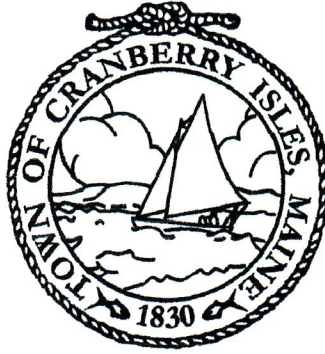


BOARD OF SELECTMEN

DANIEL S. LIEF, CHAIRMAN
AARON W. GRAY
RICHARD F. BEAL



**MUNICIPAL ADVISORY
COMMISSION**

M. DONALD, M. FERNALD
E. HARRISON, J. PICKERING
L. PRATT, F. REECE, C. WHITE

TOWN CLERK / TREASURER

DENISE Mc CORMICK

FACILITIES SUPERVISOR

ERIC DYER

NOTICE

The Cranberry Isles Board of Selectmen will conduct their regular monthly meeting on Tuesday July 1st, 2008 at 8:45 AM at the Community Center on Great Cranberry Island.

AGENDA

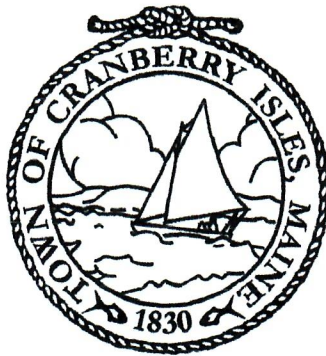
- I. Call to Order
- II. Review / Approval of Previous Meeting Minutes
- III. Review / Signing Financial Warrants
- IV. Old Business
 - A. LCI Municipal Garage
 - B. Manset (lot and facilities)
 - C. Road Work
 - D. LCI Plow Truck
 - E. GCI Snow Removal and Sanding
- V. New Business
 - A. RJD Appraisal Contract
 - B. Special Town Meeting Warrant
 - C. Town Liability Insurance
 - D. Bike Rack, Town Office
- VI. Other Business
- VII. Audience Communications
- VIII. Executive Session
- IX. Adjournment

BOARD OF SELECTMEN

DANIEL S. LIEF, CHAIRMAN
AARON W. GRAY
RICHARD F. BEAL

TOWN CLERK / TREASURER

DENISE Mc CORMICK



MUNICIPAL ADVISORY COMMISSION

M. DONALD, M. FERNALD
E. HARRISON, J. PICKERING
L. PRATT, F. REECE, C. WHITE

FACILITIES SUPERVISOR

ERIC DYER

**Board of Selectmen's Meeting Minutes
July 01, 2008
Great Cranberry Island Firehouse**

Attendance:

Dan Lief, Chairman, BOS
Aaron Gray, BOS
Richard Beal, BOS
Eric Dyer, Facilities Supervisor
Denise McCormick, Town Clerk
Nanette Hadlock, Deputy Clerk
Malcolm Donald, MAC
Eve Harrison, MAC
Chris White, MAC
Phil Whitney
Harvey Bunker
Richard Pierson
Kitty Pierson
Jeff Berzinis
Matt Cramer
Alyson Mayo

I. Call to Order: 8:45 by Chairman Dan Lief.

II. Review / Approval of Previous Meeting Minutes

Richard Beal moves to accept the minutes as written for the June 05, 2008 Board of Selectmen's Meeting Minutes, and for the June 19, 2008 Special Board of Selectmen's Meeting Minutes. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**

III. Review / Signing Financial Warrants

Warrant #30: 6611.14

Warrant #31: 37407.65

Warrant #32: 15476.86

Warrant #33: 119728.27

Total: \$179223.92

All warrants were signed by the Selectmen.

IV. Old Business

A. LCI Municipal Garage

Chairman Lief wishes to take out of order Section V, New Business, subsection B, Special Town Meeting Warrant in conjunction with LCI Municipal Garage. In reference to the municipal garage site, the Selectmen are prepared to sign a Special Town Meeting Warrant to ask the voters to decide which course of action to take. Selectman Lief reads the warrant for the Special Town Meeting to be held on Tuesday, July 08, 2008, 2:45 P.M. at the Islesford Neighborhood House.

Article #1. To elect by ballot a moderator to preside at said meeting.

Article #2. To see if the voters of the Town of Cranberry Isles will approve the Use of the M.M.A.'s recommended Maine Moderator's Manual "Rules of Procedures" for the conduct of this Town Meeting.

Article #3. To see if the voters of the Town of Cranberry Isles will approve Opening the floor of this Town Meeting to all non-registered citizens for the Purpose of discussion only on each of the following articles of this 2008-B warrant.

