

TOWN OF CUSHING  
BOARD OF SELECTMEN  
Minutes of Meeting  
Monday, June 28, 2021  
Cushing Community Center

**Selectmen Present:** Chairman Alton Grover; Selectmen Tracey Bally, Daniel Staples, Martha Marchut, and Craig Currie who joined by Zoom

**Selectmen Absent:** none

**Staff Present:** Town Clerk Lisa Young

**Public Present:** Christopher Crosthwaite, Zoe Sessums, Charles & Eileen Skolds, Fred Berg, Laura June, Robert Ellis, Thomas & Juliette Laaka

**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 Tracey Bally, to approve 2021 Warrants 26 and 27

**Discussion:** none

**Motion Carried 5-0-0**

**4. Review and approve the minutes of the June 14, 2021 meeting**

**ACTION:** Selectman Dan Staples made a motion, seconded by Alton Grover, to approve the minutes of the June 14, 2021 meeting with changes

**Discussion:** Lisa noted one typo correction that was already made. Alton noted on the second page talking about the yield signs; Alton said yellow is a law, it is suggested, it should be yellow is not a law, it is suggested. Alton also said where it talks about roadside mowing it talks about his son, he clarified it should say it was Arthur Kennedy's son, so it doesn't sound like it's Alton's son. Dan said on the same page it says it says putting the carpet before the horse, that should be cart. Martha said she had brought up last time that something that did make it into the minutes; she said it was added but said it did not make it into the meeting, that should say minutes not meeting.

**Motion Carried 5-0-0**

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

**5a. Spirit of America Award**

**ACTION:** none taken

**Discussion:** Martha said Lisa sent out a copy of the proclamation they did for the Spirit of America Award and if nobody has any objections, they can move forward with that. She said she has two official copies ready to be signed; she added if Craig is okay with it someone could sign for him. Craig agreed that was okay. Dan said they will get it finished and present it to Arthur's family at the next Selectmen meeting.

## **6. Unfinished Business:**

### **6a. Cottage Road violation**

**ACTION:** none taken

**Discussion:** Dan said he added this as he is kind of aggravated nothing has been happening, but he did say unknown to him a letter had been sent. He said he saw a part he didn't care for, so he had called and asked her about that. He said it read that parts need to be moved or permitted within 60 days. Dan said it is a violation why does it say that. He said her answer was in case it had been there for a while, but she can remove that. Dan said Kristen is now ready to write up the violations and he thinks they should give her the permission to do that. Dan said the courts are so jammed up they might need to do an injunction to get it moving a little faster and could cost the Town a little more. Bob Ellis asked if the rest of the Board agreed with the list of all the violations. He also mentioned a few things she didn't mention, such as the fuel line; adding in when there are multiple violations, they should all be represented not picked which ones you go forward with. Bob said the Planning Board went through all the Town and DEP permits and referenced the Ordinance and referenced which ones are in violation and feels they should all be included. Thomas Laaka said these are for Cottage Road but there are also people on Weymouth Landing complaining too, adding it isn't just affecting Cottage Road. He said it is a commercial dock that shouldn't be there, adding Fred lied to them when he got the permit about the size of it and what it will be used for. Thomas added after that there was never an inspection, they added a lot more. Dan felt it was important and everything should say the same thing and keep it less confusing. Bob mentioned the Select Board writing something up with their signatures to help carry more weight, too. Dan said now that the lawyer is involved, she will write up the violations as she will be the one representing it for the Town. Thomas asked about the hold up, adding it has been three months. Dan said once she gets it into court it will take effect immediately, but added they need to do it legally and go through the steps. Juliette asked if once they receive the letter will it stop. Dan said it has to be a court injunction to get it stopped, so the sooner it gets there the better. Juliette asked what if they don't stop, what are the fines. Dan said the letter reads that given that the owner has made profit they are asking the court for significant fines of at least \$30-50k. Bob added in the shoreland ordinance itself, under enforcement, it says that town by way of the CEO is obligated to respond to these violations once they are aware of them. He said that also includes discontinuance of illegal use. Bob also read that not just the landowner, but also any person who carries out these violations can also be cited. Thomas said the person that is fishing there is the one who built a lot of the buildings and stuff anyway, he said Fred knew he was selling and used it as a bargaining tool to sell, too. Thomas said he was under the impression that when Fred left Travis would go with him, but the new owner let him stay and told Thomas that it is good income for them as they won't be living up here for the next five years. Tracey said the lawyer did say the citation would be sent to both parties meaning the owner and the person working from the wharf. Someone asked about the Town having an obligation to the State or noise ordinances on lobster boats, adding how loud the boat is. Bob answered that the noise complaint doesn't fall under the shoreland but can be called into the Sheriff's as a nuisance complaint. He said it would probably need more than one complaint to have any stance. Dan said there are no noise ordinances in Town and have no way to enforce those. Someone asked about Sheriff's enforcing things; the answer was they really don't, they're spread too thin. Bob added with no standards, the Sheriff's also mostly issue warnings, or need to see things happen themselves. Thomas added the point is enforcement, everyone wants someone else to do something. Dan said that is why we are going through the lawyer. Tracey said there will be a letter sent to cease and desist, but they have

