

# Town of Cranberry Isles, Maine

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## Board of Selectmen's Meeting Minutes December 06, 2016

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### Board of Selectmen's Meeting Minutes

December 06, 2016

Great Cranberry Island Community Center

#### Attendance:

Richard Beal, Chairman, BOS

Florence Joy Sprague, BOS

Malcolm Fernald, BOS

James Fortune, Administrative Assistant

Denise McCormick, Town Clerk

Nanette Hadlock, Deputy Clerk

Katelyn Damon, Public Safety Coordinator

Dennis Dever, CEO / LPI

Karin Whitney, MAC

Ingrid Gaither, MAC

Joanne Thormann, MAC

Kelly Sanborn, School Board

Ben Moore, BCM, Inc.

Phil Whitney

Rosalie Kell

I. Call to Order: 8:47 A.M. by Chairman Richard Beal.

#### II. Review / Sign Financial Warrants

Warrant #50: 6,649.03

Warrant #51: 277.05

Warrant #52: 1,020.00

Warrant #53: 13,404.87

Warrant #54: 63,239.82 school)

Warrant #55: 16,299.39

Warrant #56 87,893.60

Total: \$ 188,783.76

All warrants were signed by the Selectmen.

#### III. Review/ Approval of Meeting Minutes: November 1, 2016

Florence Joy Sprague moves to accept the November 01, 2016 Board of Selectmen's meeting minutes as written. Malcolm Fernald seconds the motion, with a unanimous vote by Richard Beal. **Motion passes.**

#### IV. New Business

##### A. Sign Easement and Documents for Sharing the IDR Restroom and Septic System in Town Field

The potential buyers of the Islesford Dock Restaurant are not ready to sign the easement with the Town. Their attorney, Michael Ross, is requesting a survey for the septic system in the Town Field at Islesford. Richard Beal reports that they also may be requesting language in easement stating that the Town would be receptive in the future for a drilled well in the Town Field to serve the restaurant.

Currently the restaurant has utilized a septic system (located in the Town Field) for the restrooms only. The Liefs have an overboard discharge license for grey water from the restaurant. It is expected that the proposed paperwork may take approximately two weeks to arrive at the Town office. Nan Hadlock states that she

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hopes the selectmen will not be receptive to anything else to be placed in the Town Field, (other than recreational items to serve the entire Town as stated in the deed of conveyance to the Town from the Hadlock Family).

**C. MSW Contract (BCM, Inc.) (Taken out of order)**

Ben Moore of BCM, Inc. is at today's meeting to discuss the municipal solid waste (MSW) contract. The nine year contract comes up for renewal in June of 2017. There is expected to be an increase due to expenses, (barging, etc.).

Tonnage of MSW being taken off the Cranberry Isles has also increased. We will probably hit or exceed 130 tons this year. At the end of November 2016, we were over 125 tons of MSW taken off. The current price of the MSW contract is \$72,000. The Selectmen are proposing up to \$85,000 for the 2017 budget. Mr. Moore also reports that new containers will be switched out this month as barging is expected to be scarce after the first of the year. Both barges are being taken out of service for repairs. Mr. Moore suggests two changes for the new contract:

- 1) to have a returnables container available at all times
- 2) to alternate the days of the week open at the transfer stations on Islesford and Great Cranberry, so that the current employees can cover for each other when one employee has a day off.

The Selectmen suggest changing roadside pick-up rules for only the elderly and those who make a special request for a legitimate reason to the Town Clerk Florence Joy Sprague and Malcolm Fernald suggest having one morning and one afternoon per week for the transfer stations to be open, so as to accommodate working people.

James Fortune suggests that the same rules should apply to Islesford, GCI and Sutton regarding clear plastic bags, no food waste, etc.

**B. LCI Dock Update (Paul Harrington, Project Engineer / Manager)**

Richard Beal suggests that it may be time to ask the voters to sell the Marsh building at Manset. Mr. Beal would like to see the funds generated from the sale go towards the Islesford Dock Extension project. Due to the Municipal Bond

Bank notes on the Manset property, the funds from the sale of the Marsh building may not be able to be used elsewhere. Denise will contact the bond bank to see if it is allowed. Phil Whitney suggests that the funds generated from the sale should be used for a year round dock at the Manset facility.

