

Town of Cranberry Isles, Maine

Official Website

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April 3, 2012

MEETING NOTICE

The Cranberry Isles Board of Selectmen will conduct a regular meeting on Tuesday, April 3, 2012 starting at 8:45 A.M.

at the Cranberry Community Center on Great Cranberry Island

AGENDA

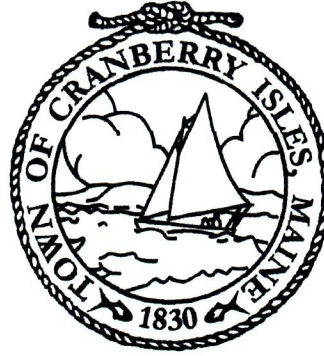
- I. Call to Order
- II. Review / Approval of Previous Meeting Minutes (February 28 & March 16)
- III. Review / Signing Financial Warrants
- IV. Appointments
 - A. Annual Appointment
 - B. Parking Committee Appointments
 - V. New Business
 - A. Sign Bank Loan Authorization for Islesford Road Projects
 - B. MSW Rate Adjustment
 - C. Bathroom Contracts (GCI & Manset)
 - D. Sutton Island Trash Contract
 - E. RJD Re-evaluation Proposal
 - F. Cranberry Isles Commuter Boat Contract
 - G. Use of Manset Dock by Downeast Sailing Adventures
 - H. Update on GCI Dock Repairs
 - I. Northeast Harbor Parking Lot Lease: 10-Year Renewal Option
 - J. Manset Property Boundary Encroachment
 - K. CEO Letter to Selectmen: Code Violation
 - VI. Other Business
 - VII. Audience Communications
 - VIII. Adjournment

PRIMARY NAVIGATION

- [Town Officials Directory](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Town Ordinances](#)
- [Town Documents](#)
- [2015 Tax Maps & Commitment Books](#)
- [Emergency Services](#)
- [Visit us at the town office](#)
- [Bulletin Board](#)
- [Authorized User login](#)
- [--- Commuter Boat ---](#)
- [Home Page](#)

BOARD OF SELECTMEN

RICHARD F. BEAL, CHAIRMAN
PHIL A. WHITNEY
CHRISTOPHER L. HATHAWAY



MUNICIPAL ADVISORY COMMISSION

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

TOWN CLERK / TREASURER

DENISE Mc CORMICK

ADMINISTRATIVE ASSISTANT TO BOS

JAMES FORTUNE

**Board of Selectmen's Meeting Minutes
April 03, 2012
Great Cranberry Island Community Center**

Attendance:

Richard Beal, Chairman, BOS
Chris Hathaway, BOS
Phil Whitney, BOS
James Fortune, Administrative Assistant
Denise McCormick, Town Clerk
Nanette Hadlock, Deputy Clerk
Karin Whitney, MAC
Jeff Berzinis, MAC
Katelyn Damon, MAC / School Board
Bruce Komusin, Planning Board
Blair Colby
Ingrid Gaither
Steve Keblinsky
Adele Berzinis
Roy Hadlock

- I. **Call to Order:** 8:45 A.M. by Chairman Richard Beal.
- II. **Review / Approval of Previous Meeting Minutes (Feb. 28 & March 16)**
Phil Whitney moves to approve the February 28, 2012 Board of Selectmen's meeting minutes as written. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

In reference to a bill from Gott's for snowplowing at Manset, Jim Fortune reports that Gott's thinks they may have overcharged TCI. The Treasurer is instructed to cancel the check previously written and held, and to ask Gott's for a new invoice. The Board of Selectmen authorizes a mid cycle warrant to pay the new bill for Gott's when received.

Richard Beal moves to approve the March 16, 2012 Board of Selectmen's meeting minutes as written. Chris Hathaway seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

III. **Review / Signing Financial Warrants**

Warrant # 15: 6,180.86
Warrant # 16: 47,055.95 (school)
Warrant # 17: 75,181.01

Warrant Total: \$128,417.82

In reference to the new float built by Courtney Chaplin for Sutton Island, total for the bill was \$8052, \$250 over the bid. Roofing nails were purchased for the bumpers and special metal braces were crafted for the chains.