already said they will get a lawyer so it will go to court. Someone asked about all the violations and the fuel system installed and asked if the EPA has been notified as it's an accident waiting to happen. He said it seems to be if they are in violation there should be somebody in the State who can say stop. Dan said he knows from experience, but the only agencies he sees could be the Fire Marshall's and the DEPT. Thomas said Maritime Oil should have some responsibility before they pump oil in a tank that close to the shore without seeing a permit. The other person said it's an environment protection that the community should be able to have them see it is unpermitted and make them stop. Juliette said someone did come down and inspect it and people are aware, but no one is really doing anything. Juliette said she spoke with someone from DEP last week who was going to check with the Fire Marshall's office as the tank isn't registered there. Another person noted they leave trucks parked on the wharf and if they ever had an oil or gas leak it would go right in the water. Bob suggested having Kristen send Fire Marshall and DEP a letter too so it's on record. Dan said that is how everything has to go through the legal channels. Bob said he would get together with Dan for the verbiage of the diesel violations to have them added. Juliette asked if there is any type of timeframe with the next steps. Dan said once they give her the okay with all of the violations, she will write it up and file it, but you are at the mercy of the courts; he said that's why she would like to go with the injunction to make things happen quicker. A resident asked about if daily rentals are allowed in a limited residential zone, adding they are trying to rent their house by the night. Bob said residential rentals of any kind but not commercial are allowed. The lady asked if nightly rentals are commercial. Bob answered renting out a commercial entity. He said the house is just a basic residential rental and added in Cushing we don't have anything, but all towns do it different in regard to Airbnb. Bob said Cushing doesn't regulate anything aside from the conditions in the shoreland zone.

*...Craig lost connection and left the meeting...*

## **6b. Food Pantry**

**ACTION:** none taken

**Discussion:** Dan said he thought the Food Pantry people were going to be here. Lisa said she thought Dan wanted to do more research and when she asked him if she wanted to invite them to the meeting and he said no because he had to do some research. Dan said he was going to ask MMA lawyers and he would make a note to remind him to do that. Martha asked what questions need to be asked. Dan said questions about buying for \$1 and about giving it back if it goes wrong. Martha said if they decide to sell, then they have questions for a lawyer to make sure we are doing it right; she felt they needed to decide if they would like to sell first though, adding she was thinking maybe they decided they don't want to as it is in the middle of all of our property. Dan said he and Alton had talked about that too, if they ever needed a road to get onto the land [behind the pantry] and Alton thought it was fine but Dan said he respectfully disagrees, adding the way the ordinance is written with view/sight he didn't think there was. Dan said he questions if there could ever be an entrance if the town wanted to use that land for something down the road. He said if you sell the Pantry there is that much less opportunity. Martha said is that our next step to check with DOT, and if we sell it, is there access. Dan said he thought he should ask the lawyer her views on selling it and what would happen if they go belly up and sell it back to us. Alton said he doesn't think DOT needs to be contacted on Town House Road because it's our road, but on Pleasant Point they would need to be contacted. Martha felt we need to give the Food Pantry an answer regardless. Alton suggested having them come in to discuss the next meeting and tell them what we're thinking. Martha asked if we are ready for that, adding we do have a clear idea on what we think is appropriate. Alton asked if it should be a vote to the people. Martha said we can make the decision if we want to or not ourselves, then if we want to it would go to the people. Alton said to get information before the next meeting and then have them come in. The Board agreed.

