

**TOWN OF CUSHING
BOARD OF SELECTMAN**

Minutes of the Meeting
Monday, April 26, 2021
Cushing Community Center

Selectmen Present: Chairman Alton Grover, Selectmen Craig Currie, Martha Marchut, and Tracey Bally

Selectmen Absent: Dan Staples

Staff Present: Town Clerk Lisa Young

Public Present: Mariann Ahola, Juliette Laaka, Robert Ellis, William Aboud, Cheryl Stackpole, Danika Poland, Edward Amoroso, and Samantha Jones

1.Call to Order: Chairman 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: Selectwoman Tracey Bally made a motion, seconded by Martha Marchut, to approve warrants 16-18

Discussion: none

Motion Carried 4-0-0

4.Review and approve the minutes of the April 12, 2021 and April 17, 2021 meetings

ACTION: Selectwoman Martha Marchut made a motion, seconded by Tracey Bally, to approve the minutes of the April 12, 2021 meeting.

Motion Carried 4-0-0

ACTION: Selectwoman Martha Marchut made a motion, seconded by Craig Currie, to approve the minutes of the April 17, 2021 meeting.

Motion Carried 4-0-0

Discussion: none

5.Additions and Changes to the agenda

5a. Public Hearing

ACTION: Selectmen Craig Currie made a motion, seconded by Martha Marchut, to hold the May 10th Select Board Meeting and Public Hearing at 6:00 p.m. via Zoom

Discussion: Craig said the May 10th meeting can include a representative from the Midcoast Broadband Coalition who would join for a public hearing before the meeting. He said at that time we can ask any questions and they can distribute information about the coalition and their plans beforehand. It said it is moving along quickly. He said he'd suggest that meeting being a zoom call rather than in person because that person won't come down and he isn't sure the town has the equipment to do both the in person and zoom together. Craig added he has equipment he could bring but isn't sure how good the Wi-Fi is in the gym area and feels it may be easier to just hold the entire thing on Zoom. Lisa asked if the public hearing is something that should be advertised in the paper; Craig felt it should. Craig asked if we knew the June election date and asked if it was too late to add to that. Lisa said yes, it's June 8th and would be too late unless there was a special town meeting. Craig said that could be an option, but he felt by making it a public hearing, they could have something on the next ballot allowing to be a part of this inter-local agreement. He said other local towns are doing that, and why he wants to make it an official public hearing. Bill Aboud said he heard the federal government is sinking millions into this. Craig said yes, it's all part of it, the feds and the State. He said the county is getting a lot of money towards it too in the next couple weeks, and he isn't sure what it will be used for but can go to broadband, sewer/water, or Covid expenses. He said it must be used at County level and can't be given to Towns, but Cushing should get about \$150,000 out of it. He said this is separate from actual broadband money which came from the American Rescue Act; he noted Janet Mills said Maine is also getting \$130 million to go towards this broadband act which is why people are moving quickly with it. Bob Ellis said it's basically a taxpayer expense then. Craig answered no, it's a public utility; he said all the towns come together and agree that there are no private isp's such as Spectrum or Consolidated and the utility will actually get low costs bonds plus any federal money they can get. He said it will be formed as a utility by the State of Maine and will only be charge its users. Bob asked why we'd want to make the change. Craig said none of the current internet providers run the fiber to the home, making it much quicker and better than anything currently here. He said the idea of this is to bring it to every home in the town but added everybody doesn't have to sign up for it and buy it. Craig said it is a private utility and will give the private roads a better chance for good internet without having to pay cable to run it down the roads. The discussion carried on a bit more.

Motion Carried 4-0-0

5b. Norton Cemetery stone

ACTION: none taken

Discussion: Craig said he spoke with Benner's Tree Service about the broken cemetery stone at Norton's and they are claiming it was not broken by them and that they would have told us if it had

broken. He added no one was there when the work was done so he said he would bring it to the Board and see what to do. Craig feels it is a he said she said thing and thought Bob Weisert should get a quote on replacing the stone, and asked if we have an insurance that would cover that. Craig said let's get the quote first and bring it back then. He recommended if we really feel Benner's was responsible, we should not use them again in the future. Alton said we could also ask Guy Barter who mows the cemetery; see if he ever noticed if it was broken in the past.

