

Approved 12.27.2018
TOWN OF CUSHING
BOARD OF SELECTMEN
Minutes of Meeting
December 10, 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: Cushing taxpayers Bryan Marshall, Austin Donaghy, and Leslie Freeman

0. Open Discussion: none

1. Call to Order: Chair Alton Grover called the meeting to order at 6:00 P.M. and a quorum was determined.

2. Pledge of Allegiance was recited.

3. Approve and Sign the Warrant:

ACTION [A]: Selectman Dan Staples made a motion, seconded by Selectman Corey Jones, to approve 2018 Warrants 45 and 46.

Discussion [1] Generator Servicing: Selectman Dan Staples said that he had not expected maintenance for the Town's Kohler generator to cost so much. Select Board Chair Alton Grover said he was not sure, would have to check, but he thought maybe part of the maintenance had involved putting a battery in. Alton thought that, maybe next year, the Town could get generator servicing done locally. Selectman Corey Jones offered to service the generator on an odd day, when he was not busy with other projects. Corey thought that, if all that needed to be done was to change oil and filters, the Town could save on the mileage that has to be paid when Kohler sends a person.

ACTION [B]: Selectman Martha Marchut made a motion, seconded by Selectman Laurie Haynes, to table selling Town-Owned property [Map 1, Lot 26], located on Rte. 97, without definitive information and input from Cushing Assessors' Agent or his assistant.

Discussion [2] Putting Town-Owned Property Out to Bid: Selectman Dan Staples said that regarding Town-owned property on 97 that someone had expressed interest in buying, if it had to be put out to bid again, and the process of advertising it would cost more than it was worth, why would the Town sell it? Selectman Corey Jones answered that he had spent a considerable amount of time with [Assessors' Agent's Assistant] Becky Adams, to go over the ins and outs of this property, and he had found a problem between lots 11 and 12: Becky did research and could not see that the property was .4 acres, because it changed dimensions and there's no record of it ever having been officially split down to half an acre. Corey said Becky had spent two hours trying to find it, while she had been in the office. Dan Staples commented, "How does a Town sell a piece of property if it doesn't know what it has?" Corey agreed. The Selectmen agreed not to do anything with the property until Becky could find out more about it.

Motion [B] Carried 5-0-0

Motion [A] Carried 5-0-0

4. Approve Minutes of the 11/26/18 Meeting:

ACTION: Selectman Martha Marchut made a motion to approve the minutes of the November 26, 2018 meeting as amended. Selectman Laurie Haynes seconded.

Discussion: Minor changes were suggested.

Motion Carried 5-0-0

5. Additions and Changes to the Agenda:

5a. Submerged Barge in Pleasant Point Gut

ACTION: Select Board Chair Alton Grover made a motion, seconded by Selectman Laurie Haynes, to authorize Harbormaster Austin Donaghy to contact Town Attorney Kristen Collins to begin legal proceedings. The motion further requests that the Harbormaster report back to the Board with information on the result of that contact.