Article #4. To determine which course of action the voters of the Town of Cranberry Isles will approve for execution by the Board of Selectmen regarding The physical location and construction of the new municipal / Firehouse on Little Cranberry Island. Possible options are, but not limited, to:

- a. Move the location of the new building to a position on the same site where it no longer would be over the dump/landfill area. The Selectmen will work with neighbors and the broader community in an effort to ensure the building and its location meet the needs of abutters and the Town.
- b. Pursue planning and development of an alternate site which would meet the requirements for this municipal garage/Firehouse. Options include moving the site to the Islesford town gravel pit or another piece of property to be acquired by the Town.

Comments from the audience include concerns with the lack of plans for reparation of the old dump, clarity of incremental costs of either option presented for the voters to consider, vague information on what the new building will look like and its quality, obstruction of view for neighbors of the proposed site near the current Town Garage, time provided for discussion of both warrant article options, and where to put the new fire truck which is to be delivered in mid October.

Selectman Lief responds to the concerns. No money is budgeted for reclaim of the old dump at this time. Rough cost estimates for relocation of the proposed project will be provided from professional companies for the meeting. The moderator of the meeting will be requested to allow adequate time for discussion of both options before vote. The Selectmen intend to work with the neighbors during the project process to come up with the best solution for aesthetics of the building. Selectman Lief wishes to have on the record that he called Eve Harrison and Harvey Bunker a week and a half ago stating that going into the Town Meeting that he wishes to meet with them as much as needed during the project process. A feasibility study was done for an office building at the Islesford gravel pit location by M.A.C. Member Eve Harrison.

Selectman Beal recommends that the Facilities Supervisor call Haynes Garage in Northeast Harbor with dimensions of the new fire truck in anticipation of possible storage for delivery. It may also be possible to store the truck at our heated Manset Facility if needed.

The Board of Selectmen signs the Special Town Meeting Warrant.

B. Manset (lot and facilities)

- In reference to Manset Seawall Repairs, Eric Dyer has met with Harbor Committee Chair, David Thomas, to prepare a rough draft of bid specs for the seawall project. The draft will be cleaned up and presented to the Harbor Committee for recommendation, hopefully in the next couple of weeks.
- In reference to Manset Lighting, Goodwin Construction has begun preparation for electricity and water to the Cranberry Dock. M.A.C. Member Eve Harrison states that the lighting was part of the original Manset Plans and wonders what happened to them. M.A.C. member Chris White recommends that the three to four coping stones be put back in place along the road at the same time digging is going on. The Facilities Supervisor responds that the coping stones are planned as part of the seawall repair.
- In reference to the property lines at Manset, and a fence which has been constructed by an abutting neighbor, Eric Dyer has provided copies of a 2006 diagram showing property lines for TCI Property, and a January 12, 2007 letter sent to the fence owner Judith Hyers by Bill McGuinness. The letter states that "the new fence was constructed on our side of the property line by several feet. From looking at it, it seems that this was done to contain the tree between the properties within your yard. I remember there was some confusion regarding the property line (and the tree) when the fence was being built. The Board is not interested in taking any action at this time other than contacting you so that we are all on the same page." The Selectmen advise the Facilities Supervisor to contact our Town Attorney for advice on this issue, and to keep a file at the office. Selectman Beal suggests that issues surrounding maintenance of the fence and the tree be made as a notification on record.
- There also may be a question as to the right of way in the rear of the warehouse. Selectman Beal recommends a complete survey of the property. Some abutting properties are up for sale, and property lines should be cleared up. The Facilities Supervisor will speak with the Selectmen about costs before proceeding with a survey.
- The Facilities Supervisor has met with Phil and Karin Whitney to determine if an alternate entrance can be created for the public restroom at the Manset Facility. Entrance to the public restroom now requires passage through a working boat shop. It was decided that creating an alternate entrance to the restroom could be accomplished rather inexpensively.
Richard Beal moves that the job be done for no more than \$3500.00, with a goal of \$2000.00 or less. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**
- In reference to towing parking violators at the Manset Facility, the Towing Company requests that a notice is placed on the vehicle in violation before towing. The parking application letter warns Residents that violators will be towed. Efforts are made to find the owner of a parking violation, but this is not always possible. The Selectmen wish for the town office employees to not spend a lot of time tracking down violators. If a car is towed, the owner of the car is responsible for the towing and storage charges to the towing company. So far there has been one complaint of a car parked in someone else's space this season at Manset. Owners of rental properties are encouraged to educate their tenants before arrival of mainland parking rules for Cranberry Isles. At this time the lot is being checked twice weekly.

