

TOWN OF CUSHING  
BOARD OF  
SELECTMEN

Minutes of Meeting

November 26, 2018  
Cushing Community Center

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

**Selectmen Absent:** none

**Staff Present:** Cushing Town Clerk Lisa Young

**Public Present:** Cushing taxpayer Tim Jones; Michael Campbell of Owls Head

**0. Open Discussion** none

**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 2018 Warrants 43 and 44.

**Discussion:** none

**Motion Carried 5-0-0**

**4. Approve Minutes of the 11/13/18 Meeting:**

**ACTION:** Selectman Dan Staples made a motion, seconded by Selectman Laurie Haynes, to approve the Minutes of the 11/13/18 meeting as amended.

**Discussion:** Minor corrections were suggested.

**Motion Carried 5-0-0**

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

**5a. Alan Grindle on Parcel on 97**

**ACTION:** Selectman Laurie Haynes made a motion to put a parcel of Town-owned property out to bid: Map 001 Lot off Cushing Rd., with a minimum bid of \$500.00. Corey Jones seconded.

**Discussion:** Alan Grindle, who owns property across the road from the Town-owned land, had expressed interest in this parcel. The land had been put out to bid previously and had received no bids. Discussion centered on procedure and cost of putting it out to bid again. Corey Jones thought the minimum bid ought to cover the cost of advertising, which he thought would be \$1,000.00. Lisa Young read off some advertising costs to the Selectmen. Danny Staples suggested asking MMA if there were a way around advertising the property three times again. It had been properly advertised before and had not attracted a buyer. Corey commented that re-bidding Town property went against normal procedure. He said that, as with another

Town-owned property [41 Sheep Point Lane, a 2015 foreclosure, which had recently seen two rounds of bidding], now this property on 97 was needing to be put out to bid for a second time. There followed some discussion of a desire not to waste Town money but to follow proper procedure. Martha Marchut wondered what the property was worth. Alton Grover thought it was valued at less than \$1,000.00. Clerk Lisa Young went to find examples of how much advertising would cost, and it turned out to be \$191 a week.

**Motion Carried 5-0-0**

**6. Unfinished Business**

**6a. Review Bids on Town-Foreclosed Property Located at 41 Sheep Point Lane**

**ACTION (1):** Dan Staples made a motion, seconded by Laurie Haynes, that the Selectmen open the bids on 41 Sheep Point Lane and make an award conditioned on the fact that the closing will not occur until (1) the Zizzas have been notified and three months have elapsed from the date of notice; or (2) the Zizzas have agreed to waive the notice and release any rights to the property.”

**Discussion:** Dan Staples said that the foreclosure bids had been discussed at great length at the previous meeting of the Board of Selectmen, and that at the end of the discussion, after they had already voted, it had come out that one of the two bidders was Selectman Corey Jones’s stepmother. Dan said that, in his opinion and in the opinion of two lawyers, Corey should have recused himself from all discussion involving the bidding. Alton Grover said Corey had not even known his stepmother had bid, until the night of the meeting. Dan said that, at tonight’s meeting, Corey should not be part of the discussion of foreclosure bids, because his family was involved. Alton Grover agreed.

Alton: You talked to two lawyers?

Dan: We talked to [MMA attorney] Flewelling and [Town Attorney] Kristin Collins.

Alton: And you asked them about that situation?

Corey: You asked them about what? About me recusing myself? Because, quite frankly, everything we’ve talked about, you’ve always got a problem with me. Because I [push your issue, push your hand].

Dan: No. It’s got to do with family. It’s always got to do with family. If it’s nothing to do with family, I could care less. If it has to do with family, it could make the Town liable. It’s got nothing to do with you, Corey; it’s got to do with the proper steps. You either do it the right way, or you do it the wrong way. And I feel as though we should do it the right way. I’ve got no problem with your opinion, if it doesn’t involve a family member.

Martha: It could be the appearance of impropriety, I think is the issue.

Corey: But the whole thing I put forth is there in black and white. This is what I was telling you to do all along. So here we are, two weeks later, and we’re no further ahead. This should have been done last week. That should have been already signed. So. I’ll recuse myself and you guys can deal with it.

Alton: Laurie?

Laurie: I’d like to just skip over this part and apologize, because I misunderstood something I was supposed to do since the last meeting. I thought that I was waiting on a phone call from you, Martha, after you found out if it was okay that I talked to Judith. So I didn’t call Judith. I called her tonight and left a message.

Martha: Well, we didn’t actually get word until today.

Laurie: Okay, so I did understand correctly. I was waiting for a phone call—

Martha: You weren’t supposed to do anything [before today]. Right. Exactly.

Laurie. Okay. Good.

Alton: Okay. So what are we going to do?

Dan: We have two recommendations that she [Collins] set down. She said we can do one of two things. [In the words of the attorney]:

1. Reject all bids and provide notice to the Zizzas, giving the Zizzas three months to pay the taxes before restarting the bid process. [or]
2. Open the bids and make an award conditioned on the fact that the closing will not occur until (1) the Zizzas have been notified and three months have elapsed from the date of notice; or (2) the Zizzas have agreed to waive the notice and release any rights to the property.”