In reference to a bill submitted by Chris Butler landscaping, Jim Fortune reports that he has experienced unsuccessful attempts to reach Mr. Butler. Mr. Fortune will check with Mr. Butler regarding where shoveling occurs at the Marsh building. The Selectmen instruct the Treasurer to hold the check for Chris Butler Landscaping until the invoice is clarified.

IV. **Appointments**

A. **Annual Appointments**

Discussion takes place over the back up Harbormaster position offered to Dennis Dever. Selectman Whitney states that the actual Harbormaster position is a paid position (\$1,000 budgeted for each on GCI and Islesford) and the individual needs to be available. Dennis Dever has been asked to fill in as back up Harbormaster when called by the local Harbormasters or the Board of Selectmen. Selectman Beal has asked Mr. Dever to attend law enforcement school on behalf of the Town Of Cranberry Isles. Budgeted funds for Parking at Manset and Dockmaster are \$5,000. Richard Beal will contact Bruce Fernald to see if he is interested in continuing as the Islesford Harbormaster. Mr. Beal will also contact Gaile Colby to see if she is interested in continuing as Board of Appeals member.

Richard Beal moves that Dennis Dever get law enforcement training and be appointed as back up Harbormaster. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

The following appointments were approved by the Selectmen:

- Constable: Richard Beal
- Constable: Richard Howland
- Animal Control Officer: Allan McCormick
- Harbormaster: Norman Sanborn, II
- Harbor Committee: Theodore Spurling, JR (term expires 2015)
- Harbor Committee Alternate: Nickolas Hadlock
- Harbor Committee Alternate: James Fortune
- Local Health Officer: Wanda Harmon Porter
- Board of Assessment Review: Beverly Sanborn
- Board of Assessment Review: Malcolm Donald
- Board of Assessment Review: Michael MacFarlan

Richard Beal moves to appoint Malcolm Donald, Katelyn Damon and Chris Hathaway to handle the politics of the parking assignments. Phil Whitney seconds the motion. **Motion passes.**

Cory Duggan is appointed alternate parking committee member if Katelyn Damon cannot attend the parking committee meeting the week of April 23.

Phil Whitney moves that if a person has enough points, they get whatever parking lot they desire, without having to wait a certain amount of time to

switch lots. Richard Beal seconds the motion, with a unanimous vote by Christopher Hathaway. **Motion passes.**

The Board of Selectmen requests that the Administrative Assistant remove all items that do not belong at the Joy Lot and to let the Mount Desert Police Department know that this is being done.

V. New Business

A. Sign Bank Loan Authorization for Islesford Road Projects

An email message, dated March 22, from Tony McKim, Vice President & Chief Operating Officer of The First bank, offers a rate of 2.66% on \$175,000 for five years. This bank loan would be for repairs to lower Main Street and a portion of Sandbeach Road.

Richard Beal moves to accept the bank interest rate and the proposal the bank has presented to the Town. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

A copy of today's BOS meeting minutes will be forwarded to Mr. McKim at The First. The Board of Selectmen authorizes individual signatures on the loan documents as soon as available.

G. Use of Manset Dock by Downeast Sailing Adventures (taken out of order)

In an email dated March 13, 2012, Steven Keblinsky of Downeast Sailing Adventures requests approval to use the TCI Manset Dock to pick up and drop off passengers for his sailing charters. The Manset Dockmaster has reported that logistically there have been no issues with Mr. Keblinsky's use of the dock. Downeast Sailing Adventures provides private sailing cruises. In 2011, Mr. Keblinsky made three trips to Islesford and one trip to Great Cranberry Island. Mr. Keblinsky reports seventy-eight dockages at the TCI Manset Dock last year, carrying 320 passengers for the season, with a limit of six per trip. He estimates docking two to three times per day at the TCI facility. Mr. Keblinsky states that he tries to promote people on visiting the Cranberry Isles and tries to be a good ambassador to the islands.