- It is recommended to research the possibility of land for sale which abuts the Manset Property in the Northern property corner. The Facilities Supervisor will look into the acreage, zoning and price of the property.
- Lee Judd of Marsh USA has contacted the Town Office to let us know that a new furnace is needed at the building before the cold season begins. The Facilities Supervisor will get a quote for a new furnace and advice on what type to get.
- The Marsh USA lease states that property taxes must be reimbursed by Marsh to the Town of Cranberry Isles. Taxes for 2006 and 2007 are owed to the Town. This requirement has been part of the lease since the beginning. At this time, the bills are at the Marsh Corporate Office awaiting payment.

C. Road Work

Two bids were previously received for Road Work on Great Cranberry Island. Due to lack of clarity with the amount of culvert work being bid on, the Facilities Supervisor sent a letter to both bidders for resubmission of bids. At the time of this meeting, one resubmitted bid was received from John W. Goodwin, JR. The amount of culverts, and prices were made clear in the resubmitted bid. The bid amount is \$68,444.00.

Aaron Gray moves to accept the June 03, 2008 bid from John W. Goodwin, JR for the amount of \$68,444.00. Richard Beal seconds the motion, with a unanimous vote by Dan Lief. **Motion passes.**

The Board of Selectmen signs the bid proposal award.

Jeff Berzinis suggests that the Facilities Supervisor address erosion control measures for the new ditching.

Selectman Beal suggests that the Facilities Supervisor get engineering advice for roadwork needs at Islesford.

D. LCI Plow truck

The Board of Selectmen has approved the purchase of a 2008 Chevrolet Silverado 3500HD 4 wheel drive truck for plowing at Islesford. Purchase price for the new truck is \$24,168.00. A wing plow is now in the process of being obtained. Plans are for the wing plow to be mounted on the driver's side of the truck. Additional information may be obtained on this type of wing plow set-up from the Bar Harbor Airport who uses this equipment.

E. GCI Snow Removal and Sanding

Selectmen Beal has rewritten the snowplowing contract for bid at Great Cranberry Island. Changes to the contract include the contractor proposing to perform snow removal and sanding work on an hourly snow plowing rate, plus a monthly rental fee for plow truck, loader and sander. Barging fees are to be included if required. The contract bidding will also be made available to off-island contractors. The contractor shall begin plowing and snow removal at any and all times when snow or slush have accumulated on the above listed ways (either from snowfall or drifting) to a depth of 4 inches, or within 12 hours of the storm beginning if an off island contractor, or upon consultation with a Town Selectman.

Richard Beal moves to put out snowplow specifications by general bid with a return date of August 01, 2008 as stated. Aaron Gray seconds the motion, with a unanimous vote by Dan Lief. **Motion passes.**

V. New Business

A. RJD Appraisal Contract

By request of Selectman Beal a proposal has been presented by R.J.D. Appraisal for a Town wide property reevaluation in 2009, which would reflect in tax bills

for 2010. The cost of the proposed reevaluation services is \$73,000.00. Selectman Lief is not prepared to sign the proposal at today's meeting. The Selectmen request a teleconference meeting with the Manager of R.J.D. Appraisal. There is still some question as to the need for a reevaluation at this time.

B. Special Town Meeting Warrant

Previously discussed.

C. Town Liability Insurance

Maine Tort Claims Act provides immunity for municipalities from negligent acts if working in good faith, except in the situations set forth in 14 M.R.S.A. § 8104-A or other specific statutes. General exceptions to immunity include torts committed in the following contexts:

- Negligent ownership, maintenance or use of vehicles, machinery and equipment
- Negligent ownership, maintenance or use of public buildings
- Sudden and accidental discharge of pollutants
- Road construction, street cleaning or repair
- "Highway defects"

The Tort Claims Act (14 M.R.S.A. § 8103, 8104-A, and 8104-B) lists a number of specific examples of activities for which the municipality is immune from liability. They are:

- Legislative acts
- Quasi-Judicial act
- Discretionary acts
- Prosecutorial acts
- Public outdoor recreation facilities
- Tax acquired property

The Town of Cranberry Isles has a general liability insurance policy.

The rule is different for municipal employees, agents, officials and volunteers, including the municipal officers. The municipal officers are not subject to any greater or less liability than other municipal officials, but do not get the same protection as the municipality itself has. 14 M.R.S.A. § 8111 provides immunity only for the following:

- Legislative acts
- Quasi-judicial acts
- Discretionary acts
- Prosecutorial acts
- Intentional acts or omissions committed in good faith and within the course and scope of the individual's job

The Town of Cranberry Isles has an official's liability insurance policy.

