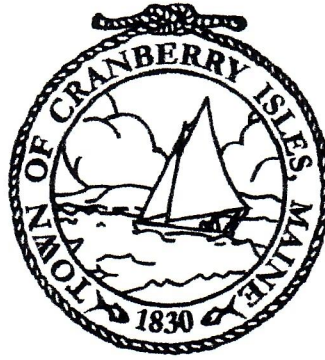


BOARD OF SELECTMEN

RICHARD F. BEAL, CHAIRMAN
DANIEL S. LIEF
SALLY A. B. ROWAN

TOWN CLERK / TREASURER

DENISE Mc CORMICK



MUNICIPAL ADVISORY COMMISSION

M. DONALD, P. DONALD
R. AXELROD, L. PRATT, C. DUGGAN
C. WHITE, K. WHITNEY

FACILITIES SUPERVISOR

ERIC DYER

MEETING NOTICE

The Cranberry Isles Board of Selectmen will conduct a meeting on Tuesday, May 4th, 2010 at 8:30 am at the Islesford Neighborhood House.

AGENDA

- I. Call to Order
- II. Review/Approve April 6th, 2010 Meeting Minutes
- III. Review/Sign Financial Warrants
- IV. Correspondence: Carl Brooks Letter/ RE: Emma Spurling Trust
- V. Liquor License Application- Islesford Dock Restaurant
Public Hearing and Approval
- VI. Old Business
 - A. Roads Update
 1. Culvert Covers for Islesford
 2. Reclamation Project
 3. Potholes
 - B. TEPA Update
 1. Islesford Ramp
 2. Great Cranberry Island Ramp
 - C. Marsh Lease Update
 - D. New Commuter Service Update
- VII. New Business
 - A. Signing School Budget Validation Referendum Warrant
 - B. Cranberry Isles Rescue
 1. Signing EMS Violation Consent Agreement
 2. Adoption of Cranberry Isles Rescue Policy
 - C. Will and Amy Palmer Request- Digging up Main Rd., Islesford

D. Comp Plan

1. Schedule Public Hearings
2. Decision of Amount of Copies to be Printed

E. Approve Public Restroom Custodial Service Contracts 2010

1. Manset Facility
2. Great Cranberry Island

VIII. Other Business

IX. Audience Communications

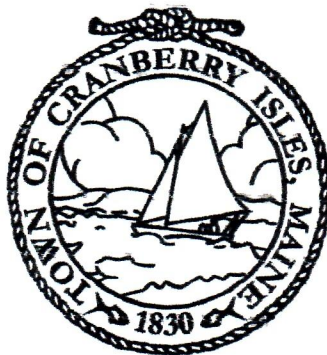
X. Adjournment

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**Board of Selectmen's Meeting Minutes
May 04, 2010
Islesford Neighborhood House**

Attendance:

Richard Beal, BOS Chairman

Dan Lief, BOS

Sally Rowan, BOS

Eric Dyer, Facilities Supervisor

Denise McCormick, Town Clerk

Nanette Hadlock, Deputy Clerk

Eliza Greenman, Island Institute

Malcolm Donald, MAC

Karin Whitney, MAC

Cory Duggan, MAC

Anna Fernald

Phil Whitney

Carl Brooks

Carl Brooks

Jeff Berzinis

Amy Palmer

Ronald Sanborn

Cynthia Lief

Evelyn Boxley

"Bessie" Chaplin

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

II. Review / Approval of Previous Meeting Minutes

In reference to the April 06, 2010 BOS meeting minutes, Board Member Sally Rowan sent an email requesting a change dealing with the Cranberry Rescue Violation, Section VI, New Business, subsection C.

Previously written:

"A Cranberry Isles EMT responded to four incidents in the past year without a license. Legal paperwork has been filed by the state and the Town Attorney is involved. Of particular importance is the fact that legally, an unlicensed individual may not use Cranberry Isles Rescue equipment without the proper licensing. There is one licensed first responder and one licensed EMT on Great Cranberry Island. At the present time there are no licensed First Responders or EMT's on Islesford."

Selectmen Rowan suggests changing the last sentence of the paragraph to read...there are no active First Responders or EMT's on Islesford.

