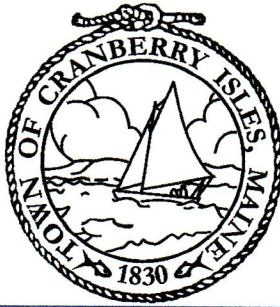


Selectmen

Richard F. Beal, Chairman  
David M. Stainton  
Orville E. Blank, Jr.



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

NOTICE OF BOARD  
OF  
SELECTMEN'S MEETING

*certified ordinance*

A Board of Selectmen's Meeting will be held  
Tuesday, 4 May 2004, commencing at 08:30 AM,  
at the Community Center, Great Cranberry Island  
AGENDA

1. Review Minutes of the 6 April 2004 BOS Meeting
2. Town Treasurer's Financial Warrants
3. Animal Control Officer (R. Beal)
4. Comprehensive Plan Grant Application Approval and Leadership by Planning  
- Board for the Comprehensive Plan Program
5. Hancock County Regional Communication Center Agreement Approval
6. Public Information Access – MFC and other Town business
7. (a) Manset/Northeast Harbor Parking Allocation, (b) MFC Report and  
Recommendations, (c) Municipal Corporation Guidelines & Information,  
(d) Real Estate Listing (former J. Newman Home) (MFC)
8. Hazardous Waste Removal Pricing (R. Beal)
9. Vehicle Waste Disposal Fee Ordinance (Regulations & Implementation)  
(D. Stainton)
10. Palesky Proposal (Property Tax Cap of 1%) (R. Beal)
11. Public Communications
  - a. Bruce Fernald letter dtd 4/15/2004
12. Library & Town document duplication discussion (R. Beal)
13. Fire Department Guidelines and Requirements from BOS (D. Stainton)

14.

Bring a Lunch if you wish

The public is encouraged to attend and participate.

# Journal of Selectmen's Meeting Minutes

---

Tuesday May 4, 2004

## Board of Selectmen's Meeting Minutes

Attendees: Board of Selectmen Beal, Stainton and Blank; Town Clerk & Treasurer Frances J. Bartlett;  
Community members: Karin & Phil Whitney, Barbara Bryant, Bruce & Barbara Fernald, Malcolm Donald, Eve Harrison, Malcolm Donald, and Dan Lief

Meeting opened at: 8:48 AM

### Agenda Items:

#### **1. Review of Minutes of the 6 April 2004 BOS Meeting:**

- a. The Chairman asked Selectman Stainton to moderate the BOS meeting to permit the chairman to take notes pending advertisement and selection of a Deputy Town Treasurer and Assistant to the BOS.
- b. On motion of Selectman David Stainton, with second by Selectman Edgar Blank, the minutes for 6 April 2004 were approved as presented.

#### **2. Town Treasurer's Financial Warrants**

a. Schools	\$ 30,620.76
b. Close of Union Trust Account	\$200,000.00
c. Bills	\$ 6,840.20
d. Bills	\$ 3,980.14
e. Bills	<u>\$ 20,390.07</u>
Total:	\$261,831.17

#### **3. Animal Control Officer (R. Beal):**

Selectman Beal reported that Sergeant Edgecomb of the Mount Desert Police Department has decided that he does not want the position of Animal Control for the Cranberry Isles. Beal was authorized to discuss this subject with the Southwest Harbor Police Chief and determine if there was an Animal Control Officer available in that Town who could assist the Cranberry Isles part time when needed. He was also asked to contact the State for their guidance in an effort to find a suitable candidate. Michael Phillips of Sutton Island suggested from the floor that perhaps a local veterinarian be approached to take the position.

#### **4. Comprehensive Plan Grant Application Approval and Leadership by Planning Board for the Comprehensive Plan Program (R. Beal):**

- a. Planning Grant application was presented before the board and with recommendation for approval and



## Journal of Selectmen's Meeting Minutes

Planning Board has participation in the Comprehensive Planning Group as a topic for a meeting tomorrow. He also added that they had met only once in two years and didn't think that the Board would be able to satisfactorily participate.

c. The Board of Selectmen decided to wait for one month for various names of candidates to surface and to have the final selection of a planning group at the June meeting. Selectmen Beal **motioned** that a committee of seven be formed as a core group, with a recommendation for one candidate to come from the MFC, one from the Planning Board, one from the Futures Group of Cranberry Isles, plus four from the island population at large; Lise Pratt is tasked with recommending a proposed committee for consideration at the June BOS meeting. Selectman Blank seconded the motion with concurrence by Selectman Stainton. Phil Whitney, speaking from the audience, complimented Lise Pratt for the work she has accomplished to date in getting the application underway and keeping the process moving forward to which everyone present agreed.

