

BOARD OF SELECTMEN  
RICHARD BEAL, CHAIRMAN

PHIL A. WHITNEY  
CHARLES F. DUNBAR

TOWN CLERK / TREASURER  
DENISE Mc CORMICK  
PUBLIC SAFETY COORDINATOR  
KATELYN DAMON



MUNICIPAL ADVISORY COMMISSION

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

ADMINISTRATIVE ASSISTANT

TO THE SELECTMEN  
JAMES FORTUNE

## MEETING NOTICE

The Cranberry Isles Board of Selectmen will conduct a regular meeting on  
Tuesday, February 4, 2014 starting at 8:45 A.M.  
at the Community Center on Great Cranberry Island

## AGENDA (Revised 1/30/2014)

- I. Call to Order
- II. Review / Signing Financial Warrants
- III. Review / Approval of Previous Meeting Minutes; January 7, 2014
- IV. New Business
  - A. Planning Board Appointment
  - B. Health Officer Appointment
  - C. GCI Skiff Float Bids (due by February 3<sup>rd</sup>)
  - D. 2014 Parking (review letter)
  - E. MRC Resolution: LD 1483
  - F. Downeast Sailing Ventures: Request to use TCI Manset Dock Summer 2014
  - G. GCI Firehouse Septic System
  - H. Manset Retaining Wall Repair
  - I. GCI Dock Repairs (bids due February 3<sup>rd</sup>) **(Item Tabled)**
  - J. Final Review of Budget and Warrant Articles for the 2014 Town Meeting
  - K. Final Review of 2013 Town Report
  - L. Sign 2014 Town Warrant (Budget and Warrant Articles)
- V. Other Business
- VI. Executive Session: Personnel Matter, 1 M.R.S.A. § 405(6)(A)
- VII. Audience Communications
- VIII. Adjournment

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**Board of Selectmen's Meeting Minutes  
February 04, 2014  
Great Cranberry Island Community Center**

**Attendance:**

Richard Beal, Chairman, BOS

Phil Whitney, BOS

Charles Dunbar, BOS

James Fortune, Administrative Assistant

Denise McCormick, Town Clerk

Nanette Hadlock, Deputy Clerk

Katelyn Damon, Public Safety Coordinator, MAC, School Board

Kelly Sanborn, School Board

Cari Alley, ACO

Bill Dowling, Harbor Committee

Karin Whitney, MAC

Ben Fulves, Heartwood Builders

Ingrid Gaither

Tom Powell

Tom Watson

Steve Keblinsky, Downeast Sailing Ventures

Wyatt Alley

Barbara Meyers, School Board (*by Teleconference*)

**I. Call to Order:** 8:48 A.M. by Chairman Richard Beal.

**II. Review / Signing Financial Warrants**

Regarding a letter from DrummondWoodsum Attorneys at Law, dated February 03, 2014, to the Board of Selectmen, E. William Stockmeyer, states that there seems to be some confusion about the statutory authority of school committees with respect to the Town's school facilities, and whether the Board of Selectmen's authority to issue bonds as approved by the Town's voters make the selectmen responsible to manage the school renovation projects being financed. They (DrummondWoodsum) "agree that the voters must authorize the bonds, and that the Board of Selectmen must approve payment warrants for all school costs, unless pursuant to Maine statute the Town has adopted a different procedure. They also agree that the Selectmen

might refuse to honor a school committee payment warrant that is illegal or in excess of approved amounts. All that being said, it is the School Committee, and not the Selectmen, that is charged by statute to expend funds appropriated for schools, within the limits of those funds." DrummondWoodsum is the legal council for the School system (AOS).

Each month the school warrant funds are spent before the signing of the TCI Board of Selectmen. It is forecasted that the Town auditor may find fault with this present process. It is suggested that the Town attorney, (Jason Barrett of Eaton Peabody), discuss this issue with the Town auditor. (Reference: Federal Government Accounting Standards, Rule 34).

Charles Dunbar moves that the Board of Selectmen, having taken note of the problem of its post approval of the school warrants, will wait to take action until we understand whether and how the Town auditor takes note of this in the annual auditor's report to the Town of Cranberry Isles. Richard Beal seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

Warrant # 03:	6,102.74
Warrant # 04:	41,885.09
Warrant # 05:	6,196.28
<u>Warrant # 06:</u>	<u>44,010.49</u>
Total:	\$ 98,194.60

All warrants presented at today's meeting were signed by the Board of Selectmen.

**III. Review / Approval of Previous Meeting Minutes: January 7, 2014**

Charles Dunbar moves to approve the January 07, 2014 Board of Selectmen's meeting minutes as written. Phil Whitney seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**

**IV. New Business**

**J. Final Review of Budget and Warrant Articles for the 2014 Town Meeting Warrant (taken out of order)**

Some discussion takes place over the wording of the warrant article for proposed article #15.