5c. Turf Doctors

ACTION: none taken

Discussion: Craig said he got a call from Turf Doctors in regard to Pleasant View Cemetery and the lady who was new to her job asked where to send the bill. Craig said what do you mean, we told you three times not to do it yet, but apparently, they did. Craig said nothing has been signed and Bob Weisert had told them several times not to do anything yet too. Craig said he is not planning on signing that warrant, as it is just wrong, but he also didn't want to get into an argument with her as she was apparently new. Alton asked if anyone had been down; he said he didn't see what they did, but he saw the turkeys have been there again.

5d. MMA Insurance Money

ACTION: none taken

Discussion: Lisa updated the Board that they received the insurance check from MMA for the Fire Station bathroom in the amount of \$4359.61

5e. New Basketball Hoops

ACTION: none taken

Discussion: Lisa told the Board the additional article for the costs of the new basketball hoops had been added to the warrant for approval tomorrow night at Town Meeting. She noted the sale is only good through the 29th and where she is out on Wednesday, she asked if the Board would approve Danika ordering them on Wednesday if it passes Tuesday night. The Board agreed it was fine to order and take advantage of the sale price and free shipping offer.

5f. Old Copier

ACTION: none taken

Discussion: Lisa said the old copier that is now in the assessor's room had a contract that ran out. She added that they can't even get parts for it anymore so just wanted to be sure the Board was okay with doing away with that contract. The Board agreed so sense for a contract.

5g. Greenwood Performance Bonds

ACTION: none taken

Discussion: Lisa told the Board that they received the performance bond from Greenwood for the new Fire Truck and Ambulance.

6.Unfinished Business

6a. Town Facebook Page

ACTION: none taken

Discussion: Craig said he had sent out an email where he looked at various towns and rather or not they have them. He said larger towns did seem to have them, but many smaller ones did not, just as an FYI. Tracey felt we should just do it; Craig agreed but said it should be done with written guidelines on how it's to be used and such. He said he would like to see those in place before beginning a page. Martha said Danny had spoken with Thomaston and added we should speak with Rockland and Rockport about it as those seem to be the two other local towns with them. Alton said we can get more information and discuss it at the next meeting. Danika Poland asked if they were going to get more information or asked if one of us in the office can get the information. Tracey said to go for it; Craig agreed saying he didn't think they needed to do it. Martha said if they have any policies or protocols in place we could get copies of it would be good. Lisa said she also liked the idea that if it doesn't work, shut it down. Tracey agreed, it's that simple. Craig mentioned asking the school about their ways, too; Cheryl talked about how she has it set up with posting approval for the family group at the school. Samantha Jones said it is just facts, no opinions; Craig agreed all the same information for the website. Edward Amoroso asked if there would be anything on there that would not be on the website, adding he has no interest in using Facebook so how hard will he have to work to get information. Lisa said it would be in addition to, things would be posted on both. Samantha added the Town doesn't run the website, we send the information to Richard to post on the site. Tracey said it won't be moved to Facebook, the website will remain the same. Edward asked who is responsible when something goes wrong, it is social media, and he thinks it is important to think about.

6b. Paving

ACTION: none taken

Discussion: Alton said the bid has been put together and asked if anyone saw any problems. It was noted to add "Invitation to Bid." Alton asked about the big, long contract to go with it; do we want to do that too. Craig thought it was a good idea to do that after we accept a bid. Lisa said it will go in the Courier and their other affiliates.