### 5. Hancock County Regional Communication Center Agreement Approval:

Selectman Beal read the entire Agreement between the proposed HCRCC and Town of Cranberry Isles. Selectman Stainton asked why only the fire department at this time and not also the police department. To have the entire dispatch service provided the cost would more than \$700 per year. Selectman Beal answered questions on dispatching services and what would happen when a 911 call was received by the HCRCC. Phil Whitney recommended that any dispatching system that is adopted be all inclusive in services provided, that the Selectman do more research on the type of communications to be handled on each island, and that the Board participate in the Fire Meeting and learn more of the needs and topics being discussed by each department. Dan Lief responded that there are two fire departments, that there is no requirement that Islesford bring along Great Cranberry which seems to be behind in its organization. Selectman Stainton recommended approval of the Agreement for fire services, and to contact the agency for the other services and how it works. Bruce Fernald recommended that Sutton Island form a committee on Street Addressing and how 911 calls for help are responded to by various agencies.

**Motion** by David Stainton, with second by Edgar Blank, to sign the Agreement for fire dispatching services.

### 6. Public Information Access - MFC and other Town business:

Selectman Beal reported on his discussions with the Maine Municipal Association concerning meetings of the MFC and their conduct of meetings in public. A formal opinion is to be offered by MMA in the near future. Robert Phillips of Sutton Island asked for the BOS to keep MFC informed on how funds for financial accounting operations modification are being spent. Selectman Stainton also discussed the Deputy Treasurer/Assistant to the BOS position which will be posted for filling.

### 7. (a) Manset/Northeast Harbor Parking Allocation, (b) MRC Report and Recommendations, (c) Municipal Corporation Guidelines & Information, (d) Real Estate Listing (former J. Newman Home)

a. Parking Allocation: Malcolm Donald presented the parking allocation decision documents with recommended assignments, the problems to date in making selections for a limited number of parking spots, and decisions required by the BOS. Selectman Stainton: Should we change the system of allocation and what do we do today for the allocation process? M. Donald was asked for his recommendation. He responded that a number of people had not responded to the parking application and also discussed persons already in Northeast Harbor parking but this year do not have enough points. Dan Lief suggested that there be transparency to the entire process with the same rules for everyone. Discussion took place on criteria for last year and what is applicable for this year. Michael Phillips suggested that we look at parking days, i.e., one month vice the season, and then rent 10 spots as needed for short term parking. Michael Phillips was asked by Selectman



## Journal of Selectmen's Meeting Minutes

---

Stainton to undertake resolution of the 15 or so parking problems in Mount Desert as a member of the MFC. Selectman Blank recommended that Mr. Phillips and Mr. Donald talk to a few property owners about moving to Manset with 113 spaces in Northeast Harbor being firmly allocated and the remainder for short term parking of a month. Selectman Stainton recommended that the first round of parking allotments be sent out for individuals with more than 3 points. Phil Whitney suggested that for those persons for whom you could not make an accommodation, then conduct a lottery by drawing out of a hat for space allocation. The MFC, via Malcolm Donald, will advise the BOS as to issuance of parking stickers and resolution of final parking allocation.

b. MRC Report & Recommendations: Michael Phillips reviewed the report and discussed each of the items therein. A copy of this report resides with the Town Clerk and is available from her for the cost of duplication and postage, or for public inspection at the Town Office. Upon briefing the pros and con for sale of the Brown house, with a recommendation for maintaining a right of first refusal to repurchase the property, the Selectmen accepted the recommendation from the MFC to list the house for sale pursuant to Article 22A of the 2004 Warrant. Selectman Beal read the of Article 22A & B for refresher of the specifics voted by the citizens at Town Meeting in March 2004. Mr. Phillips also briefed potential sale of the Hinckley Insurance Building and recommended that this building not be sold for at least the next four years based on a cost analysis contained in the MFC report. **Motion** by Selectman Stainton, with second by Selectman Beal, to sign the listing agreement with Knowles Real Estate for sale with an 11,000 square footage in property size, which was duly signed by the BOS.