We can either reject the bids, altogether, and wait three months, which I think is ridiculous, myself, or open the bids with a contingency that they are not final until we settle with the Zizzas [holders of a Writ of Execution against 41 Sheep Point Lane].

Laurie: We also still have to wait three months if we are going to do this.

Dan: If they agree to settle and sign off, we don't have to wait those three months. [He pointed out a type-o in the letter drafted to the Zizzas. Selectmen agreed to open the bids then and make their acceptance contingent on Zizzas signing a letter that had been prepared for them. Clerk Lisa Young went to fix the typographical error. (The attorney had typed 2018 instead of January 2019 as the date the property must close.)]

### **Motion Carried 4-0-0**

**ACTION (2):** Dan Staples made a motion, which Laurie Haynes seconded, to accept Tim and Allison Jones's high bid of \$50,628.00 for Town-owned property located at 41 Sheep Point Lane, subject to the contingencies described in the previous motion.

**Discussion:** The Selectmen opened the two bids. The first, from Owls Head taxpayer Michael Campbell, was for \$52,001.00. The second, from Cushing taxpayers Tim and Allison Jones, was for \$58,628.00. The Selectmen accepted the Jones's high bid. Michael Campbell was in the audience, and Alton Grover commented that the Selectmen could give him his downpayment check back right then.

Michael Campbell: That gives me a chance to see how town politics work, eh?

Tim Jones: The reason we bid like we did—we bid what we thought was a fair offering, knowing that the money was going to go back into Town projects, and hopefully used for stuff the Town needs, so we didn't try to undercut by too much. But, to make a point of when I was listening to you talking about Corey—See, myself, I ran into this all the time, this same type of situation at FMC, when I was in management. At meetings and stuff, people would say 'You can't do a performance appraisal on this guy, here, because you and him are best friends.' Well, like I've told them a hundred times, it doesn't matter if you were best friends with someone, because, when you get into town politics, when you get into any government, that game is played all the time. You can't say that it isn't. So, myself, you and I could be best friends in the world and if someone comes up to me and asks me about you doing the specific job or something like that, I can be 100 percent honest. I could do it about my own family. My family worked for me, when I had my own business, and I fired my own brother. And people said 'I can't believe you fired him.' Well, I don't care. When you come through that door, you're representing my business. You are my employee, and that's how it works. Same way with Corey. I've raised my kids that way. And as far as people knowing those bids right there? Who put bids in, and that? How does anyone know it? They're in sealed envelopes.

Dan Staples: The only two who knew were these. Us three didn't know.

Tim Jones: That's just hearsay. It's no different than if you and you and you go around town and talk, small town politics. You talked. You ignore all of what you hear and half of what you see in life, and you're gonna be all right.

Dan Staples: I brought it up because it's in the first 20 pages of our Selectman guidebook. Conflicts of interest for everything from accepting bids for plowing the roads—because we are all Road Commissioners—and this is a heck of a lot different than what a private company would be. We're working with state government and we have to go by their rules. We're not making them up. This is what we have to go by, Tim. You're comparing a company to the state. It's altogether different.

Laurie: We have no question of Corey's truthfulness, his integrity, or his character; we just have to go by the rules.

Tim Jones: You're discussing a property that the Town is taking back, and I'm a taxpayer of Cushing. So it has something to do with me. And for you to, if you guys sit here—I'm going to look it up and see if this is actually the rules and regulations, because I don't really believe it.

Dan Staples: You don't believe it?

Tim Jones: If you've got ten bids in there, how do you know who they're from?

Martha: Are you saying that when Corey said that his stepmother had put in a bid, he really didn't know that? Because he made the statement that his stepmother had a bid in.

Dan Staples: I had no idea, up to that point. I will say this. Corey has helped us on a lot of different things, and he's very knowledgeable, especially about trucks and different things like that, and I've been sitting on this Board for ten years, and I'm going along with his recommendations. And there's only been two times [that we have disagreed]—and Corey feels a little offended, and I ain't trying to offend him—and both times there's been family involved. I think I've gone along with his recommendations, or else we've talked it out. In fact, for

a young man, I think he has a pretty good head on his shoulders. I just feel that there's proper protocol that you have to go by. So I'm sorry if you don't believe, and I hope you do read. It's in there.

Michael Campbell: I've got something that I'd like to say, and I want you to know it's got nothing to do with you [Alton]; you and I have always been—I've known you for a hundred years. [Laughter] I take issue with a couple of items. At the last meeting, Alton said he knew who the bidder was. He'd contacted them, called her to let her know what was going on. Okay, that is *absolutely wrong*. It is an issue, and it *should not have happened*.

Alton Grover: What was that? Did what?

