

TOWN OF CUSHING
BOARD OF SELECTMEN
Minutes of Meeting
September 9, 2019
Cushing Community Center

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

Selectmen Absent: none

Staff Present: Town Clerk Lisa Young

Public Present: Bob Stackpole, Nancy Grover, William Aboud, David Smith, Nick Smith, Geoff Lewis, Tim Hansen, Deb Hansen, Jason Ward

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: Selectman Dan Staples made a motion, seconded by Selectwoman Martha Marchut, to approve 2019 Warrants 36 and 37.

Discussion: none

Motion Carried 5-0-0

4. Review and approve the minutes of the August 26, 2019 meeting

ACTION: Selectwoman Martha Marchut made a motion, seconded by Corey Jones, to approve the minutes of the August 26, 2019 meeting as written.

Discussion: none

Motion Carried 5-0-0

5. Additions and Changes to the Agenda:

5a. Survey on use of recycled content on road infrastructure

ACTION: none taken

Discussion: Martha Marchut talked about a survey received by mail on using recycled content on road infrastructure. She asked if it was something Alton knew about or if it was something we have nothing to

do with. She said it is an online survey and thought Alton might be most appropriate to answer. Lisa said she could help get access to it.

5b. Marijuana

ACTION: none taken

Discussion: Martha said in connection with marijuana and what is going on in the State with it, there is a site called Stay Connected which gets information sent to us. Laurie said it was a good idea to stay on top of it. Martha agreed and said it didn't look like it would take too much [to get set up with that site].

5c. Invasive Insects

ACTION: none taken

Discussion: Martha also discussed a piece of mail that was received on invasive insects. They said they were sending information and asked if it was received. Lisa said it was, the lady also said she would be happy to come down and talk more about it too, things such as the brown tail moth, ticks, etc. Lisa said she will get the information packet, adding it was a big packet. Lisa said she also told the lady to contact the library as they might do something on it.

5d. Striping Roads

ACTION: Dan Staples made a motion, seconded by Martha Marchut, to do the usual striping on the town roads that we have in the past

Discussion: Alton brought up striping the roads. Corey asked how much that cost. Alton said it was around \$3,000. Martha asked if he meant Pleasant Point. Alton answered lower Pleasant Point. Dan asked if you would do them all. Alton said you can't do them all, only ones you would do would be Salt Pond Road, Pleasant Point Road, and Spear Mill Road, adding many of the roads are too narrow for the striping truck to go on without going off the edge. Martha said she had never really paid attention and asked if there are areas on those roads where passing is and isn't allowed. Alton said on those roads, not a lot. Martha added then it didn't seem to be a safety issue. Alton thought you could say it is at night, especially when foggy, everyone at some point uses those lines. Alton added lower Pleasant Point will now be black because it's all new pavement. Dan thought there was more than enough money there and it'd be a good idea to do it again as it's been done in the past and is a safety issue.

Motion Carried 5-0-0

6. Unfinished Business:

6a. Review Fire Department Standard Operation Procedure for Emergency Apparatus Driving

ACTION: Selectman Dan Staples made a motion, seconded by Laurie Haynes, to accept the Fire Department Standard Operation Procedure for Emergency Apparatus Driving Plan that includes 18 and above

Discussion: Dan Staples said it needed to be voted on, adding the plan was all written out and was looked at last meeting pending on some information Lisa was going to look into. Lisa said she had called way back [in regard to 18-year olds driving] and it was okay just needed to be a policy. Dan said if they sign it, they have the policy. He added Clarence talked about having a probationary period and reviewing it every six months, which is better to do up until they are 21. Corey added if they were to have any major

violations between the ages of 18 and 21, they could instantly resolve it, speeding tickets or anything along those lines would result in loss of privilege. Alton clarified they would be voting to allow 18-year olds to drive [the emergency vehicles]. Dan answered yes.

Motion Carried 5-0-0

6b. Discuss Clerk's office remodel

ACTION: Dan Staples made a motion, seconded by Laurie Haynes, that at this time to reject the two bids that were received.