Richard Beal moves to approve the Board of Selectmen's meeting minutes with the above change for April 06, 2010. Sally Rowan seconds the motion, with a unanimous vote by Dan Lief. **Motion passes.**

III. Review / Signing Financial Warrants

Warrant # 18: 4838.06

Warrant # 19: 21831.46

Warrant # 20: 5112.57

Warrant # 21: 104154.88

Total: \$ 135936.97

All warrants were signed by the Selectmen.

IV. Correspondence: Carl Brooks Letter / RE: Emma Spurling Trust

A February 08, 2010 petition was received by the Selectmen from Bar Harbor Trust Services seeking to terminate the Emma F. Spurling Cemetery Trust and asking the Town of Cranberry Isles to appeal to the Hancock County Probate Court for termination of the trust and to agree to accept the trust property to be held by the Town of Cranberry Isles with its other cemetery trust funds, as a separate fund for the maintenance of the Spurling Family cemetery lots. The Board of Selectmen signed the petition at the March 08, 2010 Board meeting.

A letter has been received by the Selectmen, dated April 23, 2010, from Carl Brooks, requesting the withdrawal of the Town's letter to the Hancock County Probate Court regarding the Emma F. Spurling Cemetery Trust. The letter from Mr. Brooks was read at today's meeting by Chairman Richard Beal. A response from the Town Attorney, dated May 03, 2010, was also read by Selectmen Beal. At this point the Selectmen decline to comment as it is now in the hands of the judge of the probate court.

V. Liquor License Application-Islesford Dock Restaurant Public Hearing and Approval

Selectmen Lief recuses himself from discussion and decision on this matter as an owner of Islesford Dock Restaurant.

Selectman Beal and Selectwoman Rowan approve and sign the liquor license application for the Islesford Dock Restaurant.

VII. New Business (taken out of order)

C. Will and Amy Palmer Request – Digging up Main Rd., Islesford (taken out of order)

Amy and Will Palmer are in the process of replacing their septic tank which happens to have a line that runs under the Main Road at Islesford to the leech field located on the Palmer property across the street. The Palmers are requesting permission to dig up the road so that they can replace the piping. The Palmers understand that this stretch of road is the best access to the docks and the only access by paved road for most of the island. In order to minimize disruption of dock access, they are planning to do the digging on Saturday afternoon / evening on May 08, and plan to have the piping installed and covered up on Sunday May 09. Road plates will be used as temporary covering for the trench until the piping can be inspected and covered. Inspection is hoped to take place by the CEO on Sunday. The Palmers have also called DIGSAFE as required, and have been marked ok to dig. The Palmers understand that it is their responsibility to return

the road to its current condition at their own expense. They have talked to the Facilities Supervisor about going in on the blacktop that is coming out to Islesford this spring. The Palmers are willing to pay for the portion of the materials and time / barging that pertain to the patch of road that they have to dig up. Until the time of the road patching, they plan to fill the trench with sand above the pipe and angular aggregate on top of that, well tamped down to minimize movement of the stones.

Richard Beal moves to approve the project as stated in the letter from Amy and Will Palmer, under the condition that the plates actually come out with the tank on Thursday.

Dan Lief amends the motion to state that at all times when work is not actually being done on it, the trench would be covered by the plates. Richard Beal seconds the motion, with a unanimous vote by Dan Lief. **Motion passes.**

Richard Beal moves that Lyle Dever be the alternate CEO, compensation to be \$25.00 per hour. Dan Lief seconds the motion, with a unanimous vote by Sally Rowan. **Motion passes.**

The Board of Selectmen signs the appointment letter.

V. **Old Business**

A. **Roads Update**

1. **Culvert Covers for Islesford**

Eric Dyer intends to take care of culvert covers and potholes at the same time. Mr. Dyer suggests that Goodwin's be hired to do the job as they are already out here. Selectman Lief and Selectman Beal request that the culvert holes by Jeremy Alley's and Richard Alley, Sr's be covered immediately, by any means, to avoid injury. Temporary covers will be placed over the holes until the permanent covers are installed.

