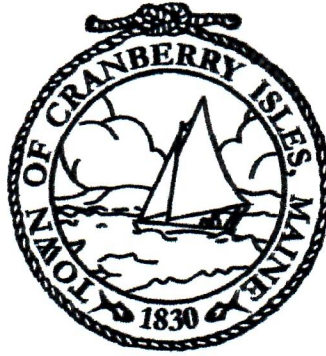


BOARD OF SELECTMEN
RICHARD BEAL, CHAIRMAN

CHRISTOPHER L. HATHAWAY
PHIL WHITNEY

TOWN CLERK / TREASURER
DENISE Mc CORMICK



MUNICIPAL ADVISORY COMMISSION

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

ADMINISTRATIVE ASSISTANT

TO THE SELECTMEN
JAMES FORTUNE

MEETING NOTICE

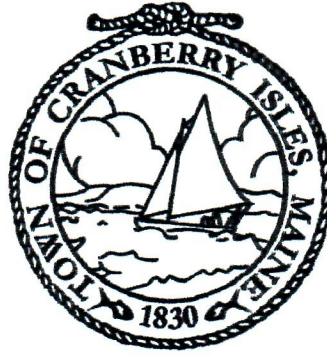
The Cranberry Isles Board of Selectmen will conduct a regular meeting on
Tuesday, October 4, 2011 starting at 8:30 A.M.
at the Islesford Neighborhood House on Little Cranberry Island

AGENDA

- I. Call to Order
- II. Review / Approval of Previous Meeting Minutes
- III. Review / Signing Financial Warrants
- IV. New Business
 - A. Municipal Advisory Commission appointment
 - B. Road naming request for GCI
 - C. Marvin Ott: shoreland zoning/code compliance
 - D. Sign General Assistance Ordinance
 - E. CRS & IVFD: Personal Protective Equipment Hazard Assessment Program
 - F. CEO boat transportation policy
 - G. Solid Waste Contract discussion
- V. Other Business
- VI. Audience Communications
- VII. Adjournment

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ADMINISTRATIVE ASSISTANT TO BOS

JAMES FORTUNE

**Board of Selectmen's Meeting Minutes
October 04, 2011
Islesford Neighborhood House**

Attendance:

Richard Beal, Chairman, BOS
Chris Hathaway, BOS
Phil Whitney, BOS
James Fortune, Administrative Assistant
Denise McCormick, Town Clerk
Nanette Hadlock, Deputy Clerk
Katelyn Damon, MAC and EMS Chief
Skip Stevens
Jeff Berzinis
Adele Berzinis
Evelyn Boxley

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

II. Review / Approval of Previous Meeting Minutes

Richard Beal suggests that the vehicle importation ordinance should be modified and presented to the voters for the annual town meeting warrant. The modification would propose someone other than the Code Enforcement Officer to enforce the ordinance. Richard Beal moves to authorize Nan to get someone who knows how to convert the voice recordings from the recorder to cd, or if there is a box or whatever; these things aren't that expensive anymore, buy a duplicator box you plug in, USB cable or whatever, that she could make copies of the tape recordings that we've got behind us, (up to \$600 from the BOS contingency fund). Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

An email letter of communication from Carl Brooks in regard to CEO and road naming is accepted for the record as requested by Mr. Brooks. Copies of both the Great Cranberry and Islesford Road Naming ordinances were included in the Selectmen's packets. Denise McCormick nor the Selectmen find any errors in the previous minutes.

Phil Whitney moves to accept the minutes as written, with the exception of addition as Denise asks. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

III. **Review / Signing Financial Warrants**

Warrant # 45:	6,193.54	
Warrant # 46:	29,030.41	(school)
Warrant # 47:	6,168.65	
Warrant # 48:	171,407.38	
Total:	\$ 212,799.98	

All warrants were signed by the Selectmen.

IV. **New Business (taken out of order)**

E. CRS & IVFD: Personal Protective Equipment Hazard Assessment Program

Katelyn Damon of Cranberry Isles Rescue Service and Islesford Volunteer Fire Department presents the Board with copies of the proposed "Personal Protective Equipment Compliance and Hazard Assessment Guide" for approval. Both copies are the same; one is for the Rescue Service and one for Islesford Volunteer Fire Department. The purpose of the written program is to protect employees from hazards by the use of Personal Protective equipment.

