

TOWN OF CUSHING  
BOARD OF SELECTMEN  
Minutes of Meeting  
Monday, May 10, 2021  
Via ZOOM

**Selectmen Present:** Chairman Alton Grover; Selectmen Tracey Bally, Craig Currie, Dan Staples, and Martha Marchut

**Selectmen Absent:** none

**Staff Present:** Town Clerk Lisa Young

**Public Present:** Robert Ellis, William Aboud, Nicholas Urbanek, Tom Laaka, Juliette Laaka, Laura June, Fred Berg, Samantha Jones, Danika Poland, and Cheryl Stackpole

**1. Call to Order:** Chair Alton Grover called the meeting to order at 6:56 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 Alton Grover, to approve 2021 Warrants 19 and 20.

**Discussion:** none

**Motion Carried 5-0-0**

**4. Review and approve the minutes of the April 26, 2021 meeting**

**ACTION:** Selectwoman Martha Marchut made a motion, seconded Tracey Bally, to approve the minutes of the April 26, 2021 meeting as written

**Discussion:** none

**Motion Carried 4-0-1, Dan abstained**

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

**5a. RSU Budget Warrant**

**ACTION:** none taken

**Discussion:** Dan informed the Board that the RSU 13 Warrant for the June 8 vote came in today and members of the Board need to go in and sign

## 6. Unfinished Business:

### 6a. Town Facebook Page

**ACTION:** Selectman Craig Currie made a motion, seconded by Dan Staples, that we have a six-month trial having a Cushing Facebook page and revisit it in six months

**Discussion:** Tracey said Danika has some information. Danika said she did some research and reached out to other towns around us. She said she spoke with some that did have Facebook, and some that did not. She said she really didn't get any negative feedback. She said towns that didn't have it, many were because they just didn't have someone who wanted to do that. She said the City of Rockland, Town of Rockport, Town of Union all have it. She said she also spoke with Dawn at the Cushing Community School; she added she got all great feedback. She said it would be set up as a public government business page so it can all be controlled. She said it will have a username and password that will be used in the office only. She said everything has to be approved by the admin which would be Sami or I, or Lisa too if she wants to. She said someone mentioned having a policy which we can do if the Select Board wants. She said this page is only for facts; no negativity. She said everything posted on this Facebook page would also go on the Cushing website, there would be no information that goes on the Facebook that doesn't also go on the website; this would strictly be in addition to, another source for the public. Nancy told Alton to ask why they need a Facebook when there's already a website. Tracey answered because there are a lot of people that don't use the website and they get their information from Facebook; she added the website really isn't user friendly, She said some people are already on Facebook and used to getting their information from there. Danika said it is another great way to engage with the community and the only reason we are trying to go forward with this is because we are listening to our community; she said this is something people have asked about and why we don't have it as it will be a great tool to have. Nancy asked why do the people not use the Cushing website, she said we are not into Facebook but we get everything from the Cushing website so why do we need Facebook. She added what's the difference, if you are interested in the town and you want to know stuff, why can't you look on the website. Danika said you absolutely can, and this isn't costing anything or replacing anything. Nancy said the office puts everything on the Cushing website that needs to be on, so why do we need to have Facebook, I don't understand it. Danika replied it is an additive source of information to the public. Nancy asked for what. Bill About spoke up saying some people like to watch tv, some people like to listen to the radio, some people like to read the newspaper; this puts it on everything people can use. Nancy said it doesn't need to be there, that is crazy. Tracey disagreed saying it does; a lot of people get their information from Facebook. Nancy asked why. Tracey said because they do, she doesn't know why, she doesn't ask everybody, but they do. Danika answered it is the 21<sup>st</sup> Century, she's sorry it's just the way it is. Nancy said if it's the 21<sup>st</sup> Century then just do the town report. Tracey asked Nancy why it bothers her if they have a Facebook page. Alton said we're not on Facebook. Tracey said I know, but why does it matter if there is one; you don't have to be as you can get the same information from the website. Nancy said that's right, you don't have to do Facebook and a lot of people get the wrong information off from Facebook, believe me. Tracey said right, but this is an information page and they will get the right information, don't you want them to have the correct information. Nancy said well are you saying they don't on the website, you gotta be careful. Everything in this town is on the Cushing website. Danika said this isn't a page up for discussion, this is going to be a page of facts and that's where the control of the page will come in. Martha said if we have the manpower to do it, having both isn't a bad idea. Tracey agreed adding the more information that gets out to more people the better. Lisa said it is very controlled as we've talked last meeting, it isn't something where people can't send comments, it's just information to get out to people as another venue. She said it's not the normal page where comments go back and forth. Samantha added it is a quick source too; where people don't necessarily have to go look for it, it just comes to them, as well. Craig agreed. Tracey said it's also quick to get it out, you won't have to send to Richard and wait for it to be uploaded. Bob asked if the whole Board oversees it or just a designee from the Board. Danika said Dan did make a comment about it being approved by the Board; she asked is that something you want to take on or is that something Lisa can approve. Dan answered that his comment was said when he was originally against it. Now he realizes it's a controlled