Legal council for the AOS (school system) suggests the following wording for the article:

"To see if the voters of the Town of Cranberry Isles will authorize the Municipal Officer to borrow no more than \$610,000 to finance the costs to renovate, repair, and improve the Ashley Bryan and Longfellow school buildings and related facilities (the "Project"), and further to authorize the municipal officers to issue general obligation bonds of the Town as security for the financing, and to take any and all actions as may be necessary or appropriate to accomplish the financing of the Project."

**Written ballot vote.**

Town of Cranberry Isles' legal council has suggested the following for wording of proposed article #15:

"To see if the voters of the Town of Cranberry Isles will authorize the municipal officers to borrow no more than \$610,00 to finance the costs to

renovate, repair, and improve the Ashley Bryan and Longfellow school buildings and related facilities (the "Project"), and to further authorize the municipal officers to issue general obligation bonds of the Town as security for the financing, and to take any and all actions, including but not limited to the expenditure of the borrowed funds described above as may be necessary or appropriate to accomplish the Project."

This language suggested by the Town Attorney is how article 15 is written in the proposed Town meeting warrant for approval by the Selectmen at today's BOS meeting.

As of today's meeting the School Attorney and the Town Attorney plan to continue their conversation, if a decision on article 15 is tabled today to allow them to work through the language issues raised. The Town Attorney, (Jason Barrett of Eaton Peabody) further relates that he does not recommend adoption of the language and revisions he (Attorney Stockmeyer of DrummondWoodsum, school attorney) has proposed – rather, (as detailed in his email to the BOS, dated February 04, 2014), it appears it is in the best interest of the Selectmen to resolve this impasse by requiring and including in the article a more detailed description of the work that the article 15 funds are to be used for.

It is suggested by the Selectmen that the article could be amended from the floor of Town meeting, giving the voters a choice to approve an amended article. The Town report is due to go to print this week in time for the distribution of the report in advance of Town meeting. Deadlines were set in November of 2013 to all interested officials.

The State Fire Marshall did an inspection of the Longfellow School building on January 21, 2014. According to Ben Fulves of Heartwood Builders, the Fire Marshall has indicated that if the required repairs are not completed, the building could no longer function under its current uses. A completed Fire Marshall response to the inspection is not yet available. Mr. Fulves has asked the Fire Marshall if he could wait to receive a response to the deficiency report (which is required by law) until after Town meeting. Selectman Beal states that voters might expect to see something in writing with the Fire Marshall's signature to better understand the severity of the situation. Selectman Whitney and Mr. Fulves suggest that the deficiency report would be in well before Town meeting and the Board could pass it out at Town meeting, mailed, posted, etc.

Richard Beal moves to accept article 15 as written and proceed with examining the rest of the warrant. Phil Whitney seconds the motion, with a unanimous vote by Charles Dunbar. **Motion passes.**

If article 15 passes as proposed, \$120,000 will be taken out of the actual school budget and payments for the loan will be added to the debt service.

**L. Sign 2014 Town Warrant (Budget and Warrant Articles) (taken out of Order)**

After careful review of the proposed warrant for the annual Town meeting, the warrant is signed and approved by the Board of Selectmen.

**A. Planning Board Appointment**

The Board of Selectmen appoints Rebecca Powell as Planning Board member, with a term to expire in 2017. Dedimus Justice Richard Beal swears in Rebecca Powell as Planning Board member.

**B. Health Officer Appointment**

The Board of Selectmen appoints Cari Alley as Local Health Officer, with a term to expire in 2015. Dedimus Justice Richard Beal swears Cari Alley in as Local Health Officer.

**C. GCI Skiff Float Bids (due by February 3<sup>rd</sup>)**

No bids have been received for construction of a new skiff float for Great Cranberry Island. The call for bids will be advertised in the local newspaper and on the TCI website.

**F. Downeast Sailing Ventures: Request to use TCI Manset Dock Summer 2014 (taken out of order)**

Steve Keblinsky is here at today's meeting to request permission to use the TCI Manset Dock for pick up and drop off only of passengers with his sailboat Surprise. Downeast Sailing Ventures has been using the TCI facility with permission for the past three years.

Phil Whitney moves to extend permission for this use of the TCI Manset Dock 2014, under the same conditions. Charles Dunbar seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**

**V. Other Business (taken out of order)**

- The Selectmen have requested the use of a stenographer to record the minutes of the annual Town meeting. James Fortune has contacted Don Thompson & Associates of Bangor, ME. This is the same firm used for the last time a stenographer was used for a Town meeting. Costs for the stenographer are:

Appearance fees:

First two hours: \$200

Each hour after first 2 until 10:00 PM \$100

After 10:00 PM \$150

Travel .55 per mile after 40 miles

Richard Beal moves to record the 2014 Town meeting on 15 March 2014 with the Town staff to choose the stenographer. Charlie Dunbar seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

**D. 2014 Parking (review letter)**

The Town of Mount Desert lease for Northeast Harbor parking will include a slight increase for 2014.

Richard Beal moves to increase Mount Desert parking to \$325 per space and to leave Manset at \$290 per space. Charles Dunbar seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

Cranberry Cove ferry service to Manset is set to begin on May 24, 2014 and will end September 26, 2014.

