

7e. Wording of the Three Warrant Items—Deadline

ACTION: Selectman Dan Staples made a motion, seconded by Selectman Laurie Haynes, to approve the warrant articles for the November 6th election.

Discussion: Martha asked if the wording of Article 3 should specify that there's no charge for the kiosk (for Good Neighbor Park—the warrant items pertain to the park). Kristi said there's no charge because the kiosk is at her house already. Martha said that on the others, the cost had been specified. The Selectmen agreed. Laurie asked about the \$10,000.00 in the account that could not be used for anything other than maintenance. The Selectmen agreed that this money was not involved. A granite bench was discussed. Lisa agreed to prepare the wording for the next Selectmen's meeting.

Motion Carried 5-0-0

7f. Discuss the Outside Basketball Hoops and Recreation Field

ACTION [Informal]: Per a request from a representative of the Recreation Committee, Selectmen agreed to put an authorization-of-funds-transfer request on the March, 2019, warrant. This would allow for replacing basketball hoops and taking care of a few other items of concern to the committee.

Discussion: Selectman Corey Jones outlined the problem for the other Selectmen: The Recreation committee had approached the Board to ask if someone else could mow the field; the person who currently does so also mows the school, and the Rec. Committee felt the ball field was not getting mowed enough. Cheryl Stackpole, of the Rec. Committee, explained that whoever mows the field does

so every two weeks or so, which is not often enough for the ball field—though it is, for the school. If the grass is not short when they mark lines for games, then, as soon as the mower comes, the marks disappear. Also, mowing should be done 1-2 days before games. Cheryl said the grass would not have to be kept short all the time—just in soccer and baseball seasons. Alton asked how the person mowing would know what the schedule should be. Cheryl said during the summer, in August, and in September, they should mow more often. She gave the Town Office as an example of a place that keeps its grass well mowed. She also requested that someone trim, to keep ticks down. The Selectmen agreed to ask Guy Barter to weed-whack. Alton asked what should be done if the current mower wouldn't agree to the new schedule. He said he would check and see if they would mow the field and trim around the fence more often. As for the basketball hoops, someone had agreed to donate new hoops, backstops, and all. The Rec. Committee asked if the Selectmen could have them installed and take the old ones out and away. Cheryl asked what was needed from the Rec. Committee. Danny said the Selectmen would have to ask the Townspeople to approve the funds, and there was additional discussion about where the money could come from. Martha suggested adding something to the upcoming November warrant, but Lisa wondered if there was time to do this. She said 60 days before voting was the ideal timeframe. Lisa suggested putting it on the Town warrant in the Spring. Cheryl agreed that nothing would be done until Spring. Alton suggested asking for help with labor from the prison. Corey agreed to put the posts in himself, in the Spring, if need be. There was additional discussion about the specifics and logistics of getting the job done.

7g. Discussion of Authorizing Chairman or Vice-Chairman of the Planning Board to Sign a Permanent Fire Hydrant Easement Agreement between Donald R. Richards, owner of Fairfields Subdivision on Cushing Road, and the Town of Cushing

ACTION: Selectmen Dan Staples made a motion, seconded by Selectman Laurie Haynes, to appoint the Planning Board Chair or Vice Chair to grant the aforementioned easement.

Discussion: There are two tanks over a property line. They were installed improperly due to ledge being in the way, and now the request is that an easement be granted from the Town to allow the tanks to stay put.

Motion Carried 5-0-0

[*Note:* Items 5a and 5b above, under “Revisions and Changes to the Agenda,” were postponed until this point in the meeting. The minutes reflect that they were actually additions to the agenda.]

8. Comments from Citizens

Planning Board Chair Bill Aboud asked what the procedure was to ask to speak with the Town lawyer about a PB issue. Selectman Dan Staples said the correct procedure was to talk to the Board about it first, as Bill was doing. Chair Alton Grover wondered where the money to pay the lawyer was coming from: the Planning Board's account or the Select Board's. Bill said from the Planning Board's. Bill said there was \$2,200 in the account. Dan Staples said there was actually about \$1,200 in that account, that he had just seen the warrant. Bill asked to see the warrant, and Treasurer Lisa Young gave it to him.

ACTION: Alton Grover made a motion, seconded by Laurie Haynes, to adjourn at 7:04 p.m.

Motion Carried 5-0-0

Respectfully submitted,

Katherine Hoyt,
Recording Secretary