Discussion: Harbormaster Austin Donaghy addressed the Board regarding a submerged barge that had sunk in Pleasant Point Gut. He said he had spoken with Town Attorney Kristen Collins regarding getting an injunction to have the sunken barge removed. Cushing taxpayer Leslie Andrews Freeman, in the audience, commented that she considered [the damaged barge] an environmental and marine hazard as well as an eyesore, and that the situation would only get worse. Selectman Dan Staples said that he had spoken several times with [Flea Island seasonal resident] Eric Anderson, who had said he was concerned as well. Harbormaster Donaghy said that Eric Anderson had spoken with him, as well. Corey commented that he thought the owners of the barge had been planning to take it out. Austin said people had come to tow the barge away, but in the process had had to deal with two other sunken watercraft: one, a skiff; the other, an 18-foot speedboat. Austin said "He was supposed to take those both away on the barge—the skiff on the bow of the barge, and, using a piece of wharf as a towline, dragging the hull of the speedboat, which was settling by the stern [behind the barge]. By the time he reached the mouth of the St. George estuary, the speedboat was no longer to be seen.[It was completely underwater.] [Art Tibbets was mentioned as someone who might assist.] Austin said that if the barge's owner won't remove the barge, it would be expensive for the Town to do so. Discussion followed about how the barge got that way. Apparently, someone other than the owner had cut it loose [unintelligible]. Austin said that he needed (1), an end date [by which time the issue must be resolved]; (2) evidence that the owner had hired the work to be done. Austin said they could "ask the Court to give us an end date." Dan Staples said that the barge's owner had promised on four occasions in four different ways to have it removed, but had not followed through. Laurie Haynes wondered if threatening legal action would be an effective way to get the owner to take action. Austin said yes, that an Order of the Harbormaster had been given, and that this constituted legal action. He said he would speak with Town Attorney Kristen Collins on the upcoming Thursday about the matter. A timeline was discussed by the Selectmen and Harbormaster, and they agreed that they should let the attorney decide the timeline. Dan Staples added that the son of the owner had tried four times to remove the barge. He had come on four different occasions, and Dan described the trouble the person had had. Logistics of removing the barge were discussed.

Motion Carried 5-0-0

5b. Annual Junkyard Permit

ACTION: Alton Grover made a motion, seconded by Laurie Haynes, to grant Cushing Taxpayer Bryan Marshall and Leroy Firth a permit to operate a junkyard in Cushing in 2019.

Discussion: Dan Staples commented that Cushing Taxpayer Rene Cloutier had contacted him several times to express concerns about the junkyard, but that Cloutier was not at the current meeting.

Motion Carried 5-0-0

5c. [Discussed under Unfinished Business]: Setting a Date for the Next Meeting of the Selectmen

ACTION: Dan Staples made a motion, seconded by Corey Jones, to move the December 24th meeting of the Board of Selectmen to Thursday, December 27th at 6 p.m.

Discussion: The Selectmen had agreed not to meet on Monday, December 24th, but decided to meet once more in December, 2018. The best date during the holiday week was discussed.

Motion Carried 5-0-0

5d. [Discussed at the end of New Business]: Notice of Impending 2016 Foreclosure Date

ACTION: none taken

Discussion: Lisa Young, in her capacity as Treasurer, commented that Friday, December 21st, was the date that 2016 municipal tax liens would mature and property would be foreclosed on, if those taxes had not been paid. She told the Selectmen that they were waiting for ten Cushing taxpayers to pay off their 2016 tax obligations.

6. Unfinished Business

6a. Discuss Copier

ACTION: [Informal] Town Clerk Lisa Young agreed to contact the Waldoboro and St. George Town Offices, which lease from TransCo, the company under consideration, to get a report on how they like their service before the Town decides whether to lease a new copier from them or to continue doing business with A-Copi, which maintains the Toshiba copier that the Town now owns.

Discussion: Lisa Young had been approached by a salesperson from TransCo about signing a five-year agreement to lease a Xerox or Toshiba copier going forward. The pros of the leasing contract were discussed and appeared to be lower cost and fewer hassles than with going with A-Copi. Color copying was discussed, as were specifics of the machine to be leased. TransCo's would be an "off rental", not a new machine, but as part of the agreement the company would replace it if anything happened.

7. New Business

7a. Sign Quitclaim Deed and Agreement for Foreclosed Property

ACTION: [Documents were signed around.]

Discussion: minimal

7b. Review and Accept Resignation Letters from the Tax Collector

ACTION: Selectman Martha Marchut made a motion, seconded by Dan Staples, to accept Tax Collector and Deputy {Clerk, Registrar, Treasurer} Kate Hoyt's resignation from these roles, effective March 19 or sooner, at the Selectmen's discretion.

