

Town of Cranberry Isles, Maine

Official Website

cranberryisles.com islesford.com islandinstitute.org

January 27, 2012

MEETING NOTICE

The Cranberry Isles Board of Selectmen will conduct a regular meeting on Friday, January 27, 2012 starting at 8:30 A.M. at the Neighborhood House on Little Cranberry Island

AGENDA

(REVISED January 20, 2012)

- I. Call to Order
- II. Review / Approval of Previous Meeting Minutes
- III. Review / Signing Financial Warrants
- IV. Appointments
 - A. Planning Board
 - B. Shellfish Warden
 - V. New Business
 - A. Final Review of Budget and Warrant Articles for the 2012 Town Meeting
 - B. Sign 2012 Town Warrant (Budget and Warrant Articles)
 - C. Final Review of Town Report for 2012 Town Meeting
 - D. Solid Waste Contract - Cost Adjustment
 - E. Blair Colby - Estimate for Work at GCI Gravel Pit
 - F. Discussion Regarding Harbor Safety Study
 - G. Float Contracts
 - H. Sutton Island Float Sale
 - I. Review Annual Parking Letter and Timeline for 2012
 - J. Harbor Master (Islesford): Mooring Violation and Possible Abandonment
 - K. Harbor Committee: Recommendation on Docking Fees for TCI Docks
 - VI. Other Business
 - A. Discussion Regarding Possible Harbor Master Position for TCI
 - VII. Audience Communications
 - VIII. Adjournment

PRIMARY NAVIGATION

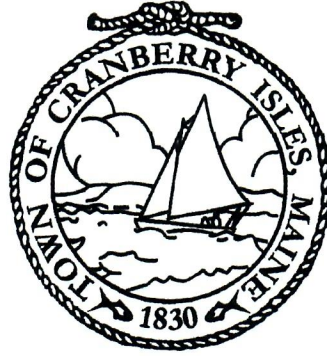
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BOARD OF SELECTMEN

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

TOWN CLERK / TREASURER

DENISE Mc CORMICK



MUNICIPAL ADVISORY COMMISSION

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

ADMINISTRATIVE ASSISTANT TO BOS

JAMES FORTUNE

**Board of Selectmen's Meeting Minutes
January 27, 2012
Islesford Neighborhood House**

Attendance:

Richard Beal, Chair, BOS
Phil Whitney, BOS
James Fortune, Administrative Assistant
Denise McCormick, Town Clerk
Nanette Hadlock, Deputy Clerk
Katelyn Damon, MAC
Ann Fernald
Evelyn Boxley
Jeff Berzinis
Adele Berzinis

I. Call to Order: 8:30 A.M. by Chairman Richard Beal.

II. Review / Approval of Previous Meeting Minutes

In reference to Section IV, E, Discuss Sutton Island Path Research, Selectman Whitney would like to add: Phil also questions the "Middle Road", North to South across the middle of the island.

Phil Whitney moves to accept the January 03, 2012 Board of Selectmen's meeting minutes with the one addition. Richard Beal seconds the motion. **Motion passes.**

III. Review / Signing Financial Warrants

Warrant #2: 5,151.88
Warrant #3: 4,615.51
Warrant #4: 14,723.08 (School)
Warrant #5: 37,737.18

Total: \$ 62,227.55

All warrants were signed by the Selectmen. By request of the Selectmen, a check for and invoice submitted by Blair Colby (\$1,000) will be held by the Treasurer until inspection of the work done at the GCI Gravel Pit is inspected.

IV. Appointments

A. Planning Board

Chris Johnston of Great Cranberry Island has volunteered to serve on the Planning Board to replace Mike Westphal who has resigned. The expiration of this term on the Planning Board is 2013. Sally Rowan of Islesford has also expressed interest in serving on the Planning Board in an email to the Selectmen dated January 25, 2012.