Selectman Whitney respectfully declines to sign the plan. Selectman Beal and Selectman Hathaway sign and approve the plan.

F. Solid Waste Contract Discussion (taken out of order)

Southwest Boat purchased the solid waste contract from Gray Enterprise on August 03, 2010. A draft contract was presented to Southwest Boat in August of 2010. A memo dated November 05, 2010 was sent from Eric Dyer to the Board of Selectmen, Dan Lief and the Town Attorney. This memo states that: "During talks held in support of the transfer of the solid waste contract from Gray Enterprises to Southwest Boat it was suggested that the Town and Southwest Boat meet some months after the transfer to discuss revisions to the existing Contract. Southwest Boat hoped to gain a working knowledge of both the day to day and more specialized operations during this interim period. A tentative timeframe of the week of November 15th through the 19th has been agreed to for an initial discussion and it is expected that both parties will have proposed revisions." The memo also includes contract issues that Mr. Dyer recommends the Town consider for clarifications to the contract. It appears that discussions ceased with Southwest Boat in November 2010 according to the BOS meeting minutes. As of today's meeting, a contract with Southwest Boat for solid waste has not yet been finalized. Southwest Boat is still working under the contract negotiated with Ed Gray. A purchase and sales agreement was signed by Jeff Berzinis on August 03, 2010. Jeff Berzinis reports that Southwest Boat has just a handful of issues with the contract. Mr. Berzinis has indicated that a cost increase is in order for the contract. He explains that trucking and barging costs have increased; there is a fixed cost for running the transfer stations; and there are also extra administrative costs.

The Administrative Assistant has presented the Board of Selectmen with a spread sheet for the trash delivered to EMR for each month in 2010 and 2011. The hauling was done by Ed Gray from January 2010 to July 2010 and then by Southwest Boat after that; Southwest Boat took over in August 2010. These numbers are based on the monthly reporting from EMR. Tonnage for all deliveries to EMR were added to get a total picture and then metal and construction debris were subtracted out since the Town pays Southwest Boat separately as part of the solid waste contract. Based on EMR's numbers, the

amount of solid waste taken to EMR (not including metal & construction debris) was 86.14 in 2007, 79.85 in 2008, 90.63 in 2009, 87.86 in 2010, and 83.3 in 2011. The 2011 total includes an estimate for the final three months (Oct-Dec) based on the previous years numbers; the prior year totals are from Eric Dyer's (proposed) memorandum of agreement based on EMR reports for those years. This averages out to 85.56 over the five year period, which is right on target with the estimate used to base the contract price on.

The contract states that items to be accepted at the Transfer Station (no user fee) are:

1. All items normally collected at roadside.
2. Household scrap metal

The Town is paying separately for these metals (except recyclable cans), beyond the contract price, whether it is household scrap metal or metal in general. It is suggested to fix the definition for MSW (municipal solid waste) in regard to heavy metal (appliances) and light metal (household small pieces of metal) as all metals are placed in the same bin and paid for separately by the Town above the contract price. Barging is also paid for separately by the Town. It is also suggested that the definition for MSW be revised in the contract to not include household scrap metal and small pieces of metal. Richard Beal suggests a sentence in the contract that "all metal deposited at the Transfer Station will be billed separately pursuant whatever it costs at EMR. The Town will cover it as a separate expense; (we do anyway)." Adele Berzinis says she sees no problem with this concept from the bookkeeping end of it. The original contract with Ed Gray was for hauling up to 150 tons; the contract was renegotiated in 2010 to reflect the actual amount of tons going off the islands. Richard Beal suggests the new contract with Southwest Boat reflect up to 95 tons. Phil Whitney suggests that 90 tons is closer to reality. The current contract that was negotiated with Ed Gray in 2010 reflects 85.5 tons for a contract price of \$47,500.

