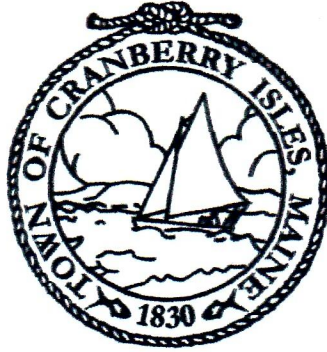


BOARD OF SELECTMEN
RICHARD BEAL, CHAIRMAN

CHRISTOPHER L. HATHAWAY
PHIL WHITNEY

TOWN CLERK / TREASURER
DENISE Mc CORMICK



MUNICIPAL ADVISORY COMMISSION

R. AXELROD, M. DONALD
K. WHITNEY, J. BERZINIS
C. DUGGAN, C. CHAPLIN, K. DAMON

ADMINISTRATIVE ASSISTANT

TO THE SELECTMEN
JAMES FORTUNE

MEETING NOTICE

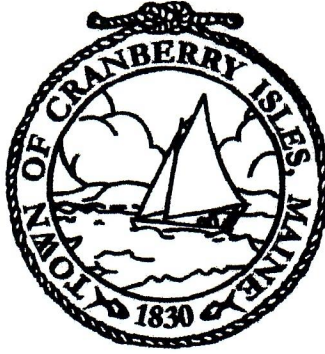
The Cranberry Isles Board of Selectmen will conduct a regular meeting on
Tuesday, September 6, 2011 starting at 8:45 A.M.
at the Cranberry Community Center House on Great Cranberry Island

AGENDA

- I. Call to Order
- II. Review / Approval of Previous Meeting Minutes
- III. Review / Signing Financial Warrants
- IV. New Business
 - A. Discussion about code enforcement for the Town of Cranberry Isles
 - B. Marvin Ott: Shoreland Zoning/Code Compliance
 - C. Snow Plowing Contract – Bid Selection
 - D. Solid Waste Contract Discussion
 - E. Harbor Ordinance Amendments
 - F. Road naming request for GCI
 - G. Marvin Ott: Code Compliance
- V. Other Business
- VI. Executive Session: Personnel Matters, 1 M.R.S.A. § 405(6)(A)
- VII. Audience Communications
- VIII. Adjournment

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DENISE Mc CORMICK

ADMINISTRATIVE ASSISTANT TO BOS

JAMES FORTUNE

**Board of Selectmen's Meeting Minutes
September 06, 2011
Great Cranberry Island Community Center**

Attendance:

Richard Beal, Chairman, BOS
Phil Whitney, BOS
Chris Hathaway, BOS
Jim Fortune, Administrative Assistant
Denise McCormick, Town Clerk
Nanette Hadlock, Deputy Clerk
Malcolm Donald, MAC
Jeff Berzinis, MAC
Katelyn Damon, MAC & EMS Chief
Kimberly Keene, Code Enforcement Officer
Norman Sanborn, II, GCI Harbormaster
Bill Dowling, Harbor Committee
Barbara Stainton
Ruth Westphal
Chris White
Sarah Newell
Johnna Matthews
Morrie Newell
Blair Colby
Pauline Bunker
Jennifer Westphal
Susan King
Jan Moss
Mary Corley
Karl Corley
Michael MacFarlan
Owen Roberts
Janet Roberts
Fred Day
Leslie Watson
Tom Watson
Mark Alley
Miriam Hinnant

Dick Pierson
Gaile Colby
Patricia Bailey
Paul Liebow

I. Call to Order: 8:42 AM by Chairman Richard Beal.

II. Review / Approval of Previous Meeting Minutes

Jeff Berzinis: "In the minutes of the previous meeting, in reading this, it was mentioned in here that 'currently there is no signed contract with Southwest Boat for the trash.' Well, Ed Gray's contract was assigned to us, so in essence we do have a contract, and I think the minutes should be changed to reflect that."

The Town Clerk has received an email from the Town Attorney, dated September 02, 2011, where the attorney writes: "I am unaware of any form of an agreement that was ever signed and never met with Jeff at my office. The hope had always been to amend the existing agreement after Jeff bought the company, but Jeff wanted some time to get used to the business and we never came to terms."

Richard Beal: "We don't have a new contract with you as Southwest Boat is what she's (Town Clerk) is telling me. The Town Attorney says we're riding right now on the fact you picked up on Ed Gray's contract. The Town has authorized you to carry forward on Ed Gray's contract at a new revised price. The new contract will be between us, or the Town, and Southwest Boat."