Phil Whitney moves to appoint R. Christian Johnston as Planning Board member; in addition, to appoint Sally Rowan as alternate Planning Board Member. The paperwork for alternate appointment will be signed at the next meeting. **Motion passes.**

B. Shellfish Warden

Phil Whitney moves to reappoint Nickolas Hadlock for his third term as Shellfish Warden. Richard Beal seconds the motion. **Motion passes.**

Nick Hadlock will take the required refresher course in April.

V. New Business

A. Final Review of Budget and Warrant Articles for the 2012 Town Meeting

In reference to an article asking voters to elect by ballot a Selectman for a term of three years, no known interest in the position has been shown. The following elected positions also expire in 2012:

- Superintending School Committee (three year term expiring Ted Spurling).
- Shellfish Conservation Committee (three year terms expiring Nickolas Hadlock and Norman Sanborn, II).
- Municipal Advisory Commission (three year terms expiring Courtney Chaplin and Karin Whitney, as well as a third position to fill a term which expires in 2013, due to the resignation of Cory Duggan. Ralph Stevens was appointed by the Selectmen to fill this position until the annual Town meeting).

Articles 16A through 16R are warrant articles submitted by the School Committee.

Article 18 asks the voters to authorize the municipal officers to borrow funds in the original principal amount of up to \$190,000 for the purpose of developing a plan for and construction of a new town office building on Little Cranberry Island, and to further authorize the Selectmen to do any and all things necessary to award and enter into necessary design and construction contracts on behalf of the Town; expend the borrowed funds; and all other things reasonably necessary to accomplish the purpose of this Article 18. The MAC will be asked to present work done this past year and to present artistic drawings at the Town meeting.

In reference to article 17, asking voters to approve changing the name of the Islesford Elementary School to the Ashly Bryan Elementary School, a written ballot is suggested. The moderator can request a written ballot.

Article 19 asks the voters to authorize the municipal officers to borrow funds in the original principal amount of up to \$175,000 for capitol roads projects on Little Cranberry Island. Both the work on lower Main Street and also on Sandbeach Road was combined into one warrant article by suggestion of MAC Chairman Ron Axelrod.

A sentence was added to article 20 asking the voters to appropriate and expend \$50,700 to continue the Cranberry Isles Commuter Ferry Service. The added sentence reads: and to authorize municipal officers to enter into a multi-year contract if financially advantageous.

At the January 18, 2012 public hearings on Great Cranberry and Islesford, no questions or concerns were raised with the proposed amendments to the Land Uses Ordinance for the Shorelands of the Town Of Cranberry Isles, article 21.

Article 22 asks the voters to authorize the municipal officers to raise, appropriate and expend \$19,500 to hire a Public Safety Coordinator for the Town of Cranberry Isles. This job will be 25 hours per week at \$15 per hour. The new position will be responsible for organizing and maintaining volunteer fire

departments and EMT volunteers on Little Cranberry Island and Great Cranberry Island. Funds not expended in 2012 will be applied towards 2012; this position shall be reviewed after three years. The Treasurer will research full time benefits vs. part time employee benefits.

Article 23 asks the voters to enact an ordinance entitled “Fireworks Ordinance for the Town Of Cranberry Isles”. Adoption of this ordinance will prohibit the sale, possession for use or intent to sell or the use of, consumer fireworks with the Town Of Cranberry Isles. Comments from the January 18 public hearings dealt with whether the actual definition of consumer fireworks should be made part of the ordinance, and also if there was some way that the State would have to contact the Town first in the event of someone trying to obtain a legal permit for use of fireworks. It has since been determined that the Town would be notified before any permit was granted. Since the public hearing, the Deputy Clerk has asked the Selectmen why section five was included of the proposed ordinance:

“Amendments. This Ordinance may be amended by the municipal officers at any properly noticed meeting.” Selectman Beal reports that the Town Attorney has recommended this be added to the ordinance in order to make it easier in the future to amend the ordinance if need be. The Town has historically asked the voters to approve or amend any Town ordinances, which follows the town meeting form of government. An ordinance may not be amended from the floor of the Town meeting. Voters may only vote yes or no to the ordinance at town meeting.