In reference to the Town Garage at Islesford, Adele Berzinis reports that there are personal items being stored in the middle of the building, car seats, kid's items, four-wheeler. Ms. Berzinis wants to make sure that if someone gets hurt when the plow truck is being worked on, that they don't come after Southwest Boat. Maybe whoever is using this building as their personal storage space. She has a small issue with that. There is currently a lease with Gray Enterprises for space "in an area directly to the rear of the Town garage building"; no lease has been signed with Southwest Boat. Currently the Islesford plow truck is stored in one side of the building, and the other side of the building has been being used by Southwest Boat. This half of the Town garage building is not referenced in the current lease signed by Gray Enterprises. It is also suggested that the lease should mention leasing of the compactors owned by the Town Of Cranberry Isles. It is also suggested that the three parking spaces in Manset utilized by Southwest Boat be mentioned in the lease. It is suggested by Phil Whitney that a partition may be needed between the spaces at the Town Garage. The Administrative Assistant will contact the individual in reference to the stored items.

Phil Whitney feels that it is a very good operation that Southwest Boat has; we just be sure it is black and white as to what we're paying and what the policies are. Richard Beal states that as a businessman, Mr. Berzinis deserves to make a

profit. He encourages Southwest Boat to present a proposed price that can be taken to the voters.

Mr. Berzinis states that he will get something from Southwest Boat to Jim Fortune before the next BOS meeting.

A. Municipal Advisory Commission Appointment

Cory Duggan has resigned as member of the Municipal Advisory Commission (MAC). In the event of a vacancy, the Board of Selectmen is to appoint a member to serve until the next Town meeting when voters will elect a new member. The MAC has recommended Ralph Stevens of Islesford. Mr. Stevens is willing to serve in this capacity.

Phil Whitney moves to appoint Skip Stevens for the interim MAC appointment until next Town meeting. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

B. Road Naming Request for GCI

Bill Bancroft of Great Cranberry Island has requested that his driveway which has more than one structure on it now be named "Dolly Hill Lane".

Phil Whitney moves that the private drive to Bill Bancroft's and Alice Murphy's be named Dolly Hill Lane. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

A number will be assigned for the garage by the Administrative Assistant.

Jeff Berzinis inquires if the contract includes collection of trash on private roads. The contract is intended for collection of trash on public roads only. It is suggested to make this clear in the contract.

Three parking spaces in Manset are specified in the contract for Southwest Boat use.

C. Marvin Ott: shoreland zoning /code compliance

Notices of shoreland violation were sent to GCI resident Marvin Ott by the Code Enforcement Officer on May 10 and May 25 giving him three days to contact officials. A letter was sent on September 09, 2011 Mr. Ott from the Town Attorney following no further curative action by Mr. Ott in reference to shoreland stabilization without a permit. The Town Attorney proposes a stipulated judgment in resolution of the enforcement action on the following terms:

1. You will admit to not constructing the shore stabilization in accordance with applicable laws;
2. You will pay the Town's reasonable attorneys' fees;
3. You will file and application seeking after-the-fact approval for the existing conditions within 45 days of this letter;
4. The Town will set that application for hearing at the next available Planning Board hearing;
5. You will pay a fine in the amount of \$750 for your current violation, through the 45 day timeframe set forth in (3) above; and,
6. In the event the Town does not approve your application at the hearing provided in (4), above, you will pay a fine in the amount of \$250 per day for everyday thereafter until either:
 - a. The riprap and other improvements which were impermissibly located by you or the agent in the shoreland zone are removed; or

- b. An application for the shoreline stabilization project is approved by the Town Planning Board, thereby curing your current violation.

Entering a stipulated judgment is a recommendation to the Town by the Attorney, but has not yet been accepted by the Town. The minimum monetary penalty a judge may impose (pursuant to Title 30-A MRSA §4452) is \$100 per day the violation exists. The maximum is \$2,500 per day that the violation exists. This is in addition to injunctive relief, seeking compliance with the shoreland laws.

