

MINUTES OF THE SELECTMEN'S MEETING
WITH THE BIT EXECUTIVE COMMITTEE PARTICIPATING
TOWN OF FRYE ISLAND
JUNE 16, 2007

The meeting was conducted at the Town Community Center Meeting Room.

The meeting was called to order at 09:03 AM by John Nun.

SELECTMEN: John Nun, Brian Walker, Grace Morin.

BIT EXECUTIVE COMMITTEE: Bruce Nisula, Joe Potts (by teleconference), Bob Miner (departed 1133), John Nun, Brian Walker, Grace Morin.

TOWN MANAGER: Wayne Fournier

TREASURER: Carl Hommel, absent

PETITIONS FROM THE PUBLIC

OLD BUSINESS

Project Updates

Toomey Appeal Update: Wayne reported that a hearing was scheduled at 1000 AM 19 June at the Cumberland County courthouse in Portland on the Town request to dismiss the suit against the town.

MOTION by Nun for BOS to reaffirm the BOS decision (7 Feb 07) to appeal the Superior Court decision to reverse the Zoning Board of Appeals ruling denying a variance to Mr. Toomey; seconded by Morin – UNANIMOUS.

Frye Island vs. State of Maine Update: Wayne again reported that all written draft rebuttals were submitted in September 2006. The Superior Court Judge, after setting a date for oral arguments, later cancelled the oral arguments and stated that he would decide the case without hearing oral arguments. We are still waiting that decision. Nothing has changed. There is a possibility that the proposed statewide school redistricting plan could be holding this up but there have been no actual indications of this happening.

INTERUPTION: Jean Sullivan Toomey entered the meeting late and requested clarification of where the town budgeted legal fees for litigations. Wayne explained that there were two specific budget items: One specifically for the State of Maine suit above

and one for legal fees in general in the administrative budget; expenditures against this line were approved by the BOS as suits came up. Wayne has expenditure information in the office files that can be made available to anybody who requests.

Water System Upgrade: Nisula and Potts comments were forwarded to CDM. Their response provided a breakdown of the \$2M estimate. They indicated that 2 inch pipe would be adequate at most ends with 3 and 4 inch pipe providing the main distribution backbone; costs for 3 and 4 inch pipe were not that much greater than 2 inch. They did have a minor concern with water standing in larger piping due to lower flow rates. They indicated that the town should do an elevation survey for low (drainage) and high (blowoff) points along the pipe routes.

Long Beach Marina Dredging: Wayne has a meeting scheduled for 18 June with DEP for permit application acceptance. They still feel that we need to dredge out a little further (still within the original plan limits) or it will silt right back in. John Crosby and Del Wescott may also attend this meeting.

East Pump House Proposal: Wayne reported that the town ordinances require Planning Board approval of waivers for municipal uses of the property. A Public Hearing is scheduled for 0830 June 23rd; no issues are expected.

Town 2006 Audit:

Wayne reported that Talbot would be providing a preliminary audit this week; he would then prepare the Manager's Discussion and Analysis and provide it to the auditors and the final audit would be delivered following that.

Pending Permits/Applications:

Wayne stated that the town still has only two pending permits; 1- Marina dredging, noted above, and 2 – Permit to operate the Transfer Station.

Ferry E-Tickets:

Wayne reported that Gorham Savings Bank currently processes this type of service for the town of Saco; he has not received their pricing quotes yet. Bob Russo is getting information on a scanner/reader.

Cumberland County Dispatching:

Wayne reported there is confusion about the emerging dispatch architecture. In the current system, all 911 calls go to Cumberland County and are then relayed to Raymond. However, Raymond is only going to do day-time dispatching and will contract night dispatching to Naples; and eventually Naples will do all of Raymond's dispatching. It appears a call from Frye Island will go to Cumberland County, then to Naples, then to Raymond; not very efficient. We could potentially save up to \$2K if we were able to have Cumberland County do all of our dispatching, (Police and Fire & Medical). Wayne is trying to get Chief Persson to work the issue.