## **6c. Rescind last meetings transfer of funds motion**

**ACTION:** Selectman Dan Staples made a motion, seconded by Alton Grover, to rescind the motion from the last meeting to transfer \$25,000 from the Sander Replacement Account to the Road Maintenance Account

**Discussion:** Dan said the reason is it was an illegal motion

**Motion Carried 4-0-0**

## **6d. Norton Cemetery**

**ACTION:** none taken

**Discussion:** Dan said he called MMA and asked about the stone and added we aren't making accusations as we don't know how the damage was caused and asked if we are responsible for damage. Dan said he was asked if we own the cemetery and he said no we are just responsible for taking care of it, and then went on to ask more questions than he knew. Dan said he had got some information and everyone should have that now. He and Alton had got together and they are going to call him and will have to table this until we talk to MMA, again.

## **6e. Basketball Hoops**

**ACTION:** none taken

**Discussion:** Tracey asked for a progress update on the new hoops. Alton said it's a done deal. He said he asked him [Jim Kalloch] if he will install and put them together, Jim said no problem. Lisa asked about the monies, and what to do with the June rent. Alton said he didn't want to jump the gun, but he would ask them. Tracey felt it was worth at least one month's rent, if not two. Alton said he thinks it's worth more than one. Dan said we should get a quote first. Alton said he is honest and will do what he says. Lisa said we have monies we want to use otherwise that \$700 will just sit in that account. Martha asked if it would be cleaner to just pay rather than reduce rent; she said it will be a better paper trail. Alton said the hoops should be done by the end of next week.

## **7. New Business:**

### **7a. Sign and approve Special Town Meeting**

**ACTION:** Selectman Dan Staples made a motion, seconded by Tracey Bally, to see if the Town will vote to transfer \$25,000 from the Sander Replacement Account, \$8,813.36 from the Snow Plow & Sander Equipment Account, \$5,053.69 from the Town Snow Plow Maintenance Account and the Fuel Account for a total of \$38,854.05 to the Town Road Maintenance Account to be voted on July 12, 2021 at 6:00 p.m.

**Discussion:** none

**Motion Carried 4-0-0**

## **7b. Open Truck bids**

**ACTION:** Chairman Alton Grover made a motion, seconded by Dan Staples, to accept the bid from J.K. Kalloch, LLC for the 2016 Freightliner plow truck in the amount of \$91,500

**Discussion:** Alton opened the single bid for the 2016 Freightliner plow truck from J.K. Kalloch of \$91,500. Alton mentioned the two-way radios should be taken out of the truck and maybe offer them to the Fire Dept. or the Rescue Squad. Dan said they gave a good bid and didn't know why you wouldn't just leave them in there. Tracey asked what about the other truck. Alton said probably try to lower the price. Dan said it isn't going anywhere so we can renegotiate.

**Motion Carried 4-0-0**

## **7c. Approve payment process for new ambulance billing**

**ACTION:** Selectwoman Tracey Bally made a motion, seconded by Alton Grover, to accept the new ambulance billing

**Discussion:** Lisa said our current ambulance billing company [Higgins] went out of business. She said South Thomaston, Thomaston, St. George, and us were all effected. The new company, Comstar, has been working with Andy; her question is in the past checks would come to us and we would deposit them and send Higgins copies, so they knew who paid. She said the other towns are now having things sent right to the new company, and they will send the deposit into the bank for us. Tracey said it's basically less work for you [Lisa]. She said yes. Dan asked where it will go to. Lisa said they're business is in Massachusetts. She added a lot of things are electronic transfers and deposits, but the rest would be sent directly to them, and they would deposit it to us. Lisa asked how much of a delay it would cause. Lisa said it's hard to say but added we don't get that much in check form, as most are direct deposits. Lisa said she feels it is worth trying but is up to them.