Discussion: Alton said they were still no further ahead. Alton said he did call Larry Miller and he was supposed to stop in and look at it, but that's all he knows. He said he will call him again. Dan asked if the other place ever sent the references. Lisa said nothing was received, and added they never rejected the bids or anything, it was still in limbo. Dan said they were waiting for the recommendations. Lisa said the one in Rockport sent some, the place out of Winterport never did. Alton said they've called a couple times and still not received anything, and added it was over budget. Dan suggested waiting to see what they hear from Larry [Miller and Miller Construction]. Alton said he thought that was best, and Dan added they have done a lot of work at the building. Corey said they all know how he feels about it. Alton asked if a letter should be sent, Dan agreed saying PHI was way over budget and Dirt Diggers we don't know much about.

Motion Carried 5-0-0

6c. Salt Pond Road ditching and culvert

ACTION:

Discussion: Laurie said the bills are in and it can be discussed now. Alton said no we don't, we haven't done everything yet and don't know all the bills. Laurie said she is happy to wait until the outcome to discuss. Corey said we have the biggest ones and asked what the third one was that we were waiting on. Lisa said we have all the ditching, the hammering, and the paving, and that was it. Alton said there are a couple things left. Dan added we need to add some gravel around some high spots on corners. Alton also said he was going to ask about wanting to stripe the roads again now that there is new pavement or not. Corey asked how the culvert was. Laurie said she thinks there is a big hole in it because the water is going around the right of it and in for about 8-10 ft and then going back into the pipe on the side. She said she didn't crawl in there but is assuming there is a big hole because it was coming out the other side. Corey said the account with Meklins and paving and everything there was like \$86,000 left in there. Laurie said her concern that although it was filled with gravel and is okay for right now, she has a feeling it could wash out again and is just a temporary fix. Corey said if there is a hole in there it's going to keep washing out. Laurie also added that there is always ice on that sharp turn and ditching should be done. She said the water comes down the side of the road and ice builds up. Dan added the area probably doesn't get much sun either. Corey asked if it is something that should be out to bid. Alton said the original plan with Emergency Management was they were going to help get a grant. He added that was two years ago and so far they haven't come through with anything. Alton said an engineer came down and looked at it and wanted to build the road up about 2 feet and put a bigger culvert in there. He said they can check with them some more and get a grant or do it ourselves. Corey asked if the culvert was down pretty far. Alton said there is plenty of room to put a bigger culvert in there. Laurie asked if they suggested a smooth one instead, Alton answered yes, could use plastic. Alton asked if the Board wants to go ahead and do it or put it out to bid or see if they will help on a grant. Dan said if you can get grant money and save, and we should go see Ray Sisk. Corey asked if we can get it lined up and bring it back for the next meeting. Alton said he would go see Ray Sisk and see what he says, if he thinks there is a possibility or not. He added if he says no, they might as well go ahead and do it themselves.

7. New Business:

7a. Bids for Annual Audit

ACTION: Alton Grover made a motion, seconded by Corey Jones, to put out to bid our annual finance audit in the paper as well as mail out to audit firms.

Discussion: Lisa said it has been over 5 years for the annual audit and in the past it's been put out to bid for new proposals. She asked if the Board wants her to put it out in the paper or send it out to potential audit firms. She said last time it was just sent to the potential firms but added she can put it out as well. Dan said it is recommended to review every 5 years. Alton asked if it should be out in the paper. Martha said she thinks it would be good to put it out in the paper so it doesn't look like the Town could be hand picking. Lisa agreed.

Motion Carried 5-0-0

7b. GA Ordinance

ACTION: Alton Grover made a motion, seconded by Martha Marchut, to hold the annual General Assistance Hearing preceding the next Selectmen meeting.

Discussion: Lisa said it's the time of year for the annual General Assistance Hearing, adding we [the Town] has to adopt the different maximums for general assistance. She said a date needs to be set for the public hearing and asked if it should be before the next meeting. Alton thought that was the best time.