Results of SAD-6 June 12 Referendum:

Wayne reported that Article 4 of the referendum did not pass. SAD-6 has scheduled a public hearing on Jun 18th to do another referendum vote.

Winter Office:

Wayne had looked at 3 locations for a winter office. The Kay's paint store in Windham wanted a 12 month lease at \$1600 per month plus utilities; it would require some work to put in shape. A location on hwy 302 near the Raymond Cape Road showed little interest but would also require a 12 month lease plus utilities. Paul White has a building on hwy 302 south side of Windham with handicap access with a 12 month lease for \$4500 including utilities. Wayne also looked at the temporary storage facilities which ranged from \$65 – 90 per month. Deb Anthony asked whether there might be a conflict of interest leasing from Paul. Board members agreed that was not likely since Wayne had done a search and this appeared to meet the requirements at far less cost. Action was deferred.

Polling Place Survey:

Wayne reported that John Crosby has price quotes ranging from \$1200 to \$2200 (more credible quote) for the parking area by the community center. There will be additional costs for some other smaller items. The State share of the cost will be 80%; 20% to the Town.

MOTION by Nun to authorize expenditure of up to \$3500 from the Island Improvement Fund with payback from the State to reimburse 80%; seconded by Walker – UNANIMOUS.

LD 1838 – Proposed Legislation “An Act to Ensure Safety on Freshwater Ferry Vessels”:

Wayne has had further discussions with Representative John Robinson; nothing new to report. The Act has been deferred to the next legislative session and Frye Island has been asked to participate in draft Act preparation.

Fee Complaints from Paul Murphy Lot #1724 and David O’Grady Lot # 1112:

Wayne reported Mr. O’Grady has filed an official complaint. The Town has 40 days (end of July) to respond. Town attorneys are working the response.

Parking in Office Store Area:

Town DPW is working to improve the small parking area(s) by the split on Sunset Road for parking of town employees. Portland Water District would like to see us pave the area from the Island Ferry Landing in front of the town office and the post office buildings to better handle runoff. Estimate of cost is \$32K with up to \$10K cost sharing possibly coming from PWD. John Crosby was asked to check on PWD effort to get cost share into their budget this week. The design work has been done. Wayne was asked to put an article on this issue in the FINS. The item was tabled until the July 7 meeting.

Transportation Committee Meeting:

Brian Nisula and John Reilly presented the status of Transportation Committee efforts and requested initial funding for consultants to go forward. Issues for the Comprehensive Plan include projections for traffic and parking to increase by 40%; safety, particularly for the boats; operational efficiencies; potential E-Ticket system; new boat requirements; gantries; ramps;

funding; land issues; and more. They stressed a need for professional assistance to continue the work to get options for above issues (to include Raymond); cost estimates; cost schedules; and discretionary funding availability. They requested civil engineering and marine engineering support. John Crosby has survey information on the Willis property and the mainland ferry landing areas. The Willis property is already zoned for municipal use. Dave Bond indicated that we may not be in a position for a March 2008 submission for discretionary funding. Nun indicated he would like to get something in the 2008 budget to seriously start the process but to get sufficient funds this summer to keep the process moving. Ernie Wrzesinsky indicated that the State has put up large amounts of funds to support ferry service for offshore islands; that we should look for some support along those same lines.

MOTION by Nun to authorize expenditure of up to \$5K from the Island Reserve Fund for the Transportation to hire civil and marine engineering support; second by Walker – UNANIMOUS.

Other Old Business:

Wayne reported that the Bingo business license was denied because the state does not issue licenses to municipalities, only to non-profit organizations. It was suggested that Wayne approach the Volunteer Fire Department, the only non-profit organization on the island, to see if they would sponsor the Bingo operation.

The BOS signed two assessment adjustments which were made to correct errors in the percent of completion. Both resulted in reductions.

INTERRUPTION: Carl Hommel, Jr arrived late and asked if the Board could set up a phone connection for Carl, Sr to participate as the Town Treasurer. Since we were working on a single dial-up with Joe, and not a conference line, Nun denied the late request.