No questions or concerns were raised in reference to the amendments to the Harbor Management Ordinance at the January 18 public hearings. Ed Gray of Great Cranberry Island is the new Harbor Committee member, following the resignation of Bill Dowling. The Harbor Committee appointed Ed Gray as Chairman at their January 24, 2012 meeting.

Article 26 has been re-written on the advice of the Town Attorney and asks the voters to authorize the Board of Selectmen, on behalf of the Town, to accept a gift of the structure known as Great Cranberry Fire House, located at 191 Cranberry Road, along with all the fire trucks, associated fire fighting equipment and all appointments located therein, from the members of the Great Cranberry Fire Club.

On December 07, 2011, Selectman Beal sent an email to the Town Attorney requesting advice on form and substance of a warrant article along with guidance on what type and structure of transfer document will required for signature by the above four individuals, (David Bunker, Mike Westphal, Norman Sanborn, II, and Mark Alley- present leadership of the Great Cranberry Fire Club). This is a building transfer since the land is not owned by the Fire Club. The land is owned by Wesley Bracy, Jr. with a stipulation from heirs at the time of transfer many years ago that the Fire house could use the land in perpetuity provided it is for a Fire House use only.

A January 10, 2012 email response from Town Attorney Matt Worthen states there are two issues here. The first is that a “Certificate of Personalty” should be prepared, which will confirm that title to the building is severed from the land. This protects both the landowner and the owner of the building, since it puts the public at large on notice that any lien, mortgage or other instrument only conveys the interests of the obligated/agreeing owner, and does not bind the other. The next step is conveyance of personal property (Fire House, fixtures, etc. owned by

the Fire Club), which would be by Bill of Sale. Since the Fire Club is not incorporated or otherwise a recognized entity, we will need the signatures of the Club members to convey title. An un-recognized entity (such as the Fire Club) cannot own property in its own name, since it is not a legal entity. Therefore, title to the property is held by its members, which is why we will need them to sign the Bill of Sale.

The question is if all members of the Fire Department need to sign the bill of sale, or just the officers. From Mr. Worthen's email response, it appears all members. Article 28 asks the voters to increase the property tax levy limit of \$793,504.24 established for the Town Of Cranberry Isles by State Law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than the property tax limit.

If all budget and warrant articles are approved as written, it does not appear that this will be necessary. If not, a motion can be made from the floor to not take action at this time.

Department 57, Debt Service, broken down into when debts will be paid off:

- 2 taxable bonds - 2023
- Municipal Garage – 2023
- LCI Pumper Truck – 2018

B. Sign 2012 Town Warrant (Budget and Warrant Articles)

The following adjustments were made to the Town Operations Budget:

- Department 51: payroll taxes decreased to \$9,500 to reflect the amount budgeted for the proposed safety coordinator position.
- Department 52: Fire Department Zone I, Community Safety Program, increased to \$1,300 for the proposed purchase of an AED for Great Cranberry Island.
- Department 53: Health & Sanitation, Solid Waste, the category other was changed to Sutton which has always been for the removal of solid waste from Sutton Island.
- Phil Whitney complements Allan McCormick on the quality of his report submitted for ACO stipend.
- For voter information: Department 54, Public Transportation, Snow Removal, Compensation is the amount budgeted for the Islesford employee and GCI Contract is for the snow removal contract on Great Cranberry Island.
- Department 57: County Tax, updated figure, \$79,900.
- Department 58: Wharves / Floats / Ramps, Maintenance, \$15,000 added back in to the budget. The Selectmen wish to make Wharves / Floats / Ramps Maintenance a reserve account so that future funds not expended at the end of the year will roll over to the next year.

Richard Beal moves that the Town Clerk be authorized to obtain Chris Hathaway's signature after the fact for his approval before sending the warrant to the printer. Denise is to brief Chris on changes made since the January 03, 2012 BOS meeting. Phil Whitney seconds the motion. **Motion passes.**

C. Final Review of Town Report for 2012 Town Meeting

The Tax Collector will add the 2011 mil rate to her Tax Collector report, (7.95%).