Selectman Beal requests that the heat be kept on low at the Marsh building this winter to preserve it. The water has been shut off.

Paul Harrington of Stantec is at today's meeting to discuss the plans for the Islesford Dock Extension. Mr. Harrington presents preliminary plans for the project, which are about 90% at this time. The dock will extend 42 feet further,

however, the floats will remain approximately in the same place as they will be up against the pier. Different wave barriers are shown on the plans. One is piling rip rap and one is a granite barrier. Other options are timbers or a continuous line of piles. The granite barrier requires additional permitting and cost. These plans do not address any mooring relocations, but it is possible that around four moorings may need to be adjusted. Phil Whitney suggests that the Harbor Committee and the Selectmen be prepared to answer questions regarding moorings.

The Selectmen suggest a two part warrant article for the voters. One part is the minimal wave barrier and the other part is for the granite supports. Joanne Thormann suggests that a rendered sketch be available at the Town meeting for voters to peruse. Richard Beal requests that the finalized plans be included (in foldable form) in the Town report. Nan Hadlock will contact the printer for the cost of seven pages to include sketch, in 11" X 14" size. Stantec will render the sketch. Final documents should be ready by January 25, 2017 for inclusion in the Town report. Preliminary documents are available for viewing at the Town Office.

Discussion takes place over whether Islesford residents will be able to land at the Town Dock during construction. It would be more expensive (cost not known but needs to be determined) to keep access to the dock open during construction. Nan Hadlock does not feel that the Fishermen's Co Op would be an acceptable alternative for use as it is a private dock where work is happening and due to liability issues of a working dock (i.e. bait, boat tie up, etc.) It is suggested that the Town contact Frank Newlin or the new owners of the IDR in reference to an alternate location if needed. This will be discussed further at a later date.

Richard Beal moves authorizes the Administrative Assistant to go out to bid on the proposed project, contingent on voter approval, on all facets of the extension, including the granite, to see how much the cost would be. Florence Joy Sprague seconds the motion, with a unanimous vote by Malcolm Fernald. **Motion passes.**

A site plan application for the shorelands will be required as this project will need Planning Board approval.

Richard Beal reports that four cleats were bought for the new float for Manset as



they were not included in the specifications. Ed Gray has finished construction of the float. James Fortune suggests that the float be stored with the others in the Manset parking lot if the Grays do not have room for it.

**D. GCIVFD: 1965 Chevy Fire Truck Bids**

Eight bids were received for sale of the surplus fire truck at Great Cranberry Island:

- Ed Gray \$2600.00
- Douglas Hance \$ 650.00
- Tom Bachelder \$1526.50
- Eric Tarr \$2665.00
- Michael B. Hodgkins \$1503.99
- David Bolduc \$2807.52
- Nick Hadlock \$ 801.00
- Ralph Pinkham \$3105.51

Richard Beal moves to approve Ralph Pinkham as the winner. Florence Joy Sprague seconds the motion, with a unanimous vote by Malcolm Fernald. **Motion passes.**

**E. Broadband Communications Working Group: RFI Update**

Two members have recently resigned from the Broadband Communications Working Committee, (Katelyn Damon and Tom Powell). Selectman Fernald is willing to step in as a member of the committee. One more member is needed. The current members are Ingrid Gaither, Ralph Stevens, and Rosalie Kell.

Richard Beal moves to appoint Malcolm Fernald as a member of the Broadband Working Committee. Florence Joy Sprague seconds the motion, with Malcolm Fernald abstaining from the vote. **Motion passes.**

There are three potential funding sources:

- ConnectME
- Northern Borders
- USVA

Grants would require matching funds from at least two of the funding sources.

One source requires that a legal entity (owned by the Town) be created by the voters to apply. A warrant article would be needed for the voters' consideration.

The Board of Selectmen signs the authorization for the RFI (request for information).

Richard Beal also reminds the staff that a warrant article would be needed for the proposed hoists to be installed on both the GCI and Islesford Docks for public use. The Cranberry Isles Fishermen's Co Op has expressed interest in paying half of the cost for the hoist on Islesford.