Motion Carried 5-0-0

8. Comments from Citizens: Tim Hansen spoke about Stones Point Rd concerning the paving job, he said he talked with Board Members and got conflicting information, so he did his own survey. He took pictures of every driveway and there's 52 driveways, 23 of them have aprons. He said he looked for a definition on an apron and really couldn't find out, but 23 of the driveways were rolled flat, all of the driveways that have pavement were rolled flat. He added that basically that's 44% of the driveways on the road were not rolled and he couldn't figure out why. He said he could understand if it was about 2" like the State does, really doesn't make a difference, but his [driveway] has a 3" lip on one side and 5 1/2" on the other, adding that's a lot and if you don't drive a pickup truck, it makes a difference and becomes an issue. He said his other concern for doing all of them was that he doesn't live here year-round, he does have someone plow his driveway, and he wouldn't have known. He added several other people on Stones Point Road that are gone, they won't know until next spring, so he took the opportunity to speak with them as well. He said he tried to talk to everybody on the road, one person said they were home while they were doing it, they went out and spoke with them and they rolled it. Another person has two driveways, they said they weren't home, but it was all rolled flat and they just did it. Another lady said she is worried about getting her mail because there is a 6" drop and she's afraid the mail guy won't be able to get to her mailbox. He said that house is number 250 and is more of a concern and should probably be looked at. Tim also added number 9 on Stones Point Road, he spoke with her too, and she has about a 5" drop too and she has to goose it to get out and is digging a hole now. Dan Staples asked the name of #9. He answered Boucher, Hans Boucher. He said another one that an owner said we had a concern because the last time it was paved their neighbor said they had to come back and redo it and they spoke with a member of the road commission and were told [by that member] that they would make sure it is taken care of. He said he is thinking himself that maybe it wasn't supervised, maybe they moved along

so fast that they're busy doing other things and can't keep up with it, he doesn't know. He said he looked at the spec and it clearly said a 3 roller system, install driveway. Laurie said it does say apron, it doesn't say a 6" or a 1 ft or no drop, it simply just says apron, so they did what they were asked to do. Tim said he would not argue that but can point out, how do you know they did what you asked them to do when 44% of the driveways are rolled out and the other ones are not and there is no rhyme or reason to figure it out when paved ones are all done. He added he could see if just the paved ones were done, but if you go through more gravel ones are paved and rolled out than paved ones. He ended with he just doesn't like what happened, he knows everyone is busy and he's not pointing fingers or trying to get anyone to resign or get fired like a past meeting, but his point is what can you do, it's not right. Laurie said the only thing that could have been different would be describe exactly what they were looking for with the apron, and they didn't. She went on to say everybody got an apron and some were just bigger than others. Tim said he felt the problem there was it said 2", and if that's what was put down no one would be here. Corey said one of the problems they went through with last year too, you ride around the roads and people complain the roads suck. He said the roads have been beat down so far that there are places that are 6-8" building the road back up, adding driveways have compensated for that being plowed, now it sucks they're built up but its been long overdue. Deb Hansen added that it's that there is no rhyme or reason, they're all gravel driveways. Tim also added he was looking at is the road ordinance and article 5.7, aprons, section b paragraph 2 refers to capital plans. That statement says that working within the apron it will be restored, culverts, and it also implies in the paragraphs before that that it includes inside the right of way and that's not even as much as he's talking about. Geoff Lewis added the drop going into their driveway is 6-8" and he's afraid the mailman won't be able to get out when delivering and also that it's going to raise trouble being plowed. He added he can get up over it fine with his car, not sure about wintertime, but is sure his plowman will have trouble. Bob Stackpole said it seems there were complaints last year after paving too, and it only seems like common sense that when paving you need to keep driveways accessible, you shouldn't be paving and leaving the edge of something that isn't necessarily accessible, it should just be added into the specs of the paving to keep the driveways accessible. Alton said last year he went and fixed some, but he was told by the Board of Selectman not to go and do it. He added he did 4 or 5 last year on Spear Mill Road and one on his own, his own gravel, and his own time because he felt the girl should have it done. He said he also did some on Killeran Lane. Bob said you shouldn't have to go back and do it later, it should be done while they're going along. He added he knows that does put a little more effort into the paving. Alton asked if Bob felt they should pave right into the driveway. Bob replied pavement without a bump, without a 6" bank. Deb pointed out pictures she had, she showed that some were done correctly, and some were not. Tim asked why 44% of them not done. Deb said he got paid for this work and it included aprons but clearly there are two different scenarios going on. Alton said what needs to be done is specify, it did not say how long they were, it only said install aprons. Tim said it wasn't just a couple undone, you could see he was doing them because it was part of his [pavers] job, what he didn't do was do them all to complete his job. He added with a bid as vague as that and no one there to watch, how could you expect otherwise. Alton said he was also told not to go watch, he had offered and was told no you don't have to, they know what they're doing. Nick Smith asked who told you that, Alton answered the Board of Selectman, but he did add that they [pavers] did call him a couple times and he drove down to look a couple 2-3 times. Nick asked Alton why the responsibility falls solely on him as Nick was under the assumption, they were all road commissioners. Alton agreed that is true but said everyone always says Alton will do it. Tim asked that Stones Point Road was a \$188,000 project of the Town's money and no one goes to keep an eye on it. Alton said that is true. Tim said that is probably why they are there then and suggested the next time some money is set aside for subcontractor to supervise and make sure that doesn't happen. Corey said if you want somebody babysitting all these people that work for the town then you need to have a road commissioner. He went on to add that yes, the Board of Selectman are all road commissioners but for \$2600 a year are you going to leave your full-time job that pays your bills and added they do enough with this. Tim said he was not asking that and suggested that with a \$188,000 project to spend \$500 for a sub-contractor to go down and inspect and watch and you wouldn't have this problem. Dan Staples said what they did a few years ago and the State stopped doing the aprons like they used to but he remembers when they used to pave the road he could call and they'd bring down some gravel and he'd spread it around and now they don't do that anymore. Dan said he went around Stones Point and did