**Motion Carried 4-0-0**

## **7d. Assessor's Agent Proposal**

**ACTION:** Selectman Dan Staples made a motion, seconded by Martha Marchut, to accept the proposal from Maine Assessment & Appraisal Services, Inc for \$700 per day from August 1, 2021 to July 31, 2022, \$750 per day from August 1, 2023 to July 31, 2023 and \$800 per day from August 1, 2023 to July 31, 2024

**Discussion:** Alton opened the single bid from Maine Assessment and Appraisal Services, Inc. from Garnett.

**Motion Carried 4-0-0**

## **7e. Roadside Mowing**

**ACTION:** Chairman Alton Grover made a motion, seconded by Dan Staples, to hire Dana Kennedy to do the roadside mowing

**Discussion:** Alton said we can be put on the schedule for Friendship if we agree. Dan said do it.

**Motion Carried 4-0-0**

## **7f. Lisa's upcoming vacation**

**ACTION:** none

**Discussion:** Lisa said she will be away the next meeting and asked if the Board wants to open the Special Town Meeting themselves or if you want one of the girls to come in. Dan said one of the Board members can. Lisa then asked if they can run the recorder or should Sami or Danika come. Dan said one of them should be able to push a button.

**8. Comments from Citizens:** none

## **9. Adjourn**

**ACTION:** Chairman Alton Grover made a motion, seconded by Dan Staples, to adjourn at 7:15 p.m.

**Motion Carried 4-0-0**

Respectfully submitted,

Samantha Jones  
Recording Secretary

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**ACTION:** none taken

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*...Craig lost connection and left the meeting...*

## **6b. Food Pantry**

**ACTION:** none taken

**Discussion:** Dan said he thought the Food Pantry people were going to be here. Lisa said she thought Dan wanted to do more research and when she asked him if she wanted to invite them to the meeting and he said no because he had to do some research. Dan said he was going to ask MMA lawyers and he would make a note to remind him to do that. Martha asked what questions need to be asked. Dan said questions about buying for \$1 and about giving it back if it goes wrong. Martha said if they decide to sell, then they have questions for a lawyer to make sure we are doing it right; she felt they needed to decide if they would like to sell first though, adding she was thinking maybe they decided they don't want to as it is in the middle of all of our property. Dan said he and Alton had talked about that too, if they ever needed a road to get onto the land [behind the pantry] and Alton thought it was fine but Dan said he respectfully disagrees, adding the way the ordinance is written with view/sight he didn't think there was. Dan said he questions if there could ever be an entrance if the town wanted to use that land for something down the road. He said if you sell the Pantry there is that much less opportunity. Martha said is that our next step to check with DOT, and if we sell it, is there access. Dan said he thought he should ask the lawyer her views on selling it and what would happen if they go belly up and sell it back to us. Alton said he doesn't think DOT needs to be contacted on Town House Road because it's our road, but on Pleasant Point they would need to be contacted. Martha felt we need to give the Food Pantry an answer regardless. Alton suggested having them come in to discuss the next meeting and tell them what we're thinking. Martha asked if we are ready for that, adding we do have a clear idea on what we think is appropriate. Alton asked if it should be a vote to the people. Martha said we can make the decision if we want to or not ourselves, then if we want to it would go to the people. Alton said to get information before the next meeting and then have them come in. The Board agreed.

### **6c. Rescind last meetings transfer of funds motion**

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**Discussion:** Dan said the reason is it was an illegal motion

**Motion Carried 4-0-0**

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**ACTION:** none taken

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## **7c. Approve payment process for new ambulance billing**

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**Discussion:** Alton opened the single bid from Maine Assessment and Appraisal Services, Inc. from Garnett.

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**Discussion:** Alton said we can be put on the schedule for Friendship if we agree. Dan said do it.

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## **7f. Lisa's upcoming vacation**

**ACTION:** none

**Discussion:** Lisa said she will be away the next meeting and asked if the Board wants to open the Special Town Meeting themselves or if you want one of the girls to come in. Dan said one of the Board members can. Lisa then asked if they can run the recorder or should Sami or Danika come. Dan said one of them should be able to push a button.

**8. Comments from Citizens:** none

## **9. Adjourn**

**ACTION:** Chairman Alton Grover made a motion, seconded by Dan Staples, to adjourn at 7:15 p.m.

**Motion Carried 4-0-0**

Respectfully submitted,

Samantha Jones  
Recording Secretary