2. **Reclamation Project**

With the assistance of Blair Colby, test pits were dug on some side roads at Great Cranberry Island that are targeted for reclamation. A majority of the roadways contained a decent gravelly mix, with the exception of Dog Point Road which contained mostly clay. There appears to be no physical reason for the reclamation work to not take place. Dog Point Road would be a priority. A proposal form Civil Engineering Services (CES) has been submitted for approval by the selectmen. Scope of services for the proposal includes:

1. Topographical Survey
2. Preliminary Design
3. Final Design
4. Bid Phase
5. Construction Phase Services

Total cost of the proposal is \$15,000.00.

Dan Lief moves to accept the CES proposal. Richard Beal seconds the motion, with a unanimous vote by Sally Rowan. **Motion passes.**

Richard Beal signs the proposal on behalf of the Board of Selectmen.

3. **Potholes**

Previously discussed.

B. **TEPA Update**

1. **Islesford Ramp**

In designing the new ramp and improvements, the Town's engineers did not recognize the limits of the Town right of way, resulting in the proposed drainage work being laid out on Acadia National Park (ANP) property. This error was recognized during the field layout and ANP was contacted immediately. A subsequent meeting between the Facilities Supervisor and John Kelly of ANP resulted in the determination that ANP and the Town could mutually benefit from a revised project addressing the needs of both.

In accordance with the revised project scope and built elements discussed at the meeting mentioned above, the following points are proposed to be agreed upon between the Cranberry Isles Board of Selectmen and the Superintendent of ANP. Points are addressed from the shore upward and identify the Town's intent to:

- Install and maintain a 10-foot buffer on ANP property around the Blue Duck for the remainder of the project, protecting the building and its foundation.
- Narrow the swale depicted in the original site plan so as not to encroach into Blue Duck buffer.
- Harden the outlet for the proposed culvert to prevent crushing by vehicular traffic and cover the outlet with stone so as to blend visually with the beach as much as possible.
- Extend the proposed culvert beyond the seaward edge of the access path leading to the Blue Duck. The path will not be cut into as shown in the original site plan and the existing grade of the path will be maintained or improved.
- Harden the transition from the paved road surface to the path (including the transition over the proposed culvert) with concrete.
- Extend the proposed 12-inch culvert on ANP property up the hill approximately 120 feet to the top corner of the property. An approximately 8-inch tall asphalt curb will be installed along the full length of the road edge adjacent to the culvert extension to the culvert extension to protect it from crushing and prevent damage to the lawn.
- Install a stone "catch basin" at the upper end of the culvert extension to prevent erosion and direct water into the culvert.
- Complete the revised project as stated in this MOI in two phases. Work for the proposed culvert and surrounding area will be completed as part of the TEPA and completed prior to June 30, 2010. The culvert extension, curbing, and associated site work will be completed prior to September 31, 2010.
- Safe visitor and employee access to and from the ANP property will be maintained at all times during construction.

Incremental costs from the roads budget will be needed for some of this work; some of the work will be covered as planned under the TEPA grant. Richard Beal moves to accept the language that Eric has prepared and sending it out to Sheridan Steele, Superintendent ANP. Sally Rowan seconds the motion, with a unanimous vote by Dan Lief. **Motion passes.**

Carl Brooks suggests that a larger diameter pipe be used. Selectman Lief suggests that the proposed culvert be connected to the existing further up the hill. The Facilities Supervisor will research these possibilities.