page with no public comment he is more comfortable with it. He said it's not a matter of trust, it's just making sure the right information gets out there. He added he doesn't think we need to sit there and hold you guys' hands, but every once in a while, if something of question does come up, it could be run by Martha as the liaison. He said if it's controlled, and more information gets out, it's a good thing.

### **Motion Carried 4-0-1, Alton didn't vote**

#### **5b. Town Trucks**

**ACTION:** none taken

**Discussion:** Alton said they will go out to bid. He said we got to right something up for a bid and he knows of at least 3-4 people interested so they need to write something up and put it in the paper, right. Dan said the biggest thing would be minimum bid. Alton said the salesman was back from vacation and he talked to him, the newest one would be a \$90,000 minimum bid. Dan thought that seemed reasonable, 14,000 miles and stainless steel. Alton said he would write something about each truck and then read them over and put them in the paper. Dan asked about a minimum for the 2007, with stainless steel body, sander, and plow, it should be worth something. Dan said how about \$20,000 minimum. Alton said something will be written up and we'll talk about it at the next meeting.

#### **5c. Update on broken gravestone at Norton Cemetery**

**ACTION:** none taken

**Discussion:** Craig said he sent the email from Bob Weisert. Said he is getting 2-3 bids, but he hasn't seen them yet so doesn't have the update yet.

#### **5d. Special Town Meeting on Broadband Coalition**

**ACTION:** none taken

**Discussion:** Craig said we heard tonight and asked about the Board's feelings. He said he just got the interlocal agreement and would send copies of that to everyone. He said we can't do the June 8 ballot, but could do a Special Town Meeting sometime later in June, so he's asking if the rest of the Board is interested in that. Dan asked if there would be enough time to look over the information. Craig said yes, the vote would only be based on the information in that agreement. Bill asked about the \$5,000. Craig said that would be the next thing, what is the Board's feeling on contributing that to the feasibility study. Dan said he isn't sure we can since we didn't have money set aside for it, but it could be added to the Special Town Meeting Warrant as well and ask the townspeople. Martha asked about undesignated funds for that. Dan said he would ask the townspeople. Craig agreed with Dan adding his biggest hang up on this idea isn't that it's not the right thing to do but he isn't sure if Cushing wants to be involved with it. He doesn't know how many people really want fast broadband.

#### **5e. Letter to Knox County on broadband funds**

**ACTION:** Selectwoman Martha Marchut made a motion, seconded by Dan Staples, to send a letter in support of the county using the funding they are about to receive to support the Broadband Midcoast Internet Coalition

**Discussion:** Craig said he passed around this letter that came from Rockport and Camden. He said his question is rather or not this is something we agree to sign as a Select Board to go to the county. Martha

asked at what point. Craig felt immediately as it's not funds that are coming to us, it's funds that are coming to the county. He said they are getting almost \$8 million and he doesn't think they have any idea what they are doing with it. Craig added we are getting almost \$150,000. Dan said if we don't agree to this, would be we want not qualify for any of that. Craig said no, this would just be a letter of support, telling the county we would like it to be used for broadband. Dan said if we support this and then put it out to townspeople and they don't want it, it could be a catch 22, not sure what harm it can do. Craig said if there is another way for them to spend it that could be said too; the only thing they can't do which I wish they could, is give it back to homeowners as property tax relief. Dan thought a lot of different entities will be reaching out to get some. Martha said if we send this letter it doesn't commit us to use our funds a particular way does it. Craig said it does not, it only recommends how the county uses their funds.