see some discrepancies and there's no question. He added the State road they're doing too and said they went right straight pass his driveway and some others. He added with Martha they feathered in one of her driveways and went right by the other. He said there is no consistency with their paving either. He said he himself will buy a couple totes of gravel and spread it around the end of his driveway and he'll be all set. Tim said they are talking about Stones Point Road and the Town of Cushing, \$188,000 bid and 44% of them being rolled in and the rest not. Dan said he was just pointing out the exact same thing with the State. Tim said they're not talking about the State. Dan asked what the difference is. Tim said the difference is \$188,000 of taxpayer's money, a bid accepted by this Board saying what they were going to do and if it had been supervised there wouldn't have been any of these discrepancies. He again said it isn't right and they [Town] needs to do something. He then asked if the bid came in higher or lower, if the actual costs came in higher or lower. Alton said lower by \$27,000. Tim said there you go, there you go, there you go can you spread that out for the last 30 driveways or pro rate it for that bid from Pleasant Point Rd. He said that amount is considerable. Alton said next year if something is done, they will specify how thick and how long they [aprons] are. Tim said he doesn't know, what he does in business is if he's not sure how to do something he finds out how to put it out to bid so he doesn't run into problem, then he has someone supervise, especially with that kind of money. He knows many of them have been doing it for years and it becomes second nature, but obviously no one thought they'd be putting in 6" in places, and probably last time they didn't but this time it happened, you have extra money, you should fix it. Geoff said the crisis isn't rather there is a discrepancy or what way the State does it, the real question for them is, is there a recourse, is there something we can do this year now and not wait until next year or the year after or whatever because their problems are going to be there this winter. Tim said that is this year's money it should be done this year. Geoff again asked if they can do something. {discussion got heated, everyone interrupting everyone with their opinions} Laurie exclaimed excuse me and asked if everyone could raise their hands and everyone speak one at a time so we can hear what people have to say. Bob said he wants to stress that roads get pounded down in places, you can say 1-2" of pavement, but in spots where roads get pounded down you have thicker, there's nothing you can do about that because with only an inch or two the same hole would be there. He added they're trying to make smooth roads so there will be places that are high and places that are low, just said how to rectify that problem, he said to make all driveways said to be done accessible in contract. Corey said that's what he had said why roads are so high in certain spots/corners, those obviously need to be fixed. He added with driveways, they ran into the last year, you have 2-3", now you're going around the whole road in town doing everybody's driveway. Bob said that's why while they're paving they can blend it right in and pound it down and everyone can get in and out of their driveway, adding yes it'll be a little higher bid and cost more money but you wont have a whole room full of people being ugly about it. Bill About said he spoke with a DOT guy on his way home from town today and asked about State policy in this scenario was and was told there is one of two things; a paved driveway it gets feathered in, and a gravel driveway after the project is complete they send a crew with gravel and machinery around to fix it. Dan said they certainly didn't last time they did it and he didn't think that was true. Alton said they could tell you what you want to hear. Deb asked to go back Stones Point Road, not the State DOT road, she said it's just a lot of money that was spent and 44% of the driveways were done as stated in the bid with apron, the rest were not. She added she does not have a pickup; she wishes she did as she would be able to get in and out of her driveway. She applauded Danny for being able to get gravel, but said the point is it should not be an expense on the taxpayer according to the ordinance and that is the fact. Deb said taxpayers shouldn't have to hire people to bring in gravel. Alton said he offered to fix it for free, Nancy Grover said she was sitting there when her husband went to look and said he would come down and fix it for them for free and they said they want nothing to do with it. The Hansen's said they do not recall that. Tim said if he did say that thank you, but he probably wouldn't have accepted, he's not just out for himself, it concerns the neighbors too. He again said he just doesn't understand why anyone would say don't go down there and check it out with a \$188,000 project. Corey said there are roads that laid right over and needed to be built up, the shoulders should be fixed. Tim said to review the ordinance and its wording. Deb said if they came in underbudget, the money is there to fix it. Bob asked to have that explained, did they really put in a bid and then do it for \$27,000 less, Alton confirmed yes, that is correct. Deb said it would because they didn't finish driveways, Dan said they came in less last year as well. Corey said they used less tonnage than expected. Dan said it wasn't questioned about supervising, it was the amount of time spent. Corey