Motion Carried 4-0-0

6c. Approve and sign Planning Board Member Appointment

ACTION: appointment for Patrick Walsh was signed

Discussion: Lisa said the new member would be Patrick Walsh. Alton asked if that was okay with Bill (chairman of the Planning Board); he answered yes. Lisa also mentioned the alternate as Josh Mitchell. Bob Ellis said he was glad to hear second hand that one of the Selectman recognized why a Planning Board Member wasn't at the interviews considering candidates and he feels it is a good idea and that he and Bill have advocated for that on the side. He said the intent isn't to undermine the authority but to encourage them to take advantage of the resource and experience. He said the Chairman of the Board could be present at interviews as that is how it would be done at a business. He said there have been a fair share of appointments that haven't gone as hoped. Bob said he also got wind that they talked about having an alternate. He said the bylaws from years ago discourage those due to decisions being able to withstand challenge and be as final as possible. He spoke about alternates and attendance being problems and noted several case law examples in Maine where decisions made by Planning Boards with alternate members did not hold up because all members weren't at all meetings so it was seen as the applicant not getting a fair share with the alternate but having all the information. He continued on with the court cases and information, in end saying he feels having alternates isn't viable at all and is a bad idea. Bill Aboud agreed. Alton asked if we should just sign the one appointment and hold off on the alternate appointment; Tracey thought it seemed like you had to. Craig wanted to say why they did what they did adding both of these candidates were excellent. He said Patrick had a ton of experience and legal background, while Josh is a lot younger but also very eager and added many people would like to see younger people involved in town business. He said it was done to prevent Josh from falling off and not wanting to be involved anymore; he said it was very unusual, but great, that there were two great candidates. Martha said it was also unusual that there were no vacancies anywhere else so that's why they felt the alternate would be good. Craig said back to Bob's question, when filling seats, why don't we have a representative from that Board at the interviews; he wasn't sure if maybe they don't have a vote or a say, but thinks in the future it would be good to have them there if they're allowed to be. Alton agreed it would be good moving forward; Martha wasn't sure why we haven't done that in the past either. Bill said he had sent a letter to the Select Board years ago suggesting that, too. Martha asked if we are in agreement about inviting a member from the Board with opening seat to further interviews, the Board agreed.

6d. Pleasant View Cemetery

ACTION: Chairman Alton Grover made a motion, seconded by Tracey Bally, that the Town will reimburse the person \$500 for the plot

Discussion: Alton said there is a lady who wants to move a grave/stone from Pleasant View to North Cushing and would like the \$500 she paid for the lot back. She said she would also like to be reimburse for the footing under the stone. Alton didn't think that should be done. Craig agreed, saying he didn't mind reimbursing the \$500 for the lot because we can resell it, but he feels any improvements made to the plot is her cost. The Board agreed to only reimburse the plot cost of \$500

Motion Carried 4-0-0

6e. Sign Winter Maintenance Contract

ACTION: contract with J.K. Kalloch was signed

Discussion: none

6f. Town Trucks

ACTION: none taken

Discussion: Lisa thought something was going to be written up. Alton said it should go to the next meeting because the guy he is waiting for information from went on vacation after they talked.

6g. Transfer Station

ACTION: none taken

Discussion: Martha wanted to report that she attended the most recent MRC board meeting and that they are moving along slowly with the sale of the Hampden facility to Delta Thermal Energy. She said they are hoping the sale will go through in June and the plant would open in September. She said there are a few issues they have that the participating towns will need to agree with to move ahead. She said one is extending the agreements signed for two more years and the other is that they want the option to buy the real estate. She said MRC owns the real estate (land) and they want the option to purchase that in addition to the buildings. She said there will be more discussion with all of this coming up and information should be sent to the office, too.

7. New Business

7a. Cottage Road wharf

ACTION: none taken

Discussion: Alton said everyone had copies of the email from Scott and he wants to know what the Select Board and the Planning Board wants him to do; rather they want him to carry it out and go through court or what. Bill Aboud said he received documentation, but they haven't had a meeting to discuss it; he said they have a meeting the first Wednesday in May. Alton thought DEP had been there; Craig thought Scott had just received photos. The Select Board decided to join the Planning Board meeting on May 5 to discuss and make a decision. Mariann asked why Scott thought it would need to go to court; Alton answered that's just an avenue he can go if needed. Juliette said she had spoken with the property owners and that they are aware and seem to be reasonable people.