c. Municipal Corporation Guidelines: Motion by Selectman Stainton, with second by Selectman Beal, to explore hiring the school board attorney, William Plouffe, of the firm of Drummond Woodsum & MacMahon in Portland, Maine. Mr. Plouffe is known to be very experienced in municipal matters and should be able to assist the Town in answering a number of questions concerning municipal corporations which can then be taken back to the voters pursuant to their vote at Town Meeting 2004.

d. Real Estate Listing: This item was discussed as part of 7.b above

### **8. Hazardous Waste Removal Pricing (R. Beal)**

Costs of handling hazardous waste materials were presented for information with a discussion of how to handle waste oil from the fishermen.

### **9. Vehicle Waste Disposal Fee Ordinance (Regulations & Implementation) (D. Stainton)**

#### **a. Questions posed by Selectman Stainton**

1. Application Form: Chairman Beal will prepare a draft application & permit form containing those vehicle identification items necessary to identify the permitted vehicle.
2. Application for Exemption: Certification will be required when the vehicle is to arrive and leave from the islands and this could involve the barge operators for participation in the program by providing a signature when a vehicle was delivered or removed from one of the islands.
3. Additional discussions: It was apparent from the discussion with members of the community that further thought needs to be given to implementation of this voter approved ordinance since its effectiveness will depend on how the implementation regulations are defined. For example, enforcement will be by the Code Enforcement Officer since the Hancock County District Attorney has indicated that this is a civil ordinance and not a criminal one. Nevertheless, enforcement of State laws for vehicles under Title 29 is also necessary to ensure that all vehicles are registered and insured when operated on any of the islands. This is not the case at the moment. Further, in order to get an Exemption Permit for the \$250 Disposal Fee, all current vehicles must be registered and insured and many are not as of today's BOS meeting. Bruce Fernald indicated that of the 30 plus vehicles removed as junked autos just two years ago from Islesford, they have a similar number of abandoned vehicles that have shown up.



## Journal of Selectmen's Meeting Minutes

---

**b. Letter received from Carl & Patricia Brooks:** Letter becomes moot since regulations will not be issued prior to the June 2004 BOS meeting. Their request indicated that they would be bringing an automobile onto Great Cranberry in the 10 May time frame.

### 10. Palesky Proposal (Property Tax Cap of 1%) (R. Beal)

Chairman Beal discussed the information provided by the Maine Municipal Association on their web site and the impact on Town finances should this proposal be passed by the State's voters in either the June or November election. A specific date has not been determined yet. For the Cranberry Isles if this 1% property tax reduction act were in effect for 2004, the Town would be approximately \$400,000 short in funds to implement those items approved by the voters at the March 2004 Town Meeting.

### 11. Public Communications

**a. Bruce Fernald letter dtd 4/15/2004:** Contents of letter quoted below. Mr. Fernald stated at the meeting that he was now in favor of selling the former Newman home (Brown House) in Manset, but keeping for at least the next four years the Hinckley Insurance property based on the financial analysis provided by the MFC and Michael Phillips.

**b. Department of Public Safety Liquor Licensing & Inspection:** Liquor license renewal application for the Islesford Dock Restaurant was signed with the stipulation that all signatures be applied and that a request for hearing exemption be submitted to the board for completion of the record. Selectman Blank to take for action.

**c. Phil Whitney** suggested that we should try to obtain police service on island and not depend on getting assistance from off island. Need immediate response for problems occurring on island. Must not give up on finding an individual from within the community with a goal of having an officer on both Great and Little Cranberry Islands.

**d. Selectman Beal** reported on significant erosion on Murch property located between Deadman Point and Fish Point on the shore side facing "The Gut". This erosion appears to be the result of damage to the shore bar located in the vicinity of LAT 44-15' and LONG 068-14.55' when workmen two years ago used this strip of land in their effort to get to the Chris Nash construction site on the tip of Fish Point. Selectman Beal was authorized to contact the State EPA and associated officials to determine the next course of action, since further erosion could open up the Pool to the Gut and possibly damage the clam flats inside the Pool.

