

Selectmen
Richard F. Beal
Denise McCormick
David Stainton



Town Clerk/Treasurer
Frances J. Bartlett
P.O. Box 15
Islesford, Maine 04646

NOTICE OF BOARD OF SELECTMEN'S MEETINGS

A Board of Selectmen's Meeting will be held at 08:30 AM,
Tuesday, May 7th, 2002
at the Islesford Neighborhood House,
Little Cranberry Island

AGENDA

1. Review minutes of 2 April 2002 Selectmen's Board Meeting
2. Open bids for Public Moorings Construction & Placement, State of Maine Grant
3. Audience Communications
4. MBNA Foundation Grant (\$12,000) for "Waste Removal Sheds"
5. Alcohol License Hearing for Islesford Dock Restaurant
6. Financial Warrants
7. Establish next meeting date and adjournment

Public Attendance is Welcomed

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MINUTES OF THE
BOARD OF SELECTMEN'S MEETING
7 May 2002

The Town of Cranberry Isles Board of Selectmen's Meeting was convened at 08:30 AM, 7 May 2002, at the Islesford Neighborhood House Library, Islesford, Maine 04646. Selectmen Richard F. Beal, Denise McCormick and David Stainton were present, along with Town Clerk / Treasurer Frances J. Bartlett. Members of the public present were: Phil & Karen Whitney and David Sordyl of Great Cranberry Island.

NOTE TAKING:

Richard Beal took notes for transcribing of meeting minutes.

REVIEW & APPROVAL OF MINUTES FROM 2 April 2002 MEETING (ITEM 1):

The minutes were reviewed with two comments from Phil Whitney in the audience:

- a. Fire Club meetings on Great Cranberry will include discussions on open burning and the rules to be followed as established by the State.
- b. The light on the Bangor Hydro pole in front of the Great Cranberry Fire Club House is out and would a Selectman so notify the utility company? Richard Beal took the action. [Only one pole light out for the moment and Bangor Hydro said that they would put this pole on the listing for service.]

On motion of Denise McCormick, with second by David Stainton, the minutes for 2 April 2002 were approved.

**OPEN BIDS FOR PUBLIC MOORINGS, CONSTRUCTION AND PLACEMENT,
STATE OF MAINE GRANT (ITEM 2):**

Three bids were received by the Town Treasurer and were opened by Selectman Beal for review by the full Board:

- | | |
|---|-------------|
| a. David Sordyl of Great Cranberry Island | \$13,044.60 |
| b. Construction Divers, Inc. | \$16,870.00 |
| ✓c. Ocean House (Chalmers Enterprises) | \$7,782.00 |

The bid from Ocean House (Dan Chalmers) was responsive to the specification package and was the lowest in price. By unanimous decision of the Board, the Ocean House bid was selected to undertake construction and installation of 6 public moorings (three for Great Cranberry and 3 for Islesford).

AUDIENCE COMMUNICATIONS (ITEM 3):

A. Phil Whitney of Great Cranberry Island: Asked if the Board would approve placing either the full contents or a synopsis of the legal agreement between Whitney and Town of Cranberry Isles, approved by Superior Court, Hancock County on 4 March 2002: The Board agreed to publish the agreement as follows:

SUPERIOR COURT
Docket No. RE-00-9

STATE OF MAINE
HANCOCK, ss.

PHIL A. WHITNEY)
Plaintiff)
)
vs.)
)
THE TOWN OF)
CRANBERRY ISLES)
Defendant)
)
and)
)
CRANBERRY ISLANDS)
REALTY TRUST)
Party in Interest)

STIPULATION OF JUDGEMENT
TITLE TO REAL ESTATE INVOLVED

Now comes the Plaintiff, Phil A. Whitney, by and through Counsel, Anthony W. Beardsley, Esquire of the Law Firm Roy, Beardsley, Williams and Granger, P.A., and the Defendant, The Inhabitants of the Town of Cranberry Islands and Party-In-Interest, Cranberry Islands Realty Trust, by and through Counsel Anthony J. Giunta, Esquire, and stipulate to the entry of Judgment in this matter as follows:

1. The Inhabitants of the Town of Cranberry Isles, hold title in fee simple absolute to certain premises described in deed from Joseph Elwood Spurling to the Inhabitants of the Town of Cranberry Isles dated March 16, 1957, and recorded September 5, 1957, in Book 802, at Page 516 in the Hancock County, Maine Registry of Deeds free of the following condition which is hereby released from said premises and terminated, to wit:

"This deed is given to the said THE INHABITANTS OF THE TOWN OF CRANBERRY ISLES upon the CONDITION: vis; That THE INHABITANTS OF THE TOWN OF CRANBERRY ISLES, its successors and assigns shall never use the

above described premises as a TOWN DUMP, on any breach of this condition the title shall revert to the Grantor, Joseph Elwood Spurling, his heirs and assigns.”

