



NOTICE OF BOARD OF SELECTMEN'S MEETING

A Board of Selectmen's Meeting will be held at 08:30 AM, Tuesday,
February 5th, 2002 at the Islesford Neighborhood House,
Little Cranberry Island

AGENDA

1. Review Minutes of the 8 January 2002 Selectmen's Meeting
2. Audience Communications
3. Budget Workshop for Town Warrant 2002, review of proposed articles and operations budget
4. Town Treasurer's Warrants
5. Islesford Wharf Repairs: Bid Specifications Review prior to final publication
6. Communication to the Selectmen from U.S. Secretary of the Interior

Public Attendance is Welcomed



MINUTES OF THE BOARD OF SELECTMEN'S MEETING 5 February 2002

The Town of Cranberry Isles Board of Selectmen's Meeting was convened at 0900, 5 February 2002, at the Islesford Neighborhood House, Little Cranberry Island 04646. Selectmen David Stainton, Richard Beal and Denise McCormick were present, along with Town Clerk/Treasurer Frances J. Bartlett. Members of the community present were: David and Cindy Thomas of Islesford, and Karen and Phil Whitney of Great Cranberry.

NOTE TAKING:

Richard Beal took notes for transcribing of meeting minutes.

REVIEW & APPROVAL OF MINUTES FROM 8 JANUARY 2002 MEETING (ITEM 1):

Minutes of the 8 January 2002 regularly scheduled board meeting were provided to each Selectmen and the Town Clerk, plus copies for members of the audience. On motion of Selectwoman McCormick, with second by Selectman Stainton, the minutes were accepted with the original document being provided to the Town Clerk for permanent filing in the Town's records. Chairman Stainton reviewed each of the action items from the 8 January 2002 meeting prior to continuation of the 5 February 2002 agenda which is attached to this report:

- a. **Islesford Public Toilet:** Comment and concerns expressed by the Selectmen for yearly maintenance responsibilities, heating, and general use were conveyed to Dan Lief's attorney for final acceptance. Mr. Lief and his wife own the Islesford Dock Corporation (Restaurant) and built the public restrooms as their 50% contribution to overall construction. At Town Meeting in 2001 the voters allocated \$20,000 for construction of a septic system with associated piping to the restrooms. The document in question relates to joint operational responsibilities. Selectwoman Denise McCormick in the interim was asked by the Chairman David Stainton to pursue final signatures from the Fisherman's CO-OP on Islesford for the right of way easement permitting installation of the septic tank piping from restrooms to the leach field.
- b. **Islesford public wharf repairs:** Kleinschmidt Associates' proposed specification and bidding package has been reviewed by Selectmen

Stainton and Beal with comments being forwarded for minor revisions. David Thomas, chair of the wharf repair committee, suggested that the new end of wharf storage shed and waiting area be moved a minimum of three feet from the end of the wharf to allow for tie up of lines and ramp connections. This suggestion will be incorporated into the drawing package. The selectmen want the bidding package to be issued promptly with a hoped for return date of 8 March prior to the annual Town Meeting on 11 March. Selectman Stainton also advised that the Town had received a letter from the Maine Department of Environmental Protection asking for a permit fee of \$100 for a "Submerged Land Lease" permit. Since the Town is already covered by a prescriptive easement (grandfathering of current law) a requirement to comply is not necessary but will be so in 2005. According to the State all submerged lands will need a new permit in 2005 for public and private docks, wharves, etc. With thousands of these permits required the State letter asked for early compliance to ease their administrative burden. The Selectmen vote NO and will comply in 2005.

AUDIENCE COMMUNICATION: WHITNEY PROPOSAL (ITEM 2):

Phil Whitney of Great Cranberry: Mr. Whitney asked to speak in regard to his law suit against the town re: "Whitney v. Town of Cranberry Isles", stating that he wished to offer to the Board of Selectmen his proposal for potential resolution of the differences between himself and the Town, particularly since 5 February 2002 was the last day for submission of motions for continuance by attorneys on either side; otherwise the litigation would be heard in Hancock County Superior Court on Tuesday, 19 February 2002. Mr. Whitney's proposal labeled as "Suggestion to Settle Lawsuit":

1. "CIRT [Cranberry Isles Realty Trust] area is limited to one house for at least 5 years. Only 2 houses total. See area in green. [a diagram accompanied this proposal.]
2. CIRT area (approximately 168 X 165 adjacent to cemetery) may have easement to install either septic or well on area to be conveyed to Whitney within 5 years (onto Blue Prop. Subject to ordinance).
3. Whitney shall received, as part of lawsuit settlement a strip of land in back of cemetery and CIRT (approximately 200 X 250), which shall not be developed - house etc., but may include the above easement. See area designated in blue.
4. Town agrees to sell Whitney the strip between the gravel pit and Heath - Owen Roberts (approximately 165 deep X width of lot), which shall have a restriction against development.