**12. Library & Town document duplication discussion (R. Beal):** Following discussion of the need for this machine for not only the Library but also support to the Town Assessor and duplication of numerous Town documents, on **motion** of Selectman Stainton with second by Selectman Beal, an amount of \$2000 was authorized from the Selectmen's Contingency Account for 1/2 support in the purchase of a duplicating machine. The Library Board is to be advised by the Chairman that the BOS wishes to be involved in the selection process for a machine since a robust quality product is desired. Chairman Beal point out to the BOS and audience that the Town Office would be moving out of Frances Bartlett's home next March 2005 since she has firmly stated that she will not stand for election again as Clerk, Treasurer or Tax Collection. Her decision to retire is firm as she stated again at this BOS meeting.

**13. Fire Department Guidelines and Requirements from BOS (Stainton):**  
Letter from the BOS to each fire department as contained below was approved:

"4 May 2004

To: Cranberry Isles Fire Chiefs Sanborn and Chaplin



## Journal of Selectmen's Meeting Minutes

---

The Board of Selectmen is very pleased with the initiative undertaken by the island fire departments to improve fire service in the Town, and the voters have certainly expressed their support by appropriating over 10% of the Town budget for that effort.

We are sure that both the Selectmen and the fire departments are very aware of our responsibility to the voters to account for effective use of the money voted, and for that purpose the Selectmen ask that each department take a few simple steps to insure good communication to us and to the public of the goals and achievements of each department.

**First**, we ask that you forward to the board a copy of the bylaws governing your organization and a list of the current officers or other elected or appointed officials.

**Second**, we ask that you furnish us with a prioritized description of actions or program which you believe necessary to improve department operations, including such areas as personnel safety, reduction of fire risk, establishment of communication networks, equipment requirements and other actions designed to improve fire insurance ratings. Budgeted expenditures for these activities should be shown for each program, and accounting should likewise be done on a program basis.

**Third**, we ask that you submit a brief written report to the Selectmen every other month at the regular Selectmen's meeting, beginning in June. The report should describe department activities in the previous months and future plans which may be of interest, together with the department treasurer's report. Please try to get this to us not later than the first day of the month.

The Board of Selectmen is particularly interested in and urges both Islesford and Great Cranberry Island departments to cooperate on programs of benefit to both islands, such as training, equipment purchases and consultation with outside sources. Opportunities in any of these areas must be shared whenever possible.

We hope you will include in your priorities a program to equip each household with fire extinguishers and smoke detectors and such other equipment as would help in early response to threat of fire.

Please be aware that the Town customarily requires competitive bids for purchases of goods or services costing over \$5000, unless the provider is a unique or sole source.

Again, thanks for your efforts.

### Cranberry Isles Board of Selectmen

Richard F. Beal

David M. Stainton

Orville E. Blank, Jr.

**14. Adjournment:** was at 02:30 PM with the next meeting scheduled for Tuesday, 1 June 2004 on Little Cranberry Island at the Islesford Neighborhood House. Meeting to commence at 08:30 AM

\*\*\*\*\*

### COMMUNICATIONS FROM THE PUBLIC

Bruce W. Fernald



# Journal of Selectmen's Meeting Minutes

---

P.O. Box 57

Islesford, ME 04646

244-5283

4/15/04

Cranberry Isles Board of Selectmen

Richard Beal

David Stainton

Edgar Blank

To the Selectmen:

I am writing this letter as a private citizen, not in my capacity as a MFC board member. These are my personal opinions and observations. Having just been elected to the MFC and not really knowing much about our Manset facility, I toured the "brown house" with Harriett Whittington of the Knowles Company on April 14. After spending time going over the house, it made me realize that we, as a town, should not be managing properties. The house, in my opinion, should not have been shown in its present condition.

At this point:

1. There is a leak in the roof in the easterly corner of the house.
2. The ceiling in the living room is crumbling and needs repair.
3. The front porch deck needs repainting. Half of the stain is gone.
4. The newly installed shingles on the front porch are still unstained.
5. There are large (2' by 3') sections of painted sample colors on the white walls throughout the house.
6. The paint is peeling off the bathroom wall behind the bathtub.