### **Motion Carried 5-0-0**

## **7. New Business:**

### **7a. Culverts on Killeran Lane**

**ACTION:** none taken

**Discussion:** Alton said there are two culverts on Killeran Lane that need to go out to bid. He said one is a driveway culvert and one is a road culvert; they'll have to write up the specs. Dan said there is also a little ditching. Alton said they are written and ready; Lisa said she forgot to send them to Board but would have to check as she wasn't sure the ditching was written up in it. Alton said he doesn't think it was, but he said he will go back and mark the road, too. Dan said he asked if the culvert was laid lower would that help not wear the gravel off so quick. Alton said he thought he was a fisherman. Alton said he will check it over and maybe add a little to it before it's posted.

### **7b. Salt & Sand Bids**

**ACTION:** Selectman Dan Staples made a motion, seconded by Tracey Bally, to accept the salt bid from New England Salt Co., LLC for \$52.20 per ton

### **Motion Carried 5-0-0**

**ACTION:** Selectman Dan Staples made a motion, seconded by Craig Currie, to accept the bid from Meklin & Sons Excavation, LLC for \$12.00 per yard (this includes a bulldozer)

### **Motion Carried 5-0-0**

**Discussion:** Alton read the bids as follows:

Salt Bids: Eastern Salt, \$79.90, Harcos, \$80.74, and New England Salt, \$52.50. Lisa said New England's actually bid paper actually says \$52.20, which is even cheaper.

Sand Bids: DR Flagg, \$13, George Hall, \$16.25, and Alton had a sealed bid from Meklin's (he hadn't opened yet) that read \$12. Dan said that also includes the bulldozer which saves money.

### **7c. July 10-11 Cushing Public Library yard sale at Community Center**

**ACTION:** Selectman Dan Staples made a motion, seconded by Alton Grover, to approve allowing the Library to hold a community yard sale in the parking lot at the Town Office

**Discussion:** Craig said the Library Board would like approval to do a Saturday and Sunday yard sale in the parking lot and the area around the Community Center. He said it will be outdoors, free of charge, and people need to sign up to have a table. He said it's kind of in lieu of the yard sale Gary and Ida used to host, which they are no longer doing, so the Library Board would like to take over hosting. Alton asked if the Library gets the money. Craig said no, they are just organizing, anyone who has a table to sell gets their own profits. Alton asked about insurance. Craig asked if they were covered by that as a Library sponsored event. Lisa said they do have their own insurance which would cover it, but she would double check.

**Motion Carried 5-0-0**

**7d. Sign/approve appointment for Alternate CEO/LPI**

**ACTION:** Chairman Alton Grover made a motion, seconded by Dan Staples, to approve the appointment of David Studer as Alternate CEO and LPI

**Discussion:** Lisa said she needs to check if he accepts but wanted it approved before asking.

**Motion Carried 5-0-0**

**7e. Planning Board**

**ACTION:** Selectman Dan Staples made a motion, seconded by Craig Currie, to direct the CEO to go after any violations that are pursuant to this property