Phil Whitney moves to agree to allow Mr. Keblinsky to utilize the Manset Dock, requesting that he try and promote the Cranberry Isles. This doesn't obligate us (TCI) in the future to agree to this deal, just for this season at this time. Chris Hathaway seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**

K. CEO Letter to Selectmen: Code Violation

In reference to a code violation on the property of Roy Hadlock at Islesford, the CEO has recommended that the Board of Selectmen initiate legal action proceedings against Roy Hadlock. In April 2005, a permit was issued by the CEO construct a two-story garage, with no indication on the Notification of Intent to Build application what the second floor proposed use would be. An anonymous letter was received by the Board of Selectmen in October 2011 indicating that a dwelling unit had been constructed above a garage located on the Roy Hadlock property. The CEO inspected the two-story garage to confirm that the second floor of the garage was renovated into a dwelling unit (apartment) without proper permits or approvals. Roy Hadlock is at today's meeting. The second story apartment was built by his son, Nickolas Hadlock who lives

there with his girlfriend, Katelyn Damon. Nickolas Hadlock and Katelyn Damon are in the process of trying to buy a home on Islesford. They hope to close on this purchase at the end of April. At that time they will be vacating the premises and Roy Hadlock has promised to cease the use of the second story as a dwelling. Roy Hadlock reports that he has had a telephone conversation with the CEO. Following the cease of use, the CEO will come and inspect that the violation has been cured and is no longer occurring.

Richard Beal suggests putting off legal action for sixty days until Nicko and Katelyn move out. Phil Whitney suggests that Roy Hadlock be given thirty days along with a letter from the CEO following the last conversation with Roy. The Board of Selectmen agrees.

B. MSW Rate Adjustment

Following a request by the voters at the 2012 annual Town meeting, the MSW increase is further researched and discussed. The newest contract is based on adding metals to the fixed price rate. There is also a CPI increase that was added in of \$2,700 which is part of the total increase of \$13,000. The Selectmen, on January 27, 2012, agreed to a new price going forward of \$60,500 per year. Dan Lief, former Selectman of Islesford has volunteered to take a look at the tonnage contract with Southwest Boat. Mr. Lief suggests that the Consumer Price Index (CPI) must be an agreement between the parties as to what the percentage should be. Southwest Boat has figured a 3% CPI increase. As for Inclusion of Metals, the Selectmen and the Contractor agreed that going forward metals would not be charged for separately but instead would be included in the Base Amount. The amount paid last year for removing bulky metals was \$4,800. As for tonnage, the latest adjustment, as arrived at with the assistance of an arbitrator, was based on a three year average municipal solid waste, (MSW), of 85.54 tons (2007, 2008, 2009). Average tonnage for 2010 and 2011 was 85.48 tons. The Administrative Assistant suggests that there seems to be a different use of the formula between the Town and Southwest Boat. The Administrative Assistant recommends postponing the discussion until Dan Lief is back for the meeting. Southwest Boat is now selling metals to the Ellsworth facility; the Town will receive a check for each load sold. Mr. Berzinis explains that the first metals check has not yet been presented to the Town Treasurer; the check is being held by Mr. Berzinis until discussion over rates is complete. The check was written in early March, made out to the Town Of Cranberry Isles from Ellsworth Demo Disposal, in the amount of \$327.00. Mileage costs, paid by the Town as per contract, are \$105.56 to Southwest Boat for taking the metals to the Ellsworth facility. It is questioned how this may effect the contract with EMR in Southwest Harbor, and how long before the contract expires. The Administrative Assistant will research the EMR contract further. Upon further discussion and presentations by both the Town and Southwest Boat, it is decided that the increase is justified as the formula used by Southwest Boat appears to be the same formula that was put in place during the arbitration with Ed Gray.

Phil Whitney wishes to thank Dan Lief for his report and work on municipal solid waste.