Jeff Berzinis explains that "there was a concern in the beginning dealing with Dan Lief and Matt Worthen; they wanted to change mostly one paragraph or one area in regards to how to sever our contract. They wanted two and three well a 50-50, course Dan wanted to make it a little heavier on the Town side. So consequently when we did sign with you folks when this contract was transferred to us, we exempted that paragraph. And so everything is as it is, so I mean basically right now we're riding on the old contract and it has been assigned to us. Yes we will work with whoever your designee is and Matt, because I have a proposal from Matt; I also have a proposal from our attorney previously. I guess because of a lot of things going on and also every thing going well, I guess..."

Richard Beal: "The goal of the Selectmen, if I can speak for all three of us, is to have a new contract with you with any recommended changes from you or your attorney, as soon as possible. I'd like to start the next fiscal year, which for us is 1 January, with a new contract in place. I believe that is more than possible with the work that has already been accomplished and the negotiations that took place. We have all the data that came from the arbitration and we can carry forward with you if you will present to us, Denise, or to the Town Attorney directly if you wish through your Attorney any of the changes you see necessary based on one year's operation. We will amend the minutes to reflect that rubbish is still being hauled under the Ed Gray contract." (Section IV, F, Solid Waste Contract).

Phil Whitney requests that Section IV, H, Clean Harbors-Clean Shores Program be amended to reflect that the understanding was that they were going to charge a specified amount of money for these services.

Richard Beal voices concern over these individuals trespassing on property below the high water mark where owners may not appreciate it.

The Town would be responsible for dumpster rental and barging costs.

Phil Whitney requests that Section V, Other Business, (page 5): Richard Beal moves to take the money for trimming at Manset Warehouse up to \$1200. Phil Whitney seconds the motion. *Change: Motion passes. (2-0)*

Only two Selectmen were present at the August 02, 2011 Board meeting.

Phil Whitney requests that Section VII, Adjournment: Richard Beal moves to adjourn the meeting. Phil Whitney seconds the motion. *Change: Motion passes. (2-0)*

Only two Selectmen were present at the August 02, 2011 Board meeting.

Phil Whitney moves to accept the August 02, 2011 Board of Selectmen meeting minutes with the amendments specified. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **(3-0) Motion passes.**

III. Financial Warrants

Warrant #40:	6,018.42	
Warrant #41:	6,190.95	
Warrant #42:	12,594.21	(School)
Warrant #43:	6,280.65	
<u>Warrant #44:</u>	<u>52,414.23</u>	
Total:	\$ 83,498.46	

Phil Whitney asks what is the civil penalty being paid on today's warrant #44 is for. This is regarded as legally confidential dealing with an employee matter and must be discussed in executive session. Richard Beal states that "when this occurred, I said right away that we should put something on paper. I was told it's the School Board; they failed to do their job; the Superintendent of Schools wasn't aware of it and the Principal of the School who this has all evolved down to has taken the heat; she should have done something. In the mean time, we've been found guilty; the Town is paying a civil penalty for not putting something on paper. We have to talk with the School Board." The amount of the civil penalty was fifty dollars.

All warrants were signed by the Selectmen.

IV. New Business

C. Snow Plowing Contract (taken out of order)

GCI Resident Barbara Stainton requests permission "to speak now rather than waiting until the end of the meeting not only because the public's time is often cut short but also because you may vote on the snowplowing issue before then."

"Sixty-Six property owners, taxpayers and residents signed these letters – because the year round residents of this island depend on Blair (Colby) in the winter."

These individuals are interested "that Blair Colby be offered this contract because he is familiar with the workings of the Town and he understands the needs of the people here. He has been extremely diligent with his tasks of the past. He's also invested a great deal of money and effort in the equipment he has and he is capable of doing the roads, whether it be the main roads or the side roads with the appropriate type of equipment. He also does things for the elderly residents on this island that is way above and beyond the norm, i.e. he gives us parking space plowed; he plows out our parking spaces he also shovels paths for the old ladies which is very much appreciated. We feel that also since there's been an effort in the past few years to entertain a strong winter population, it seems critical that the people who are out here are constructively employed and this is one of the things that keep Blair solvent. So we would strongly speak to the issue of fairness and keeping the Island viable and we hope that you feel the urgency of employing a resident as opposed to a non-resident from off-island to do the work that he's done on this island. We have all been indebted to Blair in the past for not only his

plowing efforts and his maintenance of the elderly population but he also takes care of us as far as bringing around generators when they're necessary. He does this without being asked and is very aware of the needs of the population. So we hope that you consider him as a serious contender for this job. We all are here in support of Blair and his efforts and most of the people who signed these petitions; it's about a 50/50 split between summer residents and winter residents. We are very much thankful for the support of the summer population because they don't see what goes on here in the winter, but they certainly hear about it. They're also some of the major taxpayers on this island and they seem to be concerned about keeping the island viable in the winter. We hope that you will consider this when thinking about the snow plow contract."