Discussion: Town Clerk Lisa Young advised the Selectmen that Deputy {Tax Collector, Treasurer, Clerk, Registrar} Samantha Jones had said she would be willing to take over as Tax Collector on a permanent basis, and that she would like to begin working more hours at the beginning of the 2019 new year. Dan Staples recommended that the Selectmen go over their personnel policy. The Selectmen asked how many hours Samantha Jones would be working, and Lisa answered the approximately 25 hours that Kate is currently working. Alton Grover suggested having Samantha Jones work 30 hours a week to avoid having to hire a third person. Lisa Young commented that the office would still need a fill-in person, in case office staff members were out on vacation or ill. Alton Grover thought that they would be okay in 2019 [with just two]. Laurie Haynes disagreed, because they were having a generic conversation. Martha Marchut said that actually they had been talking about a specific person. Dan Staples thought the discussion had to take place in Executive Session. Lisa Young said that if it were a discussion of policy issues, it should be discussed in a regular meeting. Dan Staples suggested a workshop. Martha Marchut said that, if there were particular considerations connected with a person the Board was considering hiring, they should go into Executive Session. Town Clerk Lisa Young agreed. Dan Staples asked when Samantha Jones had started, and Lisa said sometime in October. Dan said that therefore Samantha was still in her three-month probationary period and asked that, when that period was up, Samantha could come on "full time." Lisa clarified that the Tax Collector works only 25 hours a week. The Selectmen discussed whether Samantha and Kate would each work 25 hours a week until Kate's departure on March 19. Martha Marchut wondered if they were talking about advertising for a part-time [12-hour/week] position. "If we advertise for another person and hire her right away, Samantha would need to move into her new position right away."

Lisa Young then asked if the Selectmen had a problem with Kate returning after having resigned, to fill in for Lisa during Lisa's vacation for ten days at the end of March/beginning of April.

Motion Carried 5-0-0

ACTION: Selectman Dan Staples made a motion to allow Deputy Clerk Kate Hoyt to return on an interim basis to cover Town Clerk Lisa Young's vacation days in March/April 2019. Selectman Laurie Haynes seconded.

Discussion: Select Board Chair Alton Grover commented, "So it would be her and Sami working together? Jeez, I hope she [Kate] don't walk out and go home." There was additional discussion about whether or not the Selectmen needed to advertise the vacancy created by the Tax Collector resigning. Lisa Young reminded them that she was seeking approval, after Samantha's three-month probation period was up, to allow Samantha Jones to work Kate's hours. Dan Staples commented that he understood that Sami was picking up the information quickly. Lisa answered "She's doing great." Martha Marchut asked that, if Sami moves into the Tax Collector position after her probation is over in January, what is Kate going to do? Is she going to cut her hours back? Or are we going to have both of them work the same hours? Are we talking about her getting done sooner? Can we keep Kate on at her full hours until we hire a third person [at half the hours]? She may be counting on the money. Alton Grover commented that there would be a lot of work to do, coming up on the end of the year. Lisa Young mentioned the upcoming Town Meeting, the Town Report, and the visit from the auditor in January. Dan Staples asked if there was enough money in the budget to keep both on at 25 hours a week until March 19, and Lisa Young said yes; there's a lot of money in that account. Alton Grover commented that one person used to do all these duties, back in the sixties. Lisa Young said the roles had changed.

Motion Carried 5-0-0

8. Comments from Citizens: none

---Executive Session---

The Select Board entered into Executive Session, pursuant to 1 M.R.S.A. §405(6)(F), to discuss a confidential record, at 7:20 p.m. A motion was made by Selectman Alton Grover and seconded by Corey Jones, to go into Executive Session.

Motion Carried 5-0-0

Dan Staples motioned, and Martha Marchut seconded, to enter back into the main meeting at 7:34 p.m.

---The Selectmen rejoined the main meeting at 7:34 p.m.---

ACTION: Dan Staples made a motion, seconded by Martha Marchut, to decline a confidential request for a poverty abatement.

Discussion: no additional

Motion Carried 5-0-0

ACTION: Dan Staples made a motion, seconded by Martha Marchut, to adjourn at 7:35 p.m.

Motion Carried 5-0-0

Respectfully submitted,

Katherine Hoyt,
Recording Secretary