Richard Beal moves that based on review and presentations from both sides, the BOS are satisfied with the results. We will review this well in advance of the next three year review. Phil Whitney seconds the motion, with unanimous vote by Chris Hathaway. **Motion passes.**

C. Bathroom Contracts

Eileen Richards has presented a bid, dated September 22, 2011, for cleaning and maintaining of the restroom facility and trash removal at the Town Dock shed on Great Cranberry Island. The amount of Ms. Richard's bid is \$2,500.00.

Karin Whitney has previously held a contract to clean the Great Cranberry Island Restroom and Town Dock Shed at a cost of \$2,100 per season. Ms. Whitney has also previously held a contract to clean the Manset Transit Facility Restroom at a cost of \$2310 per season.

Selectman Phil Whitney recuses himself from a decision on this matter. Chris Hathaway and Richard Beal acknowledge the bid from Eileen Richards.

Richard Beal moves to accept Karin Whitney's offer to clean the GCI bathroom as she is cheaper. The Board of Selectmen also accepts Karin Whitney's proposal for Manset. Chris Hathaway seconds the motion.

Motion passes.

The Town also pays a portion of a season ticket (\$400) from Cranberry Cove for transportation to and from the facility to clean.

D. Sutton Island Trash Contract

The Board of Selectmen signs a one year extension with Josh Gray for removal of household waste and recyclables from Sutton Island. Each waste removal trip will be billed at \$140.00, with trips occurring a minimum of once per week June through September and twice weekly as needed during July and August. This extension is intended to cover the 2012 summer season, with terms of service and payment remaining the same as they were in 2011.

VI. Other Business (taken out of order)

- The Administrative Assistant reports that during the contractor site visit for the Islesford road projects, suggestions were made to change the specs by adding a catch basin at the end of Main Street by the barge ramp and to narrow the road from 15 feet to 14 feet. These change orders have not been presented to the Selectmen as of today's meeting. No decisions will be made at this time. The contract presented to the Selectmen at today's meeting needs Article 3, paragraph A rewritten to reflect how much the first payment will be, and also how much work has to be done and how much paid for subsequent payments for the roadwork. The revised contract and any possible change orders will be presented to the Board at the May 01, 2012 meeting.

V. New Business (Revisited)

E. RJD Re-evaluation Proposal

The Selectmen have proposed a property re-evaluation for 2013. Town of Cranberry Isles assessed property value is approximately \$168,000,000. The state assesses TCI's property value at \$212,000,000. The last re-evaluation was done in 2003 and property values changed in 2004. In

2008, RJD Appraisal was asked to do a re-evaluation but it was turned down by the voters. RJD Appraisal is willing to do the re-evaluation in 2013 at the same cost offered in 2008, (\$73,000). The only time land gets re-evaluated is during a town wide re-evaluation. Buildings are re-evaluated by depreciation or improvements on a quarterly basis. The tax commitment letter is expected to be signed at the May BOS meeting. Phil Whitney suggests a public hearing on each island before the re-evaluation occurs.

F. Cranberry Isles Commuter Boat Contract

It is suggested that a community forum be held before contracts are signed to discuss any issues or recommendations for the continuation of the commuter boat service. The shoulder season contract currently provided by Karl Brunner (MDI Water Taxi) expires in August 30, 2012. The summer season for this service runs to October 14, 2012. Phil Whitney is in favor of extending this contract to cover the gap between August and October. Richard Beal recommends that recommendations be solicited from the Municipal Advisory Commission (MAC). Mr. Beal would like a recommendation on whether to bid the commuter service as one vendor for the whole job, or two vendors for the two portions of the commuter service. Phil Whitney requests that the MAC provide a timeline for reporting back to the BOS and any other information the MAC can offer. The Board of Selectmen wishes to sign a contract by September 2012 at the latest.