5. Whitney agrees that restriction against dump does not apply to existing or proposed transfer station but would apply to junkyards, land fills, and brush dumping and burning. Any target practice would be conducted in a manner agreed to by Whitney and the Town together.
6. Whitney gets rights of first refusal on CIRT lot not counting Town selling to a tenant or property could be mortgaged."

The Board of Selectmen having received this Whitney proposal then suspended it normal schedule pursuant to the published agenda and went into Executive Session for the purpose of considering the proposal and deciding upon a response which could be discussed with Mr. Whitney. Upon completion of the Executive Session which lasted for approximately 30 minutes the Board of Selectmen reconvened in open session.

The Board advised Mr. Whitney that it unanimously rejected items 2, 3, 4 and 6. Further, it could not accept the last sentence of item 5: "Any target practice would be conducted in a manner agreed to by Whitney and the Town together." The Board stated that its position represented its responsibilities for stewardship of Town property; however, in regard to target practice at the gravel pit once the "Kane" house is occupied, then the Board would review this subject again as a health and safety issue.

[Note: The "Kane" house is a structure donated by summer resident Charles Kane of Great Cranberry to CIRT provided CIRT moved it from his property. Accordingly, by vote of the citizens, at Annual Town Meeting 2000, CIRT was granted permission to use at his discretion four (4) acres of land located at the Town Gravel Pit (seven acres total at pit) for placement of this house and possibly additional homes in the future. These homes would belong to CIRT but the land would remain under Town ownership.]

The Board of Selectmen then offered to Mr. Whitney a proposal which carried the endorsement of the CIRT President David Thomas:

1. "The existing town shed will be demolished and replaced with a new building on the lower level.
2. Land formerly occupied by the shed, including surrounding areas and along the drive to the lower level will be graded and landscaped.
3. The Kane house will be completed and made ready for occupancy by installation of sewer, water and utility systems and such other work on the building as necessary.
4. The Realty Trust may, if funds are available and circumstances warrant, construct not more than one other single family dwelling on the property.

5. Natural vegetation will be removed only as necessary to provide for utilities, access and construction space, while maintaining an undisturbed buffer strip not less than 30 feet wide on the north side of the property.

Mr. Whitney received the Board's proposal, read it, and stated that he could not accept it since it did not afford him the protections which he believed necessary to prevent encroachment upon his property. This matter will proceed into court on 19 February 2002.

Cynthia Thomas, School Board, Islesford: Mrs. Thomas appeared to offer her views on why the Longfellow School, located on Great Cranberry Island, should remain open even though there was no projected enrollment for the coming year. She said that she had heard that the Selectmen were recommending in the Warrant 2002 that voters close this school, and that should they do so it would be very difficult to ever open it again. If it remains in "suspension" then it would continue grandfathered and would not have to be brought up to current State codes as a school building. Selectman Beal told her that he in particular had not supported keeping the school open, but had changed his mind once the proposed school budget for 2002 had been received. The School Board has removed funding for a third teacher with all associated salary fringe funds, i.e. insurance, worker's compensation, retirement, health benefits, etc. With no additional funds being set aside (raised by taxes) just in case the school were reopened for a student, Selectmen Beal said that they could maintain the building (with town hall and office) for as long as they wish since there would be no additional burden on the tax payers. If and when funds were needed, then a Special Town Meeting could be called.

Selectmen Beal also said that he had researched the "story or rumor" heard on Great Cranberry that should the school be closed, then the land and buildings would have to be forfeit or returned to the Omar Mountain family as stated in the deed of sale. Mr. Beal indicated that this was completely false and had no basis in fact or law. At Town Meeting in 1902 the Town voted to purchase the land where the Longfellow School is located, from Frank L. Stanley and his wife, Maggie M. Stanley. [No relation to the Mountain family.] The Stanleys conveyed this property to the Town of Cranberry via a Warranty Deed, which Mr. Beal presented and said was a copy from the Registry of Deeds at the Hancock County Court House. In 1903 and 1904 the Town voted funds for the construction of the Longfellow School and at no time then or subsequent to its construction are there documents which purport to support the "story" of giving the closed school to the Mountain family. Enough said!

MAINE MUNICIPAL ASSOCIATION LETTER (ITEM 3):

Chairman Stainton advised that he had received a letter from the Maine Municipal Association asking that the Selectmen offer for public vote at Town Meeting an Article which would authorize the Selectmen to join with other participating municipal and quasi-municipal employers to group self-insure for the provision of worker's compensation benefits, as authorized by State 30-A M.R.S.A., Section 403, said group

to be known as the "Maine Municipal Association Workers' Compensation Fund". Selectmen Beal, presently authoring the 2002 Warrant will add this Article as Article 33.