7b. Mapping

ACTION: none taken

Discussion: Bill Aboud says the last several years we were waiting for the State to send us aerial photographs and we finally got them last December. He said we have the opportunity now to put different layers over the aerial map which would be very helpful for the Planning Board, the Assessor's Board, and the towns people. He said one instance is you can put their property boundaries and shore land zoning as well as other zones in the town. He said we're working on that and as part of it, we need new maps, the big maps in the office showing all the town properties. He said the price is to do it all digitally and he said the price is quite good. Craig asked if this was in the 2021 budget that will be approved at Town Meeting. Bill said it is. Alton said once it's approved, we can sign it. Craig asked when in July, there's not date so is that the 1st or the 15th. Bill answered as soon as they can get to it in July. Bob Ellis said this will be the first time we can have overlays on the tax maps and how much time/costs it will save homeowners with the needs of surveyors or engineers. He added Austin Donaghy will be doing all of that, as he just happens to know how to do it and has offered.

7c. Assessor's Agent

ACTION: none taken

Discussion: Craig mentioned how back in December they had talked about putting out to get competitive bids on the assessor's agent contract. Bill Aboud said he would like to talk about, he doesn't feel its necessary to do. He said Garnett, the guy we have now, is world class and the State even uses him for their assessing problems. He said he has written a two-page letter in support of Garnett, and he just can't imagine we will find anyone who will do it better than him and the price he charges us. He said he did an informal survey of local towns and the daily rates they pay for the service and they go from \$200 less to \$400 more. He said asking for bids, you'll see the bids and their credentials, and they won't compare to Garnett. He said we were his first Town when he started and we have a long history with him. He mentioned a deny of an abatement that has been challenged in court at the County; he said normally you'd have to hire a lawyer but Garnett is taking care of it and handling it on his own. He said he is also already thinking how to commit at 100% to get the maximum State reimbursement, and parts of the Town he can reevaluate now so he doesn't have to wait until we have the money for the whole Town re-evaluation. Bill said Garnett thinks of this stuff in advance and most assessor's don't; many just do their job day to day and he's not that way. Bill said he feels bad for people that will submit bids, because he doesn't feel we'll hire them. Craig asked if we have his new contract, and if we can see that to see if he's going to change rates and stuff. Bill said he is, it's in the budget. Alton thought it still had to go out to bid. Craig agreed saying he philosophically feels that any professional contract that is a multi-year contract with the Town should always be bid; adding we do it with everything including winter maintenance now, too. He said it's always good when you have a professional service form working with a Town. He said it's not pro or negative Garnett, it's just something to keep everybody honest. Martha agreed saying we can't pick and choose what we do and don't put out to bid.

8. Comments from Citizens: Edward Armoroso asked if there was a reason to have more faith in Delta Energy than we did the original people. He asked if there is any reason to believe that Delta

Energy is not going to just come in and then sell the equipment and start over again. Martha said they can't do that immediately but down the road there is no way to know what any purchaser might do. She said that is one of the drawbacks to selling the land is that takes away a measure of control/oversight. Edward asked if Delta had any competition. Martha said initially there were seven entities, but they all fell by the wayside, mostly because they couldn't come up with the funding.

---Executive Session---

The Select Board entered into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A) to discuss office scheduling at 7:05 p.m. A motion was made by Chairman Alton Grover and seconded by Tracey Bally to go into Executive Session

Motion Carried 4-0-0

Selectmen Craig Currie motioned, seconded by Tracey Bally, to enter back into the main meeting at 7:32 p.m.

Motion Carried 4-0-0

ACTION: Selectwoman Tracey Bally made a motion, seconded by Craig Currie, that Sami and Danika work modified hours as discussed in a written contract until September 13 when the Board will examine how this has worked

Motion Carried 4-0-0

9.Adjourn

ACTION: Selectwoman Martha Marchut mad a motion, seconded by Tracey Bally, to adjourn at 7:35p.m.

Motion Carried 4-0-0

Respectfully submitted,

Samantha Jones
Recording Secretary