A letter of response from Mr. Ott was sent to the Town Attorney, dated September 15, 2011. Mr. Ott has received a written declaration from John Cullen of the Department of Environmental Protection, following a DEP site visit, confirming that the work area was stable. No signs of that storm water were causing the transport of sediment away from the project site. Mr. Ott has also received a letter of affirmation from Kirk Mohny stating that no historic properties will be affected by the proposed undertaking, dated August 05, 2011. An after the fact permit was denied by the TCI Planning Board on March 03, 2009; the application did not meet the standards for Erosion and Sedimentation Control, Storm Water Runoff, Archeological Sites, and the Planning Board also requested written confirmation from the CEO or the DEP that stabilization of the worked area has occurred and that there is no erosion or sedimentation occurring from storm water runoff. On September 26, 2011, the Deputy Clerk emailed the CEO asking if Marvin Ott has to file another notification of intent for the Planning Board in order to review his application for after the fact permit again. On September 27, the CEO responded that "according to Matt Worthen, Attorney for the Town he states in his letter of September 09, 2011, and Marvin Ott's letter of September 15, 2011 confirming that a new application is to be resubmitted to the Planning Board, as there is currently no application before them." A September 27, 2011 email response from Matt Worthen, Town Attorney, states: "Correct. A final decision was previously rendered by the Board denying the application from which no appeal was taken. Mr. Ott can resubmit his prior application, augmented by the additional info for consideration, but notices and procedures will need to be followed as for any new application." These email responses were mailed to Mr. Ott on September 29, 2011, via regular U.S. mail. Mr. Ott states in his September 15, 2011 letter to the Town Attorney, "Your letter also corrects my assumption that meeting the requirements of the Planning Board letter would be sufficient. Not so, I must 'prepare and submit' a new application." As of today's BOS meeting, no new application has been submitted by Mr. Ott, nor has the Town received an erosion and sedimentation plan from Mr. Ott thus far.

Richard Beal moves to approve the recommendations of our Town Attorney in his September 09, 2011 letter and asks the Deputy Clerk to resend the email responses to Marvin Ott by certified mail. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

D. Sign General Assistance Ordinance

The Board of Selectmen signs the General Assistance Ordinance Appendices for the period October 01, 2011- October 01, 2012. There is \$1553 left available for the remainder of this year for general assistance funds. Requests for general assistance are confidential by law. Denise McCormick is the General Assistance Administrator.

V. Other Business (taken out of order)

- In reference to recent damage done to the Sutton Island boardwalk, Richard Beal suggests that we need to make sure we have enough money in the 2012 budget to fix this walkway. The damaged section is the old section from the Town dock on the cobble beach area. There is also a broken plank on the section that crosses the grassy area before you get to the woods. The new section that we had built this year was not damaged, although it was driven on by what looks like an ATV based on the tire tracks. Whoever drove over the older boardwalk caused a fair amount of damage. There were numerous broken boards and several ruts along the up-hill path.

The Town Attorney is now in the process of doing research on right of ways and ownership of Sutton boardwalks. Sutton Island Resident John Nevius is willing to help with this task as an attorney at his own expense.

- In reference to plans for Great Cranberry Island Fire Department and Emergency Medical Services, Katelyn Damon visited GCI last week. AED's were updated during her visit. She is very concerned about what she will actually be able to accomplish. She is planning on spending one to two days per week this winter, per weather, at GCI and will start off with inventory of equipment. One person has committed to the First Responder class, Katelyn will put up flyers on GCI. Ms. Damon has requested that DSL from Fairpoint be installed at the GCI Firehouse. She also requests a locking file cabinet, and a printer/scanner combination to help her with her work. She is concerned with the safety of this equipment as the building is not secured. The Fire Department has a lease for the land from Junior Bracy, and an easement from the Peterson Family for where the new trucks are. The abutting Peterson property is currently for sale, and it is advised to make sure that the easement for that property is continued if the property is sold. Richard Beal suggests that the Futures Group pay for a divider in the empty bay to keep medical supplies. Denise McCormick suggests a locking cabinet be purchased from the Selectmen's contingency fund.

Chris Hathaway moves to construct a storage container at Great Cranberry Fire Department, that Katelyn and Richard work together on this; the materials to be paid for by the Futures Group. Richard Beal seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**

IV. New Business (continued)

E. CEO Boat Policy

Phil Whitney moves that the Town pay for CEO transportation, using special boat if necessary. Richard Beal seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

V. Other Business (continued)

- In reference to the possibility of a new Town Office at the Islesford Neighborhood House; it is reported that the INHA Board is not interested at this time. A proposed warrant article is still an open possibility at the annual town meeting (900 square feet at the Islesford Firehouse).
- In reference to renovations at the Longfellow School, some projects were done in July. No report has been received of renovations done in the last two months. The School Board meets tomorrow, October 05, 2011.
- In reference to property leases at the Manset warehouse, the Town is still waiting for leases from Janice Smith Murch and Roy Hadlock.