Michael Campbell: Would you like to refresh his memory, or should I? [Pause.] At the last meeting, when I was here, at the end of it, I think this gentleman said 'How are we going to inform the other bidder? We don't know who they are.' You [Alton] spoke up, and you said 'I know who they are. I'll give them a call.' You absolutely said that. You're not supposed to have any information whatsoever, Alton, on who the other bidder was. That's why they're *sealed bids*. You're not supposed to talk to people about it. Okay? And that is absolutely wrong, and I have an issue with that.

Laurie: But if somebody told him—

Michael Campbell: Ten people can tell him 'I'm planning on bidding.' Okay? Which one was it?

Lisa Young: You showed the property.

Alton: Yes.

Michael Campbell: You showed the property. And so did you. I don't accept that. Okay. Number Two point I'd like to make. A soil test was done on that property about three weeks ago.

Alton: It was?

Michael Campbell: It was. The Board wasn't aware of that?

Alton: No.

Michael Campbell: So a soil scientist went out on that property, knowing that it was being bid out by the Town of Cushing, and did a soil test and a site survey. And it was paid for by a private party. Did the Board of Selectmen authorize anybody to go on that property and do any type of testing?

Dan Staples: Not that I know of.

Lisa Young: I didn't know.

Alton: So he went down there—

Michael Campbell: I did my homework. I know about it.

Corey: That explains where all those flags come from.

Alton: Oh. The blue flags. I did see some blue flags added later.

Michael Campbell: You know what those flags are. You're an earth man.

Dan Staples: I wouldn't have known—

Alton: I saw somebody had supposedly run the property lines, too.

Campbell: Nobody goes out and spends 3, 4, 500 dollars—

Alton: Right—

Campbell: —right out of the blue, unless they have some idea that they're going to wind up with it. [...] We've got a problem. [Said this several times.]

Alton: You didn't know who did it, though?

Campbell: Oh, I know who did it.

Alton: Then you know more than we do.

Campbell: I don't know about that.

Tim Jones said he'd known Michael Campbell a long time and he, Tim, had had no idea that a soil test was done on the property. He had gone down to look, and had seen that a survey had been done. There was a sign advising people that the right-of-way was private. Tim said he assumed the Town had done a survey. Alton said the Town had not, and that he had wondered about the survey markers and ROW sign, as well. Campbell said Alton knows what soil test signs look like, that they say 'TP1' 'TP2' 'TP3'. Alton said he had seen blue signs but had not gone to look; he said it looked as though they were on the property line. Campbell replied that the signs were in the woods and expressed doubt that Alton had not gone closer to investigate.

Campbell: If you saw them, you went up there, and I don't want to hear any different. Because you can't just stand there, on the lawn and look at them [from a distance]. So I have an issue with this. It's not the fact that I didn't win the bid, because if I lose a bid fair and square, I'll shake the man's hand and walk away. But this right here is an issue, and I'm not going to let it go. I'll let you know that right now.

Alton: So where are the [flags]? On the west side? On the east side?

Campbell: I guess you'll have to find that out, Alton.

Alton: I don't know where the soil test [markers]—I didn't even know one was done.

Someone said he noticed survey markers several weeks ago and had asked Alton about it. Corey thought they might have had something to do with the previous round of bidding. Campbell said he didn't believe nobody knew about the soil test or who the other bidder was. More discussion about who knew what. Campbell took his downpayment check and left the meeting, telling Tim Jones to "watch himself" and asking Clerk Lisa Young to send him a copy of the minutes of the Nov. 13 meeting, to which she agreed.

Laurie Haynes returned from the hall, where she had taken a call on her cell phone. The call turned out to be from Judith Zizza, one of the plaintiffs on the previously mentioned Writ of Execution. Laurie reported that Judith had told her ex-husband Steven would be out of town for a week. Laurie had asked Judith to call Alton. Judith said she would be in. She agreed to sign the letter.

**Motion Carried 4-0-0**

**ACTION [INFORMAL]:** Clerk Lisa Young agreed to send Michael Campbell a copy of the minutes of the November 13 meeting of the Selectmen.

**ACTION (3):** Laurie Haynes made a motion, which Dan Staples seconded, to have representatives of the Board of Selectmen go to 41 Sheep Point Lane to find out about the flags placed there.

**Discussion:** Additional speculative discussion among all five selectmen and Clerk Lisa Young regarding who might have ordered a survey or a soil test. Inconclusive. Martha commented that maybe someone who ultimately did not bid had ordered the test.

**Motion Carried 5-0-0**

**7. New Business:**

**7a. Schedule Annual Automobile/Junkyard Permit Public Hearing**

**ACTION:** Dan Staples made a motion, seconded by Laurie Haynes, to hold a public hearing before the December 10th meeting of the Board of Selectmen regarding this annually reviewed permit.

**Discussion:** minimal

**Motion Carried 5-0-0**

**8. Comments from Citizens:** none.

**9. Adjournment:**

**ACTION:** Select Board Chair Alton Grover motioned, seconded by Laurie Haynes, to adjourn at 6:45 p.m.

**Motion Carried 5-0-0**

Respectfully submitted,

Katherine Hoyt,  
Deputy Town Clerk