D. Bike Rack, Town Office

Joy Sprague has requested if the Town could buy a bike rack for in front of the Town Office to relieve congestion in front of the office, store and post office due to parked bicycles which accumulate in front of the buildings. Selectman Lief does not feel that the Town should be spending tax dollars to buy bike racks for use by private business. Eric Dyer will check into the availability of bike rack donations.

VI. Other Business

- Town Clerk Denise McCormick requests that the port a potty that appeared in front of the Town Office to please be removed. Selectman Lief assures that the port a potty will be removed by the end of today.
- Chris White reports that the personal interest payphone at the Great Cranberry Dock is not in working order. The line is fine, but the phone is not working. The Facilities Supervisor has contacted the Public Utilities Commission who is in the process of changing service providers for these phones. Mr. White requests that a letter be written by the Selectmen to the public utilities commission in reference to problems with the public interest telephone service. Selectman Lief suggests that if someone else would write the letter, the Selectmen would consider signing it.
Richard Beal moves to buy two inexpensive phones and replace the public interest phones with these phones. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**
- Jeff Cramer reports that there will be a sustainability meeting on Thursday at the Islesford Neighborhood House. A meeting will be held later this month at Great Cranberry. At Thursday's meeting there will be a report of ten things you can do now to conserve energy. A brief two page document with an overview of recommendations and methodology for sustainability will be presented. Email addresses will be collected for distribution of reports. The specifics of "what's next" will also be discussed. On Wednesday, July 30, there will be a meeting with Bangor Hydro in Bangor to discuss island energy usage, concerns, etc. with the V.P of community affairs, the regional operations manager, the accounts specialist, and a couple of interconnection engineers. This meeting will be open to all who are interested. A geothermal expert will also be visiting the island sometime this summer.
- Richard Pierson of the Cranberry Isles Realty Trust addresses the meeting in reference to the annual meeting of the Trust on July 09. A high priority for the C.I.R.T. Board is to find people who can make a go of it at the islands. Mr. Pierson questions the role of the municipal government in providing affordable housing. Selectmen wish to work with CIRT in any way possible.
- The telephone account for the Cranberry Firehouse is still not hooked up. The Town Clerk has been pursuing an account for the phone, but is having difficulty convincing Fair Point that we do not need a Bowdoinham exchange number; we need a Southwest Harbor exchange. The Fair Point representative did not agree, and hung up on the Clerk. The Town Clerk will continue pursuing the phone line.
- A woodstove given to the Lady's Aid by the Selectmen, which used to be in the GCI Schoolhouse, is now not needed by the Aid any longer. Richard Beal would like to offer it to the Historical Society.
Dan Lief moves to allow Richard Beal to dispose of the stove. Aaron Gray seconds the motion. **Motion passes.**

VII. Audience Communications

- Nan Hadlock reports that there is a box at the Town Office for recycling of used ink cartridges and cell phones. Anyone wishing to contribute is welcome and all proceeds go to the Islesford School.
- Richard Beal moves to put the old float at Great Cranberry Island out for bid. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**

- It has come to the attention of the Board of Selectmen that the Ordinance to Regulate the Parking of Motorized Vehicles on Public Lands and Ways may not be a legal ordinance. According to Richard Beal, the ordinance was only approved by the Selectmen and includes no penalty for violations. Selectman Lief requests that the Deputy Clerk make note of this and to include the work on this ordinance for a later date.
- Selectman Beal would like to find a way of staying informed of when private property is being donated for conservation. Mr. Beal is concerned with the effect on the Town tax base.
- The Town accepts with regret the news of resignation of Alyson Mayo as Island Institute Fellow for Great Cranberry Island.
- Town Clerk Denise McCormick will be out of the office on vacation July 07 through July 13, 2008.
- The TCI Code Enforcement Officer has made a request to the Selectmen for a Deputy Code Enforcement Officer to replace her when she is on vacation. The Selectmen feel that the Town is capable of working around the current C.E.O.'s vacation schedule without the Deputy C.E.O. position being added. The Code Enforcement Officer is currently on vacation. Some concern is voiced from the audience in regard to the availability for meetings with the C.E.O. The Selectmen wish to hear from the Planning Board Chair in regard to availability of the C.E.O. when needed.

VIII. Executive Session: 11:55 A.M.

Richard Beal moves to go into executive session for personnel issues according to 1M.R.S.A. §4056A. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**

The Deputy Clerk asks if the personnel issues have anything to do with her, and is told by Selectman Beal "No".

Meeting Called Back to General Session: 12:02 P.M. by Selectman Dan Lief.

IX. Adjournment: 12:03 P.M.

Richard Beal moves to adjourn the meeting. Dan Lief seconds the motion, with a unanimous vote by Aaron Gray. **Motion passes.**