said it started with the ditching, said Alton has spoiled the Town with the amount of running around he does. Bob said that is the road commissioner, the Board has taken on that duty. Corey said that's why there should be one road commissioner, how can you have five people and have one person doing it; Bob agreed. Tim said the Board could vote an agent, one member to watch over a project. Nick said he feels they should have a road commissioner, one person independent from the Board, and he thinks it sounds like Mr. Jones feels the same way. Corey said that yes, after this right here, and comments made, a road commissioner would be one against us, it wouldn't be one of us against the others. Alton said if you get one road commissioner that person does all the work, as of right now it should be split up. Laurie asked what is she supposed to do watching a paver, she has no idea, a road commissioner needs to know what they are doing if they're going to be supervising stuff. Nick asked Selectwoman Haynes if she felt they should have one road commissioner separate. Laurie responded she doesn't know about separate but there should be one road commissioner who knows what the heck they are doing. Corey said you can't be a road commissioner on the Board without the other four being it too, that's a rule as a conflict of interest. Alton went back to asking what was going to be to Stones Point Road. Corey said it should be put in the rules that when we do road paving, the town should vote to add it to the rules to add gravel to driveways after paving, if it's going to happen it needs to be in the rules so its black and white. Dan said if you do one you have to do them all, and it should be in the rules. He said if you do Stones Point this year you have to do all the roads from the past; adding if it's going to be done it should be moving forward. Bob said he feels this year's problem definitely needs to be corrected and needs to be added into future bids making all driveways accessible when work complete. Laurie read the town ordinance as follows, "when a town undertakes a capital or ditching project which requires the replacement or relocation of a driveway entrance or culvert, the Town is responsible for culvert replacement, relocation and driveway entrance restoration." Laurie said she did not feel they did any of that. Tim said if you read the whole ordinance you get a feel for it. Laurie read the paragraph several times saying we did not do any of those things. Deb said it has to be fixed either way, rather they have to do it or the Town does it. Dan said it's a tough one, Bob disagreed. Dan said one of the hard things is when a decision is made you need to be consistent with it, can't do it one way one year and another way the next. An audience member said what is wrong with putting some gravel there, even if the Town has to do 40 driveways, it wasn't backed up yet, maybe the pavement wouldn't break up and they wouldn't have to pave for another six years instead of 5 years, he said there is more to it than winning a battle. Dan responded he wasn't trying to win a battle, he is trying to be consistent and he is only one vote. Corey said there are enough spots that need to be fixed, could it be put out to bid to fix the bad spots. Alton said if it goes out to bid the corners on lower Pleasant Point need to be fixed too. Corey said we did save money and moving forward it needs to be black and white when roads are paved. Alton asked what was going to be done.