As of the November 08, 2011 Elections, there were 193 registered voters in the Town Of Cranberry Isles.

Richard Beal will contact Pioneer Print in reference to checking the final report for printing.

Options for bonding with the proposed road contracts are available:

- 1) a Total bid bond situation
- 2) Bid bonds

Richard Beal moves to go with the \$5000 bid bond and lien wavers. Phil Whitney seconds the motion. **Motion passes.**

A \$5000 bid bond will be required for guarantee that certain phases of the project are done according to specs. The Administrative Assistant will forward these documents to the Town Clerk for her records and for auditing purposes. The Selectman hope to select a bid at the February 28 BOS meeting. The final acceptance of the bid will be subject to voter approval at the March 10, 2012 annual town meeting. The deadline for the project completion is May 31, 2012, with a \$100 per day penalty for per calendar day over the deadline for completion.

E. Blair Colby – Estimate for Work at GCI Gravel Pit (taken out of order)

The work at GCI Gravel Pit has already been completed by Blair Colby and an invoice was submitted for \$1000.

D. Solid Waste Contract-Cost Adjustment (taken out of order)

According to contract, every three years the solid waste contract will be revisited for any needed adjustments. Southwest Boat reports that 105 tons were taken off in the last year with metals (all recyclables and heavy metals) included. The Administrative Assistant provided a spreadsheet showing a small increase, but it did not include the CPI amount. The Town pays separate for the heavy metal containers at \$440 per container plus barging costs. Southwest Boat is currently asking for an increase in the contract amount and also requests permission to take the heavy metals to the Ellsworth facility, as opposed to EMR in Southwest Harbor. The Ellsworth facility pays for heavy metals, currently at \$150 per ton as reported by Jeff Berzinis. At EMR in Southwest Harbor the Town is charged \$119 per ton to deposit heavy metals at their facility. Ten trips of heavy metals were taken to EMR in 2011. By taking the metals to the Ellsworth facility, the Town would receive money for the metals and the \$440 per container would not be charged. The Town would however have to pay Southwest Boat \$4.65 per mile to transport the metals to Ellsworth, approximately nineteen miles per trip.

Currently the proposed budget for 2012 is \$49,000; 2011 contract price was \$47,500. Southwest Boat is requesting an increase to \$60,541.99 for 2012, based on a handwritten page of numbers submitted by Adele and Jeff Berzinis from Southwest Boat.

Richard Beal moves to bump the amount budgeted for the 2012 solid waste contract from \$49,000 to \$60,500 with solid waste becoming a carryover amount if all funds are not used in 2012, allowing if anything over 85.5 tons is taken off the islands, there will be money to cover it; this motion allows the TCI Treasurer and Administrative Assistant to sign a three year base adjustment amendment.

Phil Whitney seconds the motion. **Motion passes.**

F. Discussion regarding Harbor Safety Study

A Docks and Harbors Safety Study, dated July 30, 2009 was created to identify improvements that will make year round early morning and evening boat landings safer and more accessible. The study team visited Manset, Great Cranberry and

Little Cranberry docks and harbors. Some of the suggested improvements have been accomplished since then, and some still remain to be completed. The Harbor Committee has recommended the short term improvements, but still has reservations regarding some of the long term improvements.

Manset:

- Open truss railings along gangways from docks to floats and float transfer bridges do not meet current codes.
- Kettle weights on float chains would improve stability of floats in heavy seas. The Administrative Assistant will check with Chalmers Enterprises in regard to these recommendations.
- Make bathroom accessible per ADA requirements.
- The lip on the step at the waiting room door that leads to the public restroom still needs modification.
- Safety ladders at each float should be installed, for someone falling in and not being able to climb out again.

Safety ladders for Manset floats have already been budgeted for.

Great Cranberry Island:

- The existing life ring on the north side of the shed should be painted orange. Life ring should be provided on float at foot of gangway.
- The transfer bridge is much narrower than the 80' gangway. (For example, a disabled person in a golf cart could get down the gangway but not across to the outer float.) Consider wider transfer bridge and/or embarking passengers at inner float. Check the transfer bridge ends and add transition plates for ADA.