**F. Proposed Shoreland Zoning Ordinance Update**

The Code Enforcement Officer (C.E.O.) has suggested some changes to the Land Use Ordinance for the Shorelands. Mr. Dever explains that by changing the current ordinance to the same format as the state's, it would be easier in the future to update the ordinance when the state requires it. The CEO reports that there are some proposed changes that are less restrictive than the current TCI ordinance. The ordinance cannot be less strict than the state guidelines, but may be stricter.

One major change is the zones for freshwater wetlands not rated by Maine Department of Inland Fisheries and Wildlife as moderate or high value in accordance with Title 38-438-A-2 MRS. The current ordinance calls for a 250 foot zone. The Planning Board has recommended that the zones for freshwater wetlands not rated by Maine Department of Inland Fisheries and Wildlife as moderate or high value be set down from the current 250 feet to *150 feet*.

According to Land Use Ordinance for the Shorelands, Section XII, Administration, D, Procedure of Administering Permits reads as follows:

"The Planning Board shall, after submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it ..."

In the past, following a Planning Board approval, the Code Enforcement Officer (CEO) has written the actual permits. The Planning Board wishes for this to continue (another set of eyes) and would like to see this changed in the proposed ordinance changes.

Another proposed change is to change some of the zoning district names to match the state's as follows:

- Change Business District to *General Development District*
- Change Low Density Residential District to *Limited Residential District*
- Change Water Dependent Commercial/Residential District to *Commercial Fisheries Marine/Activities District*

Another requested change by the C.E.O. is in Section VIII., Uses Permitted, Table of Land Uses. Mr. Dever would like to show that the Code Enforcement Officer may call on the Planning Board anytime for anything, same for D.E.P or other



state resources. This change was not discussed or approved by the Planning Board. Proposed changes may be viewed at the Town Office. A summary of changes will be included in the Town Report. Revised maps, a revised site plan application for the shorelands, and a clean copy of the proposed changes must be submitted by the C.E.O. very soon to allow for printing time.

The current shoreland zoning ordinance has setback requirements from the middle of the road and property lines; the new format does not. (The Planning Board, although not by an official vote, is of the general consensus that the setbacks should remain in the ordinance).

The CEO has also suggested that updates need to be made to the Notification of Intent to Build Ordinance. Statute references need to be updated and a statement added to allow for the need of a permit to be written for all projects. The Notification to Build Ordinance pertains to all projects not in the shoreland.

A public hearing will be required for review and comment on both proposed ordinances. Katelyn Damon reports that January 21 is scheduled for OSHA training at Great Cranberry Island. A tentative date for the public hearing is discussed (January 10, 2017). The Board of Selectmen is expected to approve the proposed changes at the January 03 Board of Selectmen's meeting. Notices will have to be submitted to the newspapers in advance of the public hearing. The clean copy of the proposed changes will need to be mailed to shoreland property owners.

#### **G. Budget Workshop**

Currently the proposed budget is over last year's and the school budget has not been added in as of today's meeting. The School Board is set to discuss their proposed budget at their December 16 meeting. School Board member Kelly Sanborn reports that an increase for 2017 is expected. For now a spaceholder is put in the proposed Town budget at \$600,000.

Richard Beal signs, on behalf of the Board of Selectmen a memorandum of understanding (MOU) with the School Board. The MOU allows the Town to utilize the firehouse beside the Ashley Bryan School at Islesford as a Town Office. Entrance to the old firehouse building would have to be from the Cross Road rather than Main Street. There are currently two options on Islesford for a potential site for a new town office:

1. Build next to the new firehouse on Maple Lane
2. Renovate old firehouse next to A.B. School on Cross Road

The MAC recommends building next to the new firehouse. The old firehouse next to the Ashley Bryan School may have a question regarding property boundary lines shared with Bradley Bryant; the School Board is proposing a survey of the site in the 2017/18 budget. Jason Pickering has also voiced concern over using a Cross Road entrance directly across from his business on the same road.