The citizen letter signed by 66 interested citizens urges the Town and the Selectmen to reaffirm Blair Colby as snow removal contractor. Some residents of Great Cranberry who attended today's Board meeting also suggested that off island bidders may not get to the island in time to plow the snow; how can an off island bidder provide safe roads if there's an emergency; how can an off-island bidder prevent the build-up of ice that occurs when plowing isn't done properly; some suggest a three year contract as opposed to a yearly contract so that they have stability and we don't waste more time and effort. The voters would have to approve a multi-year contract.

One bid was received for the Great Cranberry Island Snow Plowing contract:
BCI (Blair Colby): \$ 14,200

Blair Colby proposes hereby to furnish equipment and labor – complete in accordance with above specifications for this sum.

Richard Beal moves to accept the Blair Colby contract. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **(3-0) Motion passes.** The Selectmen sign the contract with Blair Colby. The Selectmen also request that Mr. Colby keep a monthly log of hours to be turned in to the Town for plowing for the season for auditor and Municipal Advisory Commission purposes. Chris Hathaway suggests that the log would also be helpful for Blair.

One bid was received for surplus floats:

Nickolas Hadlock bids \$30 for the 8' X 20' float #1.

The Selectmen approve the bid from Nickolas Hadlock.

A. Discussion about code enforcement for the Town of Cranberry Isles

9:24 A.M. - Richard Beal moves to go into executive session pursuant to Title 1, § 405 (6) (A), to discuss a personnel matter.

Code Enforcement Officer (CEO) Kimberly Keene wishes to discuss the personnel matter in public.

Phil Whitney states that Selectmen's meetings are held to discussion for the Selectmen; the Selectmen try to encourage public participation, but no one has the legal right to speak without being recognized by the Chairman.

The Town Office staff wishes to receive copies of all Notification of Intention to Build (NIB) forms for Town files. The Town also wishes to receive copies of all signed permits by the Code Enforcement Officer. Selectmen Beal suggests that permits granted be published on the municipal web site. If NIB forms are mailed directly to the CEO, the Town wishes for copies to be faxed or mailed to the

Town Office for office files. If NIB forms are received from the applicant at the Town Office, they are mailed immediately to the CEO by office staff. The CEO does send a list of permits granted annually to the Tax Assessor. Ms. Keene states that April of this year was the first time she has been asked in the eleven years of CEO work for Town Of Cranberry Isles for copies of permits to be sent to the Town Office. Ms. Keene also conveys that if illegal activity is occurring, then she needs to be notified immediately. Ms. Keene has been told a number of times by individuals that no one wants to say anything in fear of retaliation. The Town Clerk will report directly to the CEO if residents wish to report illegal activity to her. The Town Of Cranberry Isles is not obligated to follow new building codes as it only applies to towns over 2000 population. Town of Cranberry Isles is not exempt from plumbing and electrical codes. In reference to availability of the CEO, Ms. Keene was hired in 2000 on a part time as needed basis. Currently the CEO is appointed annually at \$600 per month plus a portion of the plumbing fees. Ms. Keene works full time for the Town of Mount Desert and also has a family. Short notice seems to be the biggest problem for availability. Lyle Dever also works as an alternate to Ms. Keene for Cranberry Isles. Lyle Dever has done inspections in the past when Kim Keene cannot be available; Mr. Dever has never sent an invoice to the Town for his work. A policy is suggested for the October Board of Selectmen's meeting that asks the individual needing an immediate inspection, to pay for the boat transportation for the visit by Code Enforcement, if the CEO is needed outside of regular ferry service hours. In reference to the Vehicle Importation Fee, the ordinance states that the CEO is the one who enforces this ordinance. It may be wise to amend the ordinance to allow an assistant as designated by the Board of Selectmen to enforce the ordinance. Selectmen Beal recommends this. It is also requested that on a quarterly basis a list of building activity be put on the municipal website. Quarterly lists will be made available to the Town Clerk by the CEO. Copies of NIB forms (inland or shoreland) and permits approved by the CEO will be sent directly to the Town Office. There are now two NIB forms used by Town Of Cranberry Isles, one for inland, and one for the shoreland. It is desirable for NIB forms to be first sent to the Town Office; forms will be sent directly to the CEO. It would also be advantageous for emergency purposes to know that structures have been built or modified.