Discussion over use of the Joy Road Lot will take place at the annual meeting of the parking committee. The Parking Committee will include two members of the MAC and one member of the BOS. There have been

problems with multiple users of the same household(s) using the lot without purchasing and/or displaying Joy Lot stickers. Haphazard parking and summer storage of disabled vehicles are also issues. One suggestion is to limit the number of Joy Lot stickers issued by the Town.

Richard Beal moves to accept Jim Fortune's parking letter with the exception of increase to \$325 per space for Northeast Harbor parking. Charles Dunbar seconds the motion with a unanimous vote by Phil Whitney. **Motion passes.**

**11:25 A.M. – Recess**

**11:30 A.M. – Meeting back to order**

**E. MRC Resolution: LD 1483**

Acadia Disposal District is requesting letters of support in opposition to LD 1483, citing that the legislation would only increase our disposal rates at PERC in the short term and do nothing to shore up PERC's future operations over the long term. The Administrative Assistant has prepared a draft letter of support in opposition for approval of the Selectmen. The Selectmen suggest that the last sentence of paragraph two of the letter be modified to express this opposition.

Richard Beal moves the letter be modified and signed by the Administrative Assistant on behalf of the Board of Selectmen. Phil Whitney seconds the motion, with a unanimous vote by Charles Dunbar. **Motion passes.**

**G. GCI Firehouse Septic System**

Repairs to the GCI Firehouse septic system have been proposed for in the 2014 budget. If approved by the voters, bids will go out in April. Selectman Beal reports that the chimney at the firehouse will need a new cap. Mr. Beal suggests that an energy audit be done on the firehouse after Town meeting. This item will appear on the April BOS agenda.

**H. Manset Retaining Wall Repair**

The steps on the Manset retaining wall next to our dock have come loose again. Last summer the Town had Goodwin's put three of them back in place. At least over the past few years, this is the third time this has happened. Both Ronald Sanborn (of Goodwin's) and the Administrative Assistant agree the best solution is to place the granite blocks back so that we have a continuous retaining wall, and get rid of the steps. No one uses the steps.

James Fortune will check into any needed permits and ask for an estimate for this work.

**I. GCI Dock Repairs (bids due February 3<sup>rd</sup>) (Item Tabled)**

The Town of Cranberry Isles will be posting bid requests for GCI Town Dock repairs. The notice will go out in the local newspaper this week. Final acceptance of the bid(s) shall be subject to approval of funds for the maintenance projects at the 2014 annual Town meeting, to be held Saturday, March 15, 2014. All work is expected to be completed and ready for inspection by the Town no later than May 21, 2014. The

Administrative Assistant is waiting to hear from John Cullen of the D.E.P. as to whether any permitting for the repairs will be required. Mr. Fortune is also requested to check with the Army Corp of Engineers for any needed permits. Richard Beal suggests that an expert opinion be sought for low water accessibility at the Islesford Town Dock. James Fortune will contact Kleinschmidt and ask them to call Selectman Beal.

Phil Whitney suggests that the Town of Mount Desert be contacted in reference to safety concerns on the gangway at Northeast Harbor due to slippery conditions recently. Richard Beal will contact Durlin Lunt.

**K. Final Review of 2013 Town Report**

An updated FY 2014 School Building Construction project with costs is requested from Heartwood Builders to be included in the annual Town report. Yellow paper will be used for the warrant to make it easily distinguished from the rest of the report. Denise McCormick is willing to go to the printers and proof the draft report before printing.

**V. Other Business (re-visited)**

- Katelyn Damon presents the most recent version of the Great Cranberry Island Fire Department By-Laws. The application requests a social security number of the member. This is confidential by law and is only required for paid personnel. Selectman Beal suggests that social security numbers be removed from the application. A copy of the revised By-Laws will be forwarded to the Town Attorney for review.
- Discussion takes place over whether a mid day boat should be provided by the Town for residents and school officials to return to the mainland and GCI. The BOS decides to not provide this boat. Passage fees for residents attending the Town meeting (7:30 AM and 3:30 PM) will be covered by the Town of Cranberry Isles.
- Seacoast Security will be on GCI on Thursday, 02/06/2014, to finish installing locks at the fire house.
- The new carpeting for the GCI dock shed has not been ordered as of today's meeting.
- Replacement of the flagpole on the GCI dock will appear on the April BOS meeting agenda.
- In reference to the Manset property boundary encroachment, the Town is awaiting a response from the Town attorney for a license that basically accepts the abutter's survey and acknowledges that the fence sits on the Town's property and allows it to continue, but preserves our future use of that portion of our property.
- The Town is awaiting signatures from the Murch's and Depalmer's for permission to place a dry hydrant on land owned by them at GCI.
- Phil Whitney expresses his hope that this summer a more organized system can be able to be arranged for fuel deliveries to the islands.

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

None requested.

**VII. Audience Communications**

None at this time.

**VIII. Adjournment:** 1:09 P.M.

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