Selectwoman Sprague suggests that she feels the Town should spend money on owning a town office as opposed to renting a space, especially a rental that could be potential year round housing. Phil Whitney questions whether the Town should be investing in a permanent location on Islesford. Kelly Sanborn suggests that a satellite office is needed on Great Cranberry Island. Ingrid Gaither suggests that the satellite office on GCI should be year round, as opposed to just summer. The Selectmen discuss adding a small addition to the new firehouse location on Islesford. A dug well was approved and budgeted for at the 2016 annual Town meeting, however, no action has been taken yet. A septic system is included the proposed budget for 2017. Selectman Beal suggests that the well be dug at the new firehouse location within the next 30 days, using whatever well drilling company that is available. Mr. Beal also suggests that it is time for a permanent Town office and would like to see this on the 2017 warrant for voter consideration. The current office is a rental trailer with no water and the staff is

using a porta potty. Total monthly cost for the trailer rental, the porta potty rental, and the storage trailer is \$1343. Phil Whitney suggests that the selectmen give this a breather and do further research. Malcolm Fernald expresses concern over adding another big price item to the warrant and budget, but perhaps even though the numbers look big, the savings could be more. It is suggested that the Board of Selectmen speak to this issue at the annual Town meeting, as it makes the staff uncomfortable to discuss a new Town office. The staff is not requesting this item be on the warrant. The Board of Selectmen agrees that they will be the ones to address this article at the Town meeting. The proposed warrant article will ask for up to \$250,000.

Richard Beal has received an email communication from John Nevius of Sutton Island stating that the Sutton Island residents have some budgeting requests for 2017. James Fortune will follow up on determining what these requests are.

James Fortune suggests that next year's scheduled paving projects could wait. Some pothole maintenance will need to take place on Maple Avenue.

The proposed \$328,000 will be taken out of the proposed budget for capital projects on roads. There is currently approximately \$97,000 in Roads Reserve funds. James Fortune will check to make sure the reserve funds will be enough for maintenance of shale road (Dog Point). Big items on the proposed warrant will be schools, town office, and the Islesford Dock Extension.

The Municipal Solid Waste budget is changed to a proposed \$85,000.

Dock hoists are proposed to be installed at both the Islesford and Great Cranberry Island Town Docks, proposed cost is \$12,500 for each dock. It is reported that the Cranberry Isles Fishermen's Co Op has agreed to pay for half the cost of the Islesford hoist if approved by the voters.

Estimated cost for the Islesford Dock Extension (with solid granite wave attenuation) is \$561,758.

Estimated costs for improving internet service are not known yet.

Regarding debt service, the Islesford Roads loan will be paid off in April 2017. One of the fire department truck loans has one or two more years on the loan.

Proposed budget figures thus far can be viewed at the Town Office.

#### **V. Other Business**

- Selectman Beal replies to an email communication, dated December 05, 2016, from a GCI resident regarding executive sessions. Mr. Beal explains that the Maine Municipal Association is a group of Towns that subscribe to a service guiding municipal interests. MMA does not make rules or guidelines for Selectmen to follow concerning executive sessions. There are a very few reasons that a Board may hold a private executive session, one of which is to discuss a personnel issue. No notes or recordings are made during executive session. No decisions are made during an executive session. In the future the Board of Selectmen will consider executive session requests similar to the Town of Mount Desert. Mr. Beal suggests that the Board of Selectmen write a policy regarding executive sessions where requests will go through the Town Clerk. Residents are not required to attend executive sessions. Only the Selectmen should call an executive session. Under Freedom of Access Laws, the above mentioned email communication may be viewed at the Town office by request.

- The Deputy Clerk submits her resignation, effective January 06, 2017. Mrs. Hadlock requests a letter of recommendation for her last eleven years of service. She also states she fully intends to stay involved with municipal interests and is looking forward to having the opportunity to use that experience to help our communities sustain and prosper in the future, without the restraints of the clerk title. This town position will be posted publicly. The Board of Selectmen will be communicating by telephone regarding this subject prior to the January BOS meeting.

Selectman Fernald suggests that there needs to be a process for accepting resignations in the future, such as only at Board meetings, and not by word of mouth or email. This would help to prevent gaps in service.

#### **VI. Adjournment: 12:55 P.M.**

Richard Beal moves to adjourn the meeting. Florence Joy Sprague seconds the motion, with a unanimous vote by Malcolm Fernald. **Motion passes.**

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