The premises described in paragraph number 1 of this stipulation of judgment subject to the following permanent restriction, (not conditions subsequent), to wit:

2. No more than two single family residences, including the existing single family residence, shall be placed on the premises described in paragraph number 1, of this Stipulation of Judgment.
3. No permanent structures shall be erected or placed in the areas described as follows, to wit:
 - a. Bounded on the south by Phil A. Whitney, being the north line of a portion of the premises of the Inhabitants of Cranberry Isles described in Paragraph number 1, on the west by the west line of the premises of said Cranberry Isles described in Paragraph number 1, on the east by the west line of the cemetery and an extension southerly thereof and on the south by a line 100 feet distant and always parallel to the north line as described herein.
 - b. A line 75 feet distant and always parallel to the westerly sideline of the premises described in paragraph number 1.
This restriction shall not prohibit the installation of subsurface sewerage disposal systems, drilled wells, or driveways within the buffer zones described herein.
4. On or before December 31, 2002, the Inhabitants of Cranberry Isles shall cause the removal of an old junk car and any barrels located between the Heath and gravel pit.
5. The premises described in paragraph number 1, shall not be used as a solid waste landfill or for the disposal of brush and stumps. This restriction shall not prohibit the use of the premises as a transfer station or for the temporary storage of solid waste.

The restrictions set forth herein shall be binding upon the Inhabitants of the Town of Cranberry Isles, its successors and assigns. Any violation of said restrictions may be enforced against it by Phil A. Whitney, his heirs, personal representatives and assigns by suit and recovery of damages for the violation of such restriction and/or to maintain a suit against it violating or attempting to violate such restriction for the purpose of enjoining or preventing such violation, provided nevertheless, in any such action the prevailing party shall be entitled to reasonable attorney fees.

Dated: February 26, 2002

/s/ Anthony J. Giunta, Esq., Bar #127
Attorney for the Defendant and
Party-In-Interest

- B. Richard Beal asked the Board to consider approval of a Beal & Bunker boat ticket in support of those residents wish to travel to a Selectman's meeting from another island. This would be a service to resident and hopefully encourage participation in Board meetings. The Selectmen agreed and approved the suggestion. The Town Treasurer is authorized to accept invoices for payment from Beal & Bunker related to travel by residents to Selectmen's Board Meetings.
- C. Denise McCormick reported on the Islesford public bathroom construction project, stating that it should be in operation later in the day. Heating of this facility for the winter months remains in question. As for Islesford Wharf Repairs, Mrs. McCormick stated that this project was underway with Chesterfield Associates, Inc. being most helpful in meeting boating schedules and easing the burden of construction on those trying to navigate over work in progress. Residue of wood decking and associated materials will be temporally be stored in the Islesford gravel pit.
- D. Town Clerk Frances Bartlett asked for guidance from the Selectmen on what to do with the request from Chung Lim of Great Cranberry regarding his request to take over the Northeast Harbor parking permit of his mother-in-law, Dorothy Towns. The Selectmen decided that this topic should be placed on the June 2002 agenda and discussed in detail.
- E. The Town Clerk presented a "Septic Sludge Agreement" with Haslim, Inc. for the removal of septic waste at a set rate from town facilities. This is an annual contract and was approved by the Selectmen at a rate of \$380.00 per pumping.
- F. The Town Treasurer presented a tax collection notification letter addressed to the Town Assessor which become the basis for the collection of Year 2002 taxes. The amount approved by the Selectmen for collection in taxes was: \$559,100.50

MBNA FOUNDATION GRANT (\$12,000) FOR "WASTE REMOVAL SHEDS" (ITEM 4):

Selectman Beal provided the Town Clerk with a check for \$12,000 from MBNA to be used to help defer costs on the construction of solid waste shelters on the side of each Sand & Salt Shed. The purpose of the shelter is to divert water and snow from the solid waste thereby reducing weight and associated tipping fees when the solid waste is transferred to the disposal facility in Southwest Harbor. The Treasurer was advised by the Town's auditor that a separate monitoring account was the only requirement for administration of these funds. Initiation of a separate checking account is not required. Invoices for all expenditures over \$25.00 must be maintained.

ALCOHOL LICENSE HEARING FOR ISLESFORD DOCK RESTAURANT (ITEM 5):

The Town Clerk presented state licensing forms addressing the licensing for serving alcohol at the Islesford Dock Restaurant. Following a brief discussion the Board was unanimous in approval and signed the required documents which will be forwarded to the state liquor licensing board.

FINANCIAL WARRANTS:

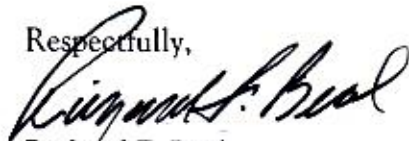
The Town Treasurer present three financial warrants which were reviewed and approved in the following amounts:

a. School expenditures:	\$73,545.5
b. General bills	\$9,016.23
c. General bills	<u>\$824.71</u>
Total:	\$83,386.53

ESTABLISHMENT OF NEXT MEETING DATE AND TIME (ITEM 7):

This Board meeting concluded at 10:30 AM with Selectmen McCormick and Beal visiting the new public restroom facility, in the company of Dan Lief of the Islesford Dock Restaurant, for an inspection tour. Following the inspection, Selectman Beal visited the public wharf repair in progress and talk with the foreman of Chesterfield Associates, Inc. and the Kleinschmidt Associates, Inc. engineering representative. The next Board meeting will be on Great Cranberry at the Community Center at 08:45 AM on 4 June 2002.

Respectfully,



Richard F. Beal
Selectman

These minutes were approved by
the Board of Selectmen on 4 June
2002.

RFB