ACTION: Selectman Corey Jones made a motion, seconded by Laurie Haynes, to put out to bid the repair the sides of the road and driveways on Stones Point Road and lower Pleasant Point Rd with 1" minus gravel

Motion Carried 5-0-0

Martha asked if there should be a cap on the bid or a mechanism on which driveways get done and which ones do not need it. Corey thought you should be able to tell, if you can't get a car in there it should be done. Martha felt worried about saying it should be self-evident because it seemed it should have been self-evident to begin with and what should have been done when the road was paved; she felt that seemed like a recipe for people coming back with more issues. Corey mentioned just doing all the gravel driveways. Alton mentioned driving down through and marking the driveways out that need to be fixed. Geoff said bid should have a date to be completed by, so it is completed soon. Martha suggested doing all gravel driveways or if we do mark them out it should be posted for residents to see and be able to contact the Town about concern of their driveway needing to be done. Corey said after all this he feels doing them all and then you're done. Laurie said whoever is bidding won't have definite information so they will have to drive down and look. Alton asked who was going to watch this project being done. Martha asked if we were really in agreement of needing somebody to watch. Corey thought it was fool

proof, should be common sense on how to smooth a driveway. Alton said the same thing was said about the paving. Dan asked if Alton would prefer to go watch, Alton said it did not matter to him if it was him or someone else. Laurie said out of all of the Board, Alton was more knowledgeable. Laurie said if we feel we need somebody, you could hire someone, or Alton could do it. Corey said all this nit-picking, it goes back to why the Town could use a road commissioner. Martha said that is an issue for the future. Alton said so far it's worked out okay until now. Corey asked what happens if something happens to Alton, the Board is left scratching their head because they all rely on him. Alton said someone did it before him, someone could do it after. Geoff suggested going to look at what needs to be done before rather than supervising during. Deb said you don't pay anyone until you see and approve the completed job. Tim said when you put it out to bid, the winner of the bid should come in before he starts work to be clear before he starts, Bob said that needs to be done before the bid. Corey said he has only been here a short time, but the Board all depends on Alton, so he is like the only road commissioner. Dan agreed, but said that isn't a problem that's going to get solved tonight, it should be in the budget for future. Tim suggested that being on a ballot for an elected position next year. Martha said it could be if anyone would run for it. David Smith said while you're going to bid it out, why not allow a couple hundred dollars to allow one of the Board members to drive down and approve or disapprove it; adding that paying for a thousands of dollar job, paying a couple hundred more for someone to go watch doesn't seem like a big deal. Corey said shoulders should be marked that need to be done, all driveways but only certain shoulders need it. Geoff said the whole road needs it, why not just do it, it needs it, make it last longer. Alton said that would get a lot more expensive. Dan said he would go around and look after to make sure it looked good, but he didn't want someone coming back and complaining because it's not his area of expertise. Alton said Jimmy Kalloch would be good with the new rig he has on the back of his dump truck that you go along, and it drops off to the side. Laurie asked who in the room knows enough about it to be able to mark the spots and get it done and agreed that whoever does it shouldn't take time out of their day for nothing.

ACTION: Selectwoman Laurie Haynes made a motion, seconded by Dan Staples, that Alton is to go down and mark the areas that need to be done beforehand on Stones Point Road and Pleasant Point Road and then to follow up again afterward; also that he will bill for his time.

Motion Carried 4-0-1; Alton abstained

9. Adjourn

ACTION: Selectman Dan Staples made a motion, seconded by Laurie Haynes, to adjourn at 7:30 p.m.

Motion Carried 5-0-0

Respectfully submitted,

Samantha Jones
Recording Secretary