All of these items, minus the roof leak and ceiling repairs, could be taken care of in a few days or less. Preparations are being made to take care of these at this time. I am concerned that they have not been dealt with in a year's time. I'm not putting the blame on any person, group, or board, but this is an example of why I think we, as a town, should not hold onto this or any other unnecessary properties.

Selling this property for \$150,000 or \$175,000 less than what we originally paid does not necessarily mean a loss to the town. We are retaining the garage and apartment, one-sixth of an acre of land, and easements off the property. It is hard to put a value on these, but I think that they are close to the value of the difference. The savings in insurance, taxes and maintenance would add up to a lot of money.

This brings me to my concerns about the Hinckley Insurance building. With the money we will need to soon spend on improvements (around \$30,000) to be in compliance with our lease agreement and the fact that our tenants are out of compliance with their lease from us (by renting an apartment on the third floor of the building) I wonder why our town needs the complications of being a landlord. This seems like a very good time to sell the place to our tenants, or anyone else who wants to buy it, before everyone involved on both sides gets totally disgusted with the situation. I understand that someone who is connected with the Hinckley building has asked us to "name a price." This sounds like a good idea to me.

Our town voted to buy the Manset property for waterfront access and parking. I believe that this will prove to be a wise decision. As I see it, the current complications of the property are having a major negative impact on our town. We are out of compliance on our lease with our tenants and we have a debt load that is way too high. The time that has been put into discussions about this property could be better used in attending to the daily operations of town business. I think the concerns I mentioned above are draining the energy and money from all of us.

I am asking the board of selectmen to please cooperate in any way possible. Please let the MFC work to help us all out of this situation. I am going to do what I can to work with Selectmen and as a MFC board member for this purpose. Thank you so much for your service to the town. I really appreciate it.



Journal of Selectmen's Meeting Minutes

---

Sincerely,  
/s/ Bruce W. Fernald

\*\*\*\*\*

Joseph L. Delafield, III  
32 Ship Channel Road  
South Portland, ME 04106

April 14, 2004

Richard F. Beal, Chairman  
Board of Selectmen  
Town of Cranberry Isles  
Cranberry Isles, ME 04625

Dear Richard:

At the Town Meeting last month, when Warrant Article 32 concerning the formation of a municipal corporation came up, you indicated a hope that I might be able [to] provide some input on the subject. Since then, I have heard indirectly from Carl Brooks that you may be expecting something from me, and I wanted to be certain that I understand your expectations clearly. I am, as you know, entirely willing to be helpful if it is within my power.

In reviewing past communications I have received from Carl, I believe he has raised several questions all relating to the fact that the Manset facility is located outside of the geographic boundaries of the Town. Since these questions predated the acquisition of that property, it may be that some of them have been put to rest by the fact of the acquisition, and the accompanying scrutiny that the transaction received by the Town Attorney and Bond Counsel. I have no interest in second guessing that scrutiny, and I am sure you agree.

So the first question - does the Town have authority to acquire and own real estate outside of its geographic b bounds - appears to have passed examination by the Town's Attorney and Bond Counsel.

The second question, which relates to potential liabilities of the Town for events taking place at the Manset facility, may still need examination. This raises questions relating to sovereign immunity, coverage under the Tort Claims Act, and liability insurance.

The third broad area of questions relates to federal and state taxation of revenues from the Manset facility and the deductibility of donations to the Town in support of that facility.

The proposal for a municipal corporation is, I believe, designed to improve the position of the Town on each of these questions. However, the legal issues underlying that conclusion are complex and esoteric, and beyond any specific experience that I have. I would be glad to look into them, but I have to tell you that the only way I can think of for the Town to have the kind of reliable advice that it should have on these questions is to hire an attorney of suitable competence to provide clear guidance. Such attorneys are available in Maine, and I would be glad to offer some suggestions if that would be helpful.

Please let me know what you would like from me in connection with these questions.

Very truly yours,  
/s/ Joseph L. Delafield III

cc:  
Carl N. Brooks  
Frank Reece

\*\*\*\*\*