2. Great Cranberry Island Ramp

A May 03, 2010 email from Jeff Berzinis, M/B Neptune, describes his difficulties landing at GCI ramp. Mr. Berzinis states that if the bottom of the ramp is reconstructed per plans, he could operate at all tides as before. The Facilities Supervisor reports that the Town is generally pleased with the quality of work on the GCI ramp. Concerns about the GCI boat ramp have been raised. These are primarily about the ability of barges to land at low water levels, and load and unload trucks. Kleinschmidt Engineers investigated these issues and a letter was written by them via email on April 22, 2010. The letter acknowledges that there are inconsistencies with the final grade and materials as prescribed in the contract but does not offer a solution. The Town is concerned that access has been limited by the grade difference at the end of the ramp and that materials not specified in the contract were utilized without the appropriate authorization or documentation. Salvaged deck panels from the GCI Deck Replacement project were used in place of new planks at the end of the new ramp. This was originally offered as a bid option, but was not offered as a price reduction with the Goodwin bid. The base bid was awarded which included use of new planks only. The use of the salvaged panels was never authorized in a change order. The Facilities Supervisor has written a draft letter on behalf of the selection to John W. Goodwin Jr. Co., dated May 04, 2010 expressing these concerns and asking how they intend to correct the problems we have identified, and what timeframe they propose for doing so. The Selectmen wish to make sure the letter addresses the fact that the town expects that the work at the GCI ramp will be corrected to that specified in the "base bid", to grade and with appropriate materials. The Facilities Supervisor is given authority to sign and send the revised letter per instruction of the Board of Selectmen.

Selectman Lief states that he wants to publicly state that there are to be no u-turns by barges at the town ramps. The docks are being damaged and under no circumstances are u-turns allowed.

The Town Clerk, the Deputy Clerk, and the Facilities Supervisor are asked by the Selectmen to draft a letter to the current barge operators requesting proof of insurance and licensure, and to also include information that pertains to use of town ramps.

C. Marsh Lease Update

Malcolm Donald of the Municipal Advisory Commission (MAC) has been researching possible uses of property at our Manset Facility. The MARSH lease is currently up for renewal. Real estate values of the Marsh building have been looked into. Currently the 3000 square feet Marsh space is leased at \$2300 per month. The Town Of Cranberry Isles pays for taxes, water, snow and garbage removal. The Town of Southwest Harbor values the building and land for the space at approximately \$500,000. Zoning uses for the property have not been researched at this time. Selectman Beal suggests renewing the lease with Marsh for one year and to address uses of the property through the MAC to obtain a

good recommendation to the voters for next year. Malcolm Donald recommends updating all Manset leases at this time, and to perform necessary maintenance. Dan Lief moves to have Malcolm to sign a one year lease, and to bring us the best he can get with Eric's help, and to also embark on a study leading to the next town meeting with some good solid advice as to what to do with those real estate properties, being the Marsh building and the warehouses. Sally Rowan seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**

Phil Whitney asks if the MAC has organized for this year. Mr. Donald sent an email to all MAC members talking about the need for a Chairman, with no response. At the April BOS meeting, Malcolm Donald was appointed Chairman for the MAC. The Board of Selectmen will supervise the work of the MAC.

Carl Brooks asks if anyone has been involved with the new marina plans at Northeast Harbor. Richard Beal replies that the Town Of Cranberry Isles is waiting to hear the results of elections and decisions of the Mount Desert voters.

D. New Commuter Service Update

No discussion at this time.

VI. New Business

A. Signing School Budget Validation Referendum Warrant

The Board of Selectmen signs the School Budget Referendum Warrant for the Special Town Meeting to be held on the same day as the primary elections, for Tuesday, June 08, 2010 for the purpose of determining the following articles:

Article 1: To elect a Moderator by written ballot.

Article 2: Do you favor approving the Town of Cranberry Isles school budget for the upcoming school year that was adopted at latest Town meeting?

Article 3: Do you wish to continue the budget validation referendum process in the Town Of Cranberry Isles for an additional three years?

Article 3 Information Note:

A "YES" vote will require the Town of Cranberry Isles to continue to conduct a referendum to validate its annual school budget for the next three years.

A "NO" vote will discontinue the budget validation referendum for at least three years and provide instead that the Town Of Cranberry Isles annual school budget shall be finally adopted at a meeting of the voters of the Town Of Cranberry Isles.

The voting on Article 2 & 3 shall be by secret ballot referendum and polls shall be open immediately after the election of the moderator at 10 AM and closed at 8 PM.

Absentee ballots are currently available for all registered voters.