The Administrative Assistant is requested by the Selectmen to get an estimate from Superior Docks for a wider transfer bridge.

Little Cranberry Island:

- The chain at the top of the existing ladder at the west end of the dock should be replaced with multiple chains or a fence. The ladder has not been used thanks to the existing steps.
- A removable chain from piling to piling could be installed along the stairs for added support in navigating the stairs in bad weather.

The BOS does not recommend this suggestion for passenger boarding reasons.

- The gap between the floats should be protected against people tripping, by pinning floats together and adding a covering plate between the floats.

The Administrative Assistant will go over the short term suggestions not yet accomplished and make necessary arrangements to have the work performed.

G. Float Contracts

Float contracts bids are presented to the Selectmen by the Administrative Assistant. The Selectmen wish to change the word ramp to gangway in both sets of bid specs, Manset and Cranberry Isles. The size of the gangway at Sutton Island will be changed to 45 feet to reflect the gangway that is intended to be used there this season. Bids will be posted this week.

H. Sutton Island Float Sale

Three bids were received for the surplus float from Sutton Island.

- Jeremy Alley: \$900.00
- Sam Hyler: \$626.00

- Stefanie Alley: \$611.00

Phil Whitney moves to accept the bid from Jeremy Alley for the Sutton Island float. Richard Beal seconds the motion. **Motion passes.**

I. Review Annual Parking Letter and Timeline for 2012

The Mount Desert Harbormaster and the Chief of Police are working on a clear and safe path from the parking lot to the dock in Northeast Harbor.

The Selectmen are considering increasing the price of parking spaces at the Northeast Harbor lot for 2012. In 2011 the parking lot lease with the Town of Mount Desert cost \$38,000. Each year the lease increases in regard to CPI, consumer price index. Parking spaces cost residents \$290 at both Northeast Harbor and Manset in 2011. One hundred twenty-three spaces are available at the Northeast Harbor lot. This does not cover the cost of leasing the parking lot. It is being considered to charge \$314 per space at Northeast Harbor for 2012. The Board of Selectmen has requested that the MAC further research this idea in preparation for a final decision to be made at the February 28 BOS meeting. The parking permit fees were increased from \$265 to \$290 in 2011 for both Manset and Northeast Harbor; Manset boat stickers were increased from \$5 to \$25, and Joy Road went from \$10 to \$25. The budgeted amount for the NEH parking lot lease is \$38,500.

The Harbor Committee has recommended that the price of Manset boat stickers should be lowered to \$5 each, for every boat using the Manset dock, including dinghies. The Harbor Committee also recommends numbering the stickers so that the number will correspond to the owner of the boat.

The Administrative Assistant will order the parking and boat stickers this week.

Discussion takes place over the fact that the Cranberry Cove boat is often not willing to pick up passengers at Sutton Island. Sutton Island residents are often awarded parking spots in Northeast Harbor for this reason. Selectman Whitney states that this is not acceptable. Cranberry Cove is also known to shorten their season to and from Manset in the spring and fall seasons. Selectman Whitney suggests the need for a clear time frame for the beginning and ending of the Cranberry Cove season at the beginning of the season when parking letters go out. Selectman Whitney and the Administrative Assistant will work with Steve Pagels on these issues.

J. Harbor Master (Islesford): Mooring Violation and Possible Abandonment

It has been reported that a float owned by Edgar Blank is sinking at Islesford and may present a hazard to navigation. Richard Howland has communicated to the Administrative Assistant that he and the Harbormaster are working on getting the float removed from the harbor.