- A budget will be developed for repairs to Main Street on Islesford from the barge ramp to Maple Avenue, and also part of Sandbeach Road. Bids are expected to go out in late fall or early winter and will be contingent on voter approval in March. Tony Michaud of CES will be coming out on Friday to meet with Jeff Berzinis of the MAC and Jim Fortune. Pricing is expected to be ready to take to the voters at the annual Town meeting. Survey crews came in June, but no survey markers are in the plans. Jeff Berzinis suggests that the road should be widened near the Islesford barge ramp as it is a critical access for supplies to the island. There is no room for two vehicles to pass in this vicinity due to floats stored at the edge of the Town road, and soft shoulders. Mr. Berzinis also suggests that S.W. Cole be given a shot at the next engineering project.
- Richard Beal moves to hire John Goodwin with a Bomag to fill pot holes with a pickup truck and two men for the three shale roads on Great Cranberry and also patching stuff for in front of the GCI Tennis courts. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**
The Administrative Assistant will arrange for maintenance on Islesford. There is \$11,970.00 budgeted funds for roads maintenance at this time.
- Quarterly reports were received by the Selectmen from the Manset Dockmaster, the EMS Chief, the GCI Constable and the Shellfish Warden. The Islesford Harbormaster has nothing to report. Phil Whitney will edit the dockmaster report for inclusion in the annual Town report.
- In reference to a third mooring at Manset, Phil Whitney suggests more research on this. Richard Beal suggests that Jim Fortune contact Jeff Crafts who was the Town's representative for CES at the time of the purchase and sales agreement for the Manset property.
- The Town Of Cranberry Isles is pleased to report that the 2010 annual town report received a Superior Award from Maine Municipal Association.
- In reference to last months suggestion that the Board of Selectmen's meeting be held on the second Saturday of November, the Town Clerks will be working a sixteen hour day that week with elections on Tuesday; the second Saturday of November is also a holiday weekend, (Veteran's Day).
Richard Beal moves to restore the Board of Selectmen's meetings to the first Tuesday of the month for a while. Chris Hathaway seconds the motion, with a unanimous vote by Phil Whitney. **Motion passes.**
- Mr. Whitney is interested in attending a personnel practices workshop on November 15.
Richard Beal moves that Phil be allowed to attend the Personnel Practices workshop and the Town to pay fees for the workshop. Chris Hathaway seconds the motion. **Motion passes.**
- Selectman Whitney and Chris Hathaway are interested in attending the Elected Officials Workshop on October 19.
- \$1000 is remaining for Human Service Organization donations at the discretion of the Board of Selectmen. The American Red Cross and WHCA have requested donations.
Richard Beal moves to donate the \$1000 to the Northeast Harbor Ambulance Service, as a one time thing. Phil Whitney seconds the motion, with a unanimous vote by Chris Hathaway. **Motion passes.**

- Selectman Beal has asked MAC Chairman Ron Axelrod to start the budget process with his group. Jim Fortune will send copies of the initial budget worksheets to members of the MAC. MAC is aware that the budget process will begin in October. The process will be that the three Selectmen will meet for a budget workshop. The MAC will meet as a committee to discuss initial budget recommendations. Eventually the MAC and the BOS will meet together in a workshop, most likely in early December.
- Scheduling public hearings on Islesford and Great Cranberry Island will appear on the agenda for the November BOS meeting. Copies of the proposed Harbor Management Ordinance with amendments will need to be published for the public hearings and the annual Town meeting.
- Selectman Whitney reads a letter from Senator Brian D. Langley dated August 31, 2011. The letter encourages us to keep him informed of our views and suggestions on how Maine could be made an even better place to live, work, and raise a family. Mr. Whitney asks the Administrative Assistant to give the letter to the Board of the Cranberry Isles Fishermen's Co Op and ask for suggestions.
- Phil Whitney encourages the MAC, the Selectmen and the Harbor Committee to research the feasibility of a year round dock at the Manset facility. \$6000 was approved by the voters at the March 2011 annual Town meeting for such research. Mr., Whitney suggests that the old plans be resurrected and worked through methodically. The Board is unanimous in agreeing to start the engineering work for the year round dock at Manset.

VI. Audience Communications

None at this time.

VII. Adjournment: 12:25 P.M.

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