Katelyn Damon has emailed a letter to the Board of Selectmen, dated March 30, 2012; she “would like for the Selectmen to entertain an idea of adding an alternative portion to the proposal for school commuter services. This would be an optional portion of the bid that if any boat contractors felt it advantageous to bid on that portion of the bid than they could.” She “would like to propose that the contractors be asked to bid on providing two round trips: one round trip in the morning from GCI to LCI and back to GCI and one round trip in the afternoon from GCI to LCI and back to GCI. The contractors would need to be available to wait at the dock for the parents to deliver their children to the school in the morning and pick up their children from the school in the afternoon (15-30 minute time frame). Boat contractors would also need to meet certain safety criteria such as providing a safe reliable year round school boat option. The purpose of this option would be to ease boating concerns of parents and to also lessen the length of the school day for the younger children. The School budget would cover the differences in cost between the commuter ferry and school boat as long as the costs were not so high that the school budget could not cover those costs and at that time this proposal would be dead in the water.”

Voters approved funds for an early morning and late afternoon commuter service. The Board of Selectmen would not be able to approve the school boat part if all services were bundled into one contract; the School Board would have to approve that. GCI resident Ingrid Gaither speaks of her wish to not send her young son to school on Islesford unattended by a parent. She supports the idea of a dedicated school boat for students; however if a school were open on GCI it would allow for the

“gain of quality time for children and parents together, to ensure safety issues are addressed, and to share equality with Islesford students who are able to walk or bike to school everyday.” The Board of Selectmen encourages GCI parents to demand that the Longfellow School be opened for GCI students. The School Board could go to the voters to ask for financing approval for Longfellow School to make opening the school a reality if the parents want it. Interaction between Islesford and GCI students may be possible by pooling services approximately one day a week for art, music, etc. Questions arise about whether school option would be a choice for parents between Islesford and GCI. Phil Whitney encourages the BOS to look at the future of the GCI community. Resolution: The Board of Selectmen is in support of “I want the GCI School open in time for September 2012.” We will call a special Town meeting. We encourage the opening of Longfellow School.

G. Update on GCI Dock Repairs

The Administrative Assistant reports that work lists are made and repairs have started.

H. Northeast Harbor Parking Lot Lease: 10-Year Renewal Option

The Board of Selectmen requests that the Town Clerk and the Administrative Assistant compose a letter to the Town of Mount Desert expressing the Town of Cranberry Isles wishes to exercise its option for another ten year lease for the parking lot in Northeast Harbor. The letter will be written on Town letterhead and will include the clause for the option to leave the contract within a timeframe of notice, as in past leases. The Town of Cranberry Isles also wishes to request working with Town of Mount Desert with painting the parking lot stripes and to have the parking lot swept.

I. Manset Property Boundary Encroachment

The Town Attorney has sent a letter, dated March 02, 2012, to Judith Hyers, owner of the Brown house property at Manset. The letter requests the removal of the fence constructed by Ms. Hyers on property owned by the Town Of Cranberry Isles. The letter requests that Ms. Hyers contact the Town attorney upon receipt of this letter, and ensure the fence is removed from Town property and any damage to the Town’s property resulting from the fence or its removal (such as fence post holes) is repaired no later than May 31, 2012. Failure to remove the fence and repair the Town property as requested shall result in legal action being taken by the Town and/or the physical removal of the fence by the Town.

VI. Other Business (revisited)

- Further research by Dale Worthen of Eaton Peabody on Sutton Island path research is presented to the Selectmen in a communication, dated March 27, 2011, (should be 2012). The main source of the Town’s legal interest comes from an unrecorded but signed deed, in the Town’s possession, from George L. Paine to the Inhabitants of the Town Of Cranberry Isles dated March 24, 1956. The 1956 Paine deed in 1956 conveyed his “pier, float, and bridge” together with “**a right of way across the pasture from said pier to the town road at a point where the Middle Path intersects the town road easterly of the old schoolhouse.**” The deed – any deed – cannot be recorded in the Registry of Deeds, however, without an official