B. Cranberry Isles Rescue

1. Signing EMS Violation Consent Agreement

Richard Beal signs a consent agreement document that constitutes an adverse licensing action regarding the license of Cranberry Isles Rescue to provide emergency medical services in the State of Maine. The parties to the consent agreement are Cranberry Isles Rescue, the State of Maine Board of Emergency Medical Services and the State of Maine Office of the Attorney General. On September 29, 2009, the Board (Maine EMS) conducted a routine check of personnel listed on MEMS Patient Care

Reports. During the check, Board staff identified individuals who had provided emergency medical services without a valid license. On November 18, 2009, the Investigations Committee met to review complaint # 09-40. The Cranberry Isles Rescue Chief, Courtney Chaplin was provided notice and opportunity to attend the review, but notified the Board staff that he was no longer the Service Chief and would not be attending. The Town Of Cranberry Isles was not made aware of this review. As discipline for the conduct admitted, Cranberry Isles Rescue agrees to:

- A. Accept a reprimand.
- B. Pay a fine of \$100
- C. Cranberry Isles Rescue shall develop a written policy – to the satisfaction of the MEMS staff – to prevent a reoccurrence of this type of incident.

The Board of Selectmen reverberate that unlicensed personnel may not use town emergency equipment to respond, including driving the emergency vehicle to the scene. Mr. Chaplin has since had his EMT-Basic license renewed, but is no longer a member of Cranberry Isles Rescue due to his voluntary resignation.

2. Adoption of Cranberry Isles Rescue Policy

A special Board of Selectmen's meeting will be scheduled within the next two weeks, tentatively scheduled for May 18, 2010 at Islesford, to discuss and adopt a Rescue Policy.

Evelyn Boxley voices her concern over the potential loss of the C.I. Rescue Service. She asks the Selectmen to consider having Katelyn Damon, under the guidance of Margaret Blank, to do any necessary paperwork that needs to be done to ensure that the service continues. The Board of Selectmen wish to discuss any rescue service decisions following a report from Neal Courtney who has been hired to work with Sally Rowan to determine needs for C.I. Rescue and Fire services.

C. Will and Amy Palmer Request – Digging up Main Road., Islesford

Previously discussed, taken out of order.

D. Comp Plan

1. Schedule Public Hearing

Dan and Cynthia Lief are willing to provide a meal at the Islesford Dock Restaurant in June for a public hearing on the proposed comprehensive plan, date to be determined. A special boat will be provided by the Town for residents who wish to attend the hearing on Islesford. The public hearing must be posted thirty days in advance of the hearing. A two to ten page summary of the proposed comp plan will be created and delivered door to door by office staff. Nan Hadlock and Eliza Greenman will make phone call reminders to residents before the hearing. Richard Beal suggests that a special town meeting be held in August.

2. Decision of Amount of Copies to be Printed

Copies of the proposed comprehensive plan will be on file at the town office, and also at both Islesford and Great Cranberry Island Libraries, as well as the town website. The Board of Selectmen wishes to have 100 copies of the plan printed.

E. Approve Public Restroom Custodial Service Contracts 2010

1. Manset Facility

The Board of Selectmen signs a custodial services contract with Karin Whitney for cleaning the Manset restroom and lobby three times per week, compensation to be five equal payments of \$462 made monthly between May 15, 2010 through October 15, 2010.

2. Great Cranberry Island

The Board of Selectmen signs a custodial services contract with Karin Whitney for cleaning the GCI restroom and the Town Dock shed January 01, 2010 through December 31, 2010, compensation to be \$380 in March, July, and September, and \$320 in June, August and December.

VIII. Other Business

- Cory Duggan requests from the Selectmen for a relatively permanent volleyball net to be placed at the Islesford Town Field. The Islesford Neighborhood House Association is the fiscal sponsor for town field improvement fund raising. There are funds left to cover costs of sinking the posts into the ground and for the net. The Selectmen ask if the volleyball net will be for the use of all residents, and the answer is yes. The Selectmen also request that if concrete is used for the posts, that the concrete be at least 12 inches below ground. According to the deed for Hadlock Town Field, items used for recreational purposes are allowed at the property.
Dan Lief moves to approve the request. Richard Beal seconds the motion, with a unanimous vote by Sally Rowan. **Motion passes.**

IX. Audience Communications

None at this time.

X. Adjournment: 11:27

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