**Discussion:** (moved to top of agenda under unfinished business) Martha said the Selectman were invited to the Planning Board meeting to discuss the issue concerning the Laaka family; she added two of them did attend that meeting and this is a follow up to that. Bob Ellis said the members that weren't in attendance could probably benefit if he summarized what he had said before. The Board agreed. Bob said when Scott Bickford asked for their opinions, they didn't have the application that was issued to the Brooks from the Town and the DEP. He said they were supplied those later to research and both the Town and DEP issued permits to the Brooks family. Bob said in his mind the DEP permit is an ongoing violation every day because it's an inappropriate use in a residential district carrying out commercial use. He said for the other members he read that in the shoreland zone the limited residential zone is described as areas suitable for residential and non-commercial recreational development, except for home occupations commercial uses are not permitted. He said in his mind that is the underlying violation that has been in violation for years and he hopes that the Select Board will get after the CEO to enforce that and not go down the road of consent agreements and turn the town around into a town that enforces its ordinances that we took an oath to uphold. He said he has been hearing some contrary arguments about this enforcement, and it's not because he's a hard nose, but they have to treat every property owner in town the same and can't let people get off the hook. He added that anyone with waterfront property knows that you have to get permits to do things and they know what their obligations are. He said the ignorance from the law doesn't protect you from the law; if a bank robber doesn't get caught for robbing a bank two years later, he is not off the hook. Bob said in this case the violation has occurred every single day since that permit was issued erroneously by the DEP. He asked who is going to prove that the incorrect permit was issued by the DEP in a residential zone they wrote the ordinance for, then called it a commercial permit. He said the answer is the CEO because in every permit from the DEP it says that this approval does not substitute any other approval or verify compliance with any applicable shoreland zoning ordinance. He said in other words the shoreland zone compliance is a responsibility of the CEO even with the DEP permit. He said that use is the underlying violation here; along with it erecting buildings without permits, which citations should also be issued for those violations. Bob said his

fear is that the CEO may want some kind of compromise in other words go after the buildings that were erected without permits instead of the underlying one, a violation of use. He said if the Town of Cushing allows that to go on knowing it's been going on, then we're not applying our ordinances equally to everyone and that's his concern. Dan agreed, he said he had to go through all those steps when he did his wharf, however if we have ordinances in place, the CEO should put them in place. Dan said not only the underlying part where it's not in compliance and hasn't been for five years, but if there are other violations there, those as well. Dan added he didn't think it should be a discussion if we should or shouldn't get the town lawyer involved; if we need her involved, we'll get her involved that's what we have her for. Dan didn't really see what the problem was, he feels we should do what we were elected for and follow through it. Bill Aboud said he doesn't feel we should compromise like the lawyer has recommended on other Planning Board issues. Dan said he never mentioned compromise, it's a violation and needs to be taken care of. Bob said he felt Scott asked for our opinions hoping he would get a soft opinion and give them a way out. Martha said having been at the meeting there seem to be a number of areas with possible violations and she can't imagine not expecting Scott to pursue those; she said it feels pretty clear something needs to happen. Craig said the first step is using the CEO, adding the lawyer does not need to be immediately involved unless there is some kind of throwback. Alton said Scott told him he was looking for direction from the Selectman and the Planning Board; he wants them to tell him what to do. Craig asked why do we have a CEO who won't just enforce ordinances. Tracey asked why do we have to tell him to do his job. Craig agreed, saying we pay him \$13,000 a year so he should do it without us having to be involved. Tracey added she whole-heartedly agrees. Dan said he has said that in the past. Craig said this was the first time since he's been on the Board for the past year; he said if there is an ordinance on the books, enforce it. Bob Ellis again stressed the use violation so that doesn't get lost in all of this; fundamentally commercial uses are not allowed in the residential zone. He added he will get around that if he can. Craig said that is in the ordinance. Bill said yes, it is, and it's clearly stated. Dan said the CEO needs to enforce it as read in ordinance, no variation.