Richard Beal moves to serve notice via public newspaper to Edgar Blank to have the abandoned float with mooring removed. Phil Whitney seconds the motion with the caveat that we do not take action until it is sure that anything that conflicts with the Harbor Management Ordinance is not being done. **Motion passes.**

Note: 4.3.3 ABANDONMENT

No person shall abandon any boat, vessel, hulk, cradle, raft, float or any other possible obstruction within the geographic limits covered by this ordinance. Any property, as herein above described, which has been left unattended and deteriorating, may be deemed abandoned and therefore is a safety or waterway hazard. The Harbor Master(s) may order the owner to remove the same within

fifteen days. In default of removal or in the event the Harbor Master(s) are unable to identify the owner or master of the vessel after reasonable efforts, the Harbor Master(s) may undertake its removal or destruction at the cost of the owner. Any violation of the above may be punishable by a fine of no more than five hundred dollars (\$500.00).

K. Harbor Committee: Recommendation on Docking Fees for TCI Docks

The Harbor Committee unanimously agreed to not recommend charging fees for docking at Cranberry Isles Docks at their January 24, 2012 meeting. This was based on the fact that transportation to and from the Cranberry Isles is encouraged.

VI. Other Business

A. Discussion Regarding Possible Harbor Master Position for TCI

Due to what some consider lack of enforcement at the islands, the Selectmen have considered approaching Dennis Dever to see if he may be interested in the Harbormaster position for the Cranberry Islands. The Harbor Committee does not recommend eliminating local Harbormasters at the islands; it is sometimes better to personally know the people that the Harbormasters are dealing with, and the local Harbormasters also know the area better when it comes to placing or moving moorings. The suggestion is to keep the current system of local Harbormasters but hire Mr. Dever to work on a per diem basis. The local Harbormasters would call Mr. Dever in when they feel they need him for a certain situation(s), or to cover vacations if requested. Phil Whitney, BOS, recommends that stickers should be lowered to \$5 each for all boats, no matter the size, and to broaden Dennis Dever's duties to the islands, but not to do away with local Harbormasters. Richard Beal will approach Dennis Dever for interest in working as TCI Harbormaster per diem, and to also see if he is interested in taking law enforcement training as well.

- In reference to barges using town ramps without paying ramp fees, the Administrative Assistant suggests sending a letter of notice to the companies that are known to be using the ramps but fail to pay for their use. The Selectmen request that such a notice be sent via certified mail.
- Sutton Island Path research will appear on the February 28 BOS agenda for a follow-up on added research requested from the Town attorney.
- Amanda Ravenhill has requested permission to hold her wedding ceremony at Hadlock Field at Islesford on Friday, August 03, 2012. The Selectmen grant permission.
- Some repairs are underway at the Longfellow School on Great Cranberry Island. Electrical renovations in the basement and repairing to the back fire escape to bring it up to standards are some of the repairs being undertaken at this time. Ben Fulves is overseeing the projects for the School Committee.
- Continued research on the feasibility of a year round dock at the Manset facility will take place using the remainder of the approved \$4000 to do so.
- No further news on the third mooring at the Manset Facility is available. Phil Whitney mentions a September 23, 2006 communication from then SWH Harbormaster Gene Thurston to Eve Harrison in regard to the third mooring.
- In regard to the bill for the last pumping of the GCI public restroom septic, the Cranberry General Store has informed the Administrative Assistant that a check will be mailed to the Town for the amount of the pumping.

- Malcolm Donald is planning to retire as TCI Representative to the Maine Islands Coalition in July 2012. Phil Whitney moves to appoint Katelyn Damon as Maine Islands Coalition Representative upon the retirement of Malcolm Donald. Richard Beal seconds the motion. **Motion passes.**
- The Administrative Assistant will order two stop signs for replacement at GCI at the intersection of Harding Point Road and Cranberry Road, and for the intersection of The Lane and Cranberry Road.
- The Administrative Assistant met with GCI Harbormaster Norman Sanborn, II to identify needed dock repairs at Great Cranberry Island. The Town is waiting for an estimate from John Snider for the repairs.

VII. Audience Communications

None at this time.

VIII. Adjournment: 1:02 P.M.

Richard Beal moves to adjourn the meeting. Phil Whitney seconds the motion. **Motion passes.**