Phil Whitney moves to reappoint Kim Keene as Code Enforcement Officer for the next year for the same amount of money. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

Bill Dowling suggests to the Selectmen that it is very difficult to attend BOS meetings during working hours. The Selectmen will consider scheduling a meeting on a Saturday in the near future.

B. Marvin Ott: Shoreland Zoning / Code Compliance

This violation is now in the hands of the Town Attorney. The attorney will send a letter to Mr. Ott. No response from Mr. Ott has been received at the time of today's meeting. This will be revisited at the October Board of Selectmen's meeting.

C. Solid Waste Contract Discussion

A revised agreement between the Town and Southwest Boat for the solid waste contract is expected to be ready to be signed at the November Board of Selectmen's meeting. Drafts of the contract are expected to be ready in the next

couple of weeks for review by the Selectmen. The Deputy Clerk asks if the contract was assigned to Southwest Boat at a Selectmen's meeting or at the Attorney's office with one Selectman. The Town Office does not have a signed copy of the agreement on file. Mr. Berzinis and Selectmen Beal state that the agreement was signed at a Board of Selectmen's meeting in August 2010. Minutes do not reflect this agreement being signed, nor does the Town Attorney have any record of an agreement being signed. Mr. Berzinis reports that his office has a copy of the signed agreement. Requests have been made to Southwest Boat for a copy of the agreement. No copy has been received by the Town Office as of today's meeting.

D. Harbor Ordinance Amendments

This item is tabled until the October BOS meeting. Recommendations for amendments were sent to the Selectmen for the August BOS meeting. The Selectmen wished then to wait until Selectmen Hathaway returned. Chairman of the Harbor Committee Bill Dowling reports that the amendments recommended may still be incomplete. A public hearing will be held before a vote at the annual town meeting. Mr. Dowling will set a meeting to further discuss amendments with the Harbor Committee. Proposed amendments will appear on the municipal website.

Bill Dowling asks the Administrative Assistant if any progress has been made on better tie up on the pilings at GCI and Islesford at the stairs for winter docking. A two inch shaft off a couple of pilings has been recommended by Mr. Dowling. The Harbor Committee has recommended trying one on each dock. Nothing has taken place yet.

Johnna Mathews reports that better lighting is needed for the Great Cranberry Island Dock. The dim green light facing away from Southwest Harbor is very difficult to see at night and also the flag light is not working. It is reported that the light that is on the dock sometimes flickers on and off. An orange light is recommended. Normans Sanborn, GCI Harbormaster is authorized to coordinate with Jim Fortune to have an electrician to look into lighting problems and remediate them.

It is also reported that part of the wave fence is pulled off the starboard side of the pier. The gallows frame closest to the shore also needs repair, as well as the fact that the ladders don't go all the way down at low tide.

Jim Fortune has put a work order in with Bangor Hydro for repair of street lights at Islesford. Mr. Fortune is asking for a volunteer at Great Cranberry Island to drive him around at night to gather pole numbers on streetlights that are not working. Morrie Newell volunteers to do so.

F. Road naming request for GCI

A road naming request has been taken by the Deputy Clerk for a private driveway with two structures at Great Cranberry Island. Further info will need to be presented to the Selectmen. This item is tabled at this time.

A map of Islesford, complete with house numbers and road names has been drawn by Katelyn Damon for emergency purposes. Southwest Boat has offered to reproduce the map as long as they have the right to sell the reproduced maps. Reproduced maps will be shared with the fire departments. Selectman Beal requests that Katelyn Damon send the map to Hancock County Sheriff Department for Drug Enforcement Agency purposes.

Some discussion takes place over the difficulty of convincing online companies that our physical addresses are real. It is suggested that when this occurs, to ask which central database the company gets its addresses from.

Street signs to be purchased by the Town were voted down by the voters for both Islesford and Great Cranberry Island.

G. Marvin Ott: Code Compliance

Previously discussed.