### **Motion Carried 5-0-0**

#### **7f. Transfer Station**

**ACTION:** none taken

**Discussion:** Martha said there was a document that came in about the fundamental changes to the contract. She said Delta Thermal Energy, the people attempting to take over the facility, are in a tough negotiation and have four items they want to change. She said those proposed changes are called the fundamental matters and have to be put before the membership before they can be approved. Martha asked if the Board has seen the document yet. Dan said they had a hard time with DEP delays, and one was a two-year extension on the State lease; he asked if that was the thing with DEP and could they put another wrench in it. Martha said that extension refers to the site lease agreement and the master waste supply agreement. She said we signed three different agreements: the joinder agreement, the site lease agreement and the master waste supply agreement. She said they want a two-year extension on those. She said another change was instead of a profit-sharing thing, they want a rebate structure on the amount of trash we send there. She said the big change is they want the right to purchase the land that the facility sits on, and that land is currently owner by MRC. She said they can't purchase it without jumping through a number of hoops, but they want that option. She said the members have thirty days to request a special meeting if they are concerned. For that to happen enough members have to make a request, so if we alone request the meeting, we won't get it, but we could be one of a number of people to request this. Martha said Bob Butler isn't hearing that towns are particularly interested in anything other than moving forward. She said if we get out of this, the Waldoboro Transfer Station would go with someone else would most likely increase our tipping fees by \$10 per ton, which would be an expensive venture. She said her question is rather we as a Board can vote on this or if it needs to go directly to the townspeople. Martha said she would like Kristen to look over the joinder agreement and be sure we don't need to bring this before the town; adding we may need a special town meeting if we can't make the

decision to represent the town on our own. Martha believes we can but would feel better if the attorney agrees. Martha asked if the Board agreed, and added we only have thirty days, so it needs to move fast in case we do need to bring in the townspeople. Dan agreed it was fine to have her check it out, but he doesn't think it needs to go to the townspeople either. He said given the limited amount of time it would be difficult to do anyway. Martha said her own recommendation is to go with it anyway.

## **7g. Assessing**

**ACTION:** none taken

**Discussion:** Alton asked about the memo from Bill Aboud about Garnett. Dan said we have to send it out to bid. Craig agreed, saying his motion from back in January still stands and they need to get bids. Alton agreed. Craig said he would look hard at getting rid of Garnett, but he thinks he needs to keep him honest. Dan said it needs to go through the process anyway, we've always done it. Craig said his contract is up the end of June. Lisa confirmed and said we need to get going on it. Craig said Bill could be involved with the language of the bidding process. Dan asked if any of that was on file from before. Lisa thought that was Dan, she didn't remember the last time it went to bid. Craig said a three-year contract, was it done three years ago. Lisa said no, she thinks it was just reassigned. Dan said it was probably a time restraint thing, didn't do it in time. Craig asked if he and Bill could work together on getting the bid together for that job and asked if it should be brought back to the next meeting. The Board agreed.

## **7h. Zoom Meetings**

**ACTION:** none taken

**Discussion:** Craig said Dan won't be here the next meeting, and asked if everyone is comfortable with Zoom, could we do meetings where someone is available remotely, we all do a Zoom instead of getting together in person. Alton said he doesn't want a Zoom meeting. Martha asked if Dan would attend from Florida; he said he would. Craig also said he will be gone most of the month of July, so this would affect him this summer. Martha said it was fine with her. Tracey said she will do it, but she doesn't like it, her internet isn't great. Craig said he is fine either way, whatever the majority feels. Alton asked if it's a problem to have it live. Dan said he can't come 1700 miles for one day; he apologized for not being able to be involved and about missing the Town Meeting adding he was in the hospital and it was out of his control. Tracey asked if we could have a laptop there and Zoom Dan in or is that too difficult. Craig said he would have to ask Lisa if that is possible, how is the internet there. Craig said the Cushing Library Wi-fi is quite good. Craig said yes, technically we can do that. He will bring Danny (and myself in July) in on the laptop. Martha asked how it will work. Craig said we will show up in person and have a laptop on where people can also join remotely. Craig said that Zoom won't be made a public option to the Town because four of us will be in person for citizens wanting to attend.

**8. Comments from Citizens:** none

## **9. Adjourn**

**ACTION:** Selectman Dan Staples made a motion, seconded by Craig Currie, to adjourn at 8:03 p.m.

**Motion Carried 5-0-0**

Respectfully submitted,

Samantha Jones  
Recording Secretary