acknowledgement and seal attached to the deed. The Town has the original signed, but not notarized deed as conveying the pier, float and bridge with right of way across the pasture to the Town even though the deed has not been recorded. In general a deed is effective as between the parties upon delivery of the deed from Grantor to Grantee. It is important to be able to document how and when this deed was delivered to the Town and that the Town has continuously maintained the pier in good repair since deed delivery. With such facts documented, and assuming the Town wants to continue maintaining the pier, we should then settle on a procedure to record the original deed. Recording would protect the Town's interest in the pier and right of way by providing public notice to all third parties of the existing Town interest under the deed. Deeds from the late 1800's and early 1900's identified a "right of way in common with others" running north-south across the Island and ending at "the landing on the South West shore...near Fernald's wharf". Thus, at the time of the George Paine deed to the Town in 1956, numerous Sutton Island landowners held a deeded easement over the right of way to "the Landing on the South West shore...near Fernald's wharf". It is likely this right of way to the landing near Fernald's wharf was also used by members of the public and the right of way may have already become a "town path" with town maintenance by the 1956 date of the Paine deed. The deed from George Paine to the Town as to the right of way may have simply have been given to confirm and already existing public easement held by the Town via years of prescriptive use which would have superseded the prior deeded easements. The Board will seek the advice of the Town attorney on how to proceed with this matter.

- In reference to a dock on Great Cranberry Island at the end of a right of way on Dog Point Road, no deed of ownership of the dock has ever been recorded. The dock is currently maintained by Barbara Stainton and Dick Avery currently resides in a building on the side of the dock. This is a valuable piece of property and the Selectmen are wondering if it would be wise to pursue ownership of the property by the Town. No taxes are collected for this dock as there is no clear title to it. Richard Beal will alert the Town attorney in writing for guidance with this issue.

2:05 P.M. - The Board of Selectmen call a five minute recess.

2:10 P.M. – The meeting is called back to order.

- There are no updates on progress for recommendations of the Harbor Safety study at this time.
- There are no updates on progress of a third mooring at Manset at this time.
- David Sordyl has been hired and has installed two stop signs at Great Cranberry Island.
- Phil Whitney stresses the fact that the Manset Dock and property research is a top priority project for the MAC. Mr. Whitney would like to be kept involved and suggests that Ron Axelrod contact Harbor Committee Chairman Ed Gray and possibly another Harbor Committee member for input.
- The MDI League of Towns is currently working on a proposal for an island wide fire and medical training facility. Katelyn Damon and Richard Howland have created a good working relationship with the Southwest

Harbor Fire Department. The July meeting of the League of Towns will be held at Great Cranberry Island; the Town pays for lunch for this meeting at the café. It is suggested that James Fortune attend the League of Towns meetings on behalf of the TCI Board of Selectmen.

Richard Beal moves to thank Beverly Sanborn for her past services as League of Towns representative. James Fortune is appointed as the representative for TCI for League of Towns. Chris Hathaway seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

- The Manset Dockmaster is a part time employee position for the Town Of Cranberry Isles.
- Selectman Beal has been invited to attend the upcoming Federal Emergency Management Agency Risk Mapping, Assessment, and Planning Discovery meeting for Hancock County. Mr. Beal will attend the April 19, 2012 meeting; the Town Clerk will register him for this meeting. New flood maps are in the works and FEMA will be visiting the Cranberry Isles in the near future for site visits.
- Phil Whitney has invited Senator Brian Langley to the May BOS meeting. If Senator Langley comes to the meeting, a block of time will be reserved at the beginning of the meeting.
- A request from Iann Krasnow, dated March 26, 2012, has been received by the Selectmen for permission to scrape, repair and paint a float for a TCI resident in the Manset parking lot. He will be responsible for removing any debris associated with the maintenance and repair, and tarps will be used to ensure that no paint mess is left. The Board of Selectmen grants permission to Iann Krasnow, reiterating that cleanup is a must.
- Complaints have been received from GCI residents over the condition of the shale roads. Some potholes have developed and Richard Beal suggests that Goodwin's be hired to bring a bomag to GCI and fill the pot holes with the stored shale from the gravel pit. There is also some rough asphalt near the tennis courts on Cranberry Road. The Board agrees to have these roads repaired and maintained.
- Some larger rocks are falling away from the barge ramp at GCI that need to be pushed back into place. An estimate from Blair Colby will be requested for this work before the next BOS meeting.

VII. Audience Communications

None at this time.

VIII. Adjournment: 2:46 P.M.

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