V. Other Business

- In reference to road work planned for Islesford, Civil Engineering Services (CES) is currently waiting for comments from the Town's review of their preliminary design package. Plans for improvements will be made to approximately 700 linear feet of Maine Street from the new boat ramp to Maple Avenue. The Municipal Advisory Commission will meet this month to review the plans. Comments will be forwarded to CES.
Selectmen Beal suggests that the MAC and Select Board start now on budget preparation. The BOS may call a budget workshop at any time. The Town Treasurer will start by distributing budget paperwork to the MAC and BOS.
- A First Responder course is proposed to be scheduled for Great Cranberry Island. Costs for the class would average \$700 per person, which includes instructor, housing and class. Ten people are desired but an exception may be possible on the amount of attendees required. The course is sixty hours, twenty to thirty hours of which is practical. Selectmen Whitney offers his full support for Katelyn Damon with reorganization of Great Cranberry Island Emergency Medical Services. Any questions in reference to the First Responder course should be directed to Katelyn Damon, EMS Chief.

A question is asked from a GCI Resident in reference what the laws are for parking on Town Roads is. *"From the first day of November to the first day of April, no person shall park a vehicle on any street or road in the Town of Cranberry Isles between the hours of 4 PM and 6 AM for a period of longer than 30 minutes. Any vehicle found parked in violation of this ordinance and obstructing snow removal or sanding operations may be moved to a storage garage or parking lot at the owner's risk, and the owner shall be charged with the storage costs and towing fee. This ordinance is to facilitate snow removal and sanding."* It is reported that Peter Eldridge is parking his vehicle in a hazardous way near a curve on Harding Point Road at Great Cranberry. Selectman Beal will speak with Mr. Eldridge.

- A request is made by Bill Dowling to hold Selectmen's meetings at a different time in order for those who work to attend more frequently. Selectman Beal urges all to keep in mind the availability of boat schedules. Mr. Dowling requests the BOS to consider holding meetings on a Saturday. The Selectmen will consider holding the November meeting on the second Saturday of the month. Chris Hathaway moves to hold the November Board of Selectmen's meeting on the second Saturday of the month. Phil Whitney seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**
- Cranberry Cove Ferry intends to run the Manset boat until Saturday, October 01, 2011. This is a week later than the Cranberry Cove schedule stated in March. Parking letters state that reserved parking would end after September 25 (no reserved parking September 26 through October 15-except for Joy Road). On

October 15, 2011, Joy Road cars may move down to the Cranberry Isles Lot in Northeast Harbor. Parking in Northeast Harbor Lot between September 26 and October 15 will require either a Manset of Northeast Harbor parking sticker. Phil Whitney suggests that the Board of Selectmen and the Administrative Assistant sit down with Mr. Pagels and discuss long-range ferry planning with him-summer & winter. Last winter's performance will be reviewed and ideas exchanged for the coming winter.

- The Administrative Assistant will write a response to Ron Greenberg explaining that the Town has not budgeted funds this year for dumpsters and bargaining in order to participate in the Clean Harbor Clean Shores beach cleanup. Mr. Greenberg is encouraged to contact the Town of Cranberry Isles next year and the Board of Selectmen plan to budget for this purpose for 2012.
- The Administrative Assistant will follow up with leases for Manset rentals for the October Board meeting.
- Phil Whitney requests that the intersection of Harding Point Road and Heliker / Lahotan Road have some tree trimming done. The intersection of The Lane and Cranberry Road, as well as Dog Point Road, is also reported to need trimming also. Missing stop signs will also need to be replaced as they have disappeared. The underwater cable sign was full of bullet holes and needs to be replaced as well.
- The Municipal Advisory Commission has recommended Jeff Berzinis as the TCI Liaison to the Town of Southwest Harbor.
Phil Whitney moves to appoint Jeff Berzinis as the TCI Liaison to the Town of Southwest Harbor. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**
The Liaison will attend Board of Selectmen's and Harbor Committee meetings at Southwest Harbor and keep TCI informed of any pertinent news.
- Department 56 is for donations. Donations approved by the voters at the annual Town meeting were approved by the Selectmen on today's financial warrant. \$1000 is still available for Human Service Organizations donations at the discretion of the Board of Selectmen. Dispersal of the \$1000 will be decided at the October Board of Selectmen's meeting.

VI. Executive Session: Personnel Matters, 1 M.R.S.A. § 405 (6)(A)

None needed.

VII. Audience Communications

- GCI Resident Tom Watson suggests that the Town begin to put a date on all Town postings.
- Selectman Hathaway has received feedback from residents that Thursday is an inconvenient day for trash pick up as most rentals or stays at summer homes end on Friday. Mr. Hathaway will discuss this with Southwest Boat.

VIII. Adjournment: 11:53 A.M.

Richard Beal moves to adjourn the meeting. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**