ACTION: RICHARD BEAL

SECRETARY OF THE INTERIOR LTR (ITEM 4):

Chairman Stainton indicated that he had received a letter signed by the Honorable Gaile A. Norton, Secretary of the Interior, indicating that pursuant to enabling legislation, Public Law 99-420, September 25, 1986, the Secretary of the Interior appoints four of the members of the members of the Acadia National Park Advisory Commission from among individuals recommended by each of the three island towns of Cranberry Isles, Swans Island and Frenchboro. Currently the seat to represent the town of Cranberry Isles is vacant and Ms. Norton is seeking two nominations with biographical resumes for consideration and eventual appointment of one of those two recommended individuals.

ACTION: RICHARD BEAL

COMMUNIQUE FROM MAINE INLAND FISH & WILDLIFE (ITEM 5):

Chairman Stainton reported that that he had received a letter from the Inland Fish and Wildlife Service indicating that the area of Great Cranberry Island known as "Fish Point" would receive a special wildlife protection designation in view of the fact that there are breeding eagles nesting in the area. Once this designation becomes official appropriate signs and other indicators will be posted with residents and visitor warned of precautions to be followed when in this area.

ACTION: RICHARD BEAL AS
CONSTABLE

FINANCIAL WARRANTS (ITEM 6):

Treasurer Frances J. Bartlett provide Selectmen Beal with copies of the James W. Wadman, Certified Public Accountants, report for the year ending December 31, 2001 so that it could be incorporated into the 2001 Annual Report. Additionally, she asked for approval of three warrants in the amounts indicated, which were so approved by the Board.

Schools	\$18,200.49
General Bills	\$ 5,384.61
General Bills	<u>\$13,331.91</u>
Total:	\$36,917.01

NEXT MEETING (ITEM 7)

This meeting concluded at 11:00 AM with agreement to hold the March 2002 meeting, shortly upon conclusion of the Annual Town Meeting, Monday, 11 March 2002, which begins at 08:30 AM in the Islesford Neighborhood House, Little Cranberry Island.

Respectfully submitted



Richard F. Beal

These minutes were approved by the Chairman for advance publication in preparation for Town Meeting, 11 March 2002.

Special Selectmen's Board Meeting
8 March 2002

A special Selectmen's Board Meeting was convened on 8 March 2002 at 0830 hours in the Islesford Neighborhood House, Islesford, Maine for the purposed of opening bids on repair of the Islesford public wharf. All selectmen and the Town Clerk were present at this meeting, plus three members of the public: Phil Whitney of Great Cranberry, Harvey Bunker and Eve Harrison of Islesford.

Upon convening of the meeting at 0830, Harvey Bunker and Eve Harrison offered several constructive suggestions on the wharf repair and also asked a few questions as to specifics of the repair work which were not readily apparent from the drawings available in the 2001 Town Report.

OPENING OF WHARF REPAIR BIDS (ITEM 1):

At the appointed hour of 0900 which was published as the time wharf repair bids would be opened, Chairman Stainton opened three bids:

BID #1:

Construction Divers
111 Mussey Road
Scarborough, Maine 04074

\$234,276.00

BID #2:

Chesterfield Associates, Inc.
56 S. Country Road
Westhampton, New York 11978

\$213,452.00

Lowest bid, accepted by
Selectmen after review by
Kleinschmidt Associates

BID #3:

Easton Marine Construction
Bluehill, Maine

\$461,769.00

The Selectmen believe BID #2 to be responsive and acceptable in response to the bidding specifications and as lowest of those bidding. Pending a review by the Town's engineering firm of Kleinschmidt Associates, Inc. it was the decision of the Board to accept the bid from Chesterfield Associates.

FINANCIAL WARRANTS (ITEM 2):

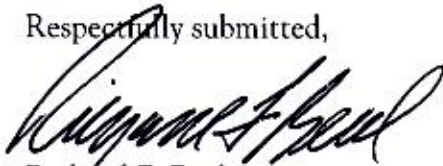
Three financial warrants were presented to the Selectmen by the Town Treasurer. These warrants were accepted and approved in the following amounts:

<u>Warrant</u>	<u>Amount</u>
General bills	\$11,443.86
School bills	\$16,800.75
General bills	<u>\$10,622.48</u>

Total: **\$38,867.09**

The meeting concluded at 1030 hours with the next Selectmen's Board Meeting to be shortly following the Annual Town Meeting on 11 March 2002 at the Islesford Neighborhood House on Islesford, Maine 04646.

Respectfully submitted,



Richard F. Beal
Selectman