NEW BUSINESS

Approve Appropriation of \$5K each from the Golf Equipment Reserve and the Fire Department Reserve (total \$10K) for Larger Generator for East Pump House:

These funds supplement approximately \$72K of Town funds to increase the size of the generator to provide backup water for the Golf Course and two hydrants for the Fire Department.

MOTION by Nun to approve requested appropriations; second by Morin - UNANIMOUS.

School Consolidation Plan:

Essential items were covered above but additional information was provided at this time: SAD-6 can stay as a Regional School Unit (RSU) but it must be approved. It was not known who would vote for Frye Island.

Draft of 2008 State Evaluation for Frye Island:

Wayne reported that the State evaluation rate of increase is approximately double that of other communities.

Island Use Vehicles:

Wayne reported that we are one of 14 islands that are approved for use of golf carts on local roads. We also have some vehicles that DMV classes as ATVs. ATVS are registered in

Maine with the Department of Wildlife and Inland Fisheries, not with DMV. The legislature passed a law in 1999 that municipal authorities may designate local roads as access roads for ATVs. There are restrictions and it is assumed that municipal authorities may impose additional restrictions to fit local conditions. Municipal authorities were later defined as BOS. Most EC members seemed to feel that ATV operators should be licensed the same as golf cart operators; that 3 wheel, handlebarred, saddle seat, poorly muffled, etc vehicles should not be allowed. The subject was tabled for further investigation by Wayne.

Appointments:

MOTION by Nun to appoint Wayne Fournier to the positions of Town Manager, Town Clerk, Tax Collector and Registrar of Voters for a 1 year term effective 1 July 2007; second by Morin – UNANIMOUS.

MOTION by Nun to appoint Joe Potts as Town Treasurer for a 1 year term effective 1 July 2007 and the Treasurer to appoint deputy and/or assistant Treasurers; second by Walker – UNANIMOUS.

MOTION by Nun to appoint Paul White to the positions of Tax Assessor's Agent, Code Enforcement Officer and Local Plumbing Inspector for a 1 year term effective 1 July 2007; second by Morin – UNANIMOUS.

MOTION by Nun to appoint Don and Tim Alexander as Animal Control Officers for a 1 year term effective 1 July 2007; second Walker – UNANIMOUS.

MOTION by Nun to appoint Ed Johnson, Steve Kaplan and Sam Donio as primary members for a period of 3 years and Paul Peterson as alternate member for a period of 1 year, all effective 1 July 2007, of the Planning Board; second by Walker – UNANIMOUS.

MOTION by Nun to appoint Tim McCarthy and John Gardner for a period of 3 years and Bill Trenchard for a period of 2 years, all effective 1 July 2007, to the Zoning Board of Appeals; second by Morin – UNANIMOUS.

MOTION by Nun to appoint John Crosby as Road Commissioner for a period of 1 year effective 1 July 2007; second by Walker – UNANIMOUS.

MOTION by Nun to appoint John Nun and Wayne Fournier as Frye Island Delegates to the Greater Portland Council of Governments for a term of 1 year effective 1 July 2007; second by Morin – UNANIMOUS.

It was noted that the terms of 2 Selectmen (Walker, Morin) and 1 BIT EC (Nisula) will expire this fall.

Gorham Savings Bank Status:

Wayne reported that the Gorham Savings Bank now has all Town accounts including Reserves. The Reserves are all in 1 account but they are separately sub-accounted. Wayne also reported that there are 2 budget accounts, the Vic Richards and Michael Heitz Memorial Funds that have completed their purpose and still have \$108.36 balance.

MOTION by Nun to expend remaining funds in those accounts for a ballfield tree and, if any remains, to expend on ballfield maintenance; second by Walker – UNANIMOUS.

Set Values for Capital Assets and Approve Policy:

Wayne presented a Fixed Asset Policy recommended by our auditors for approval with the following minimum capitalization thresholds for capitalizing fixed assets:

Land and improvements	\$10,000
Buildings and improvements	\$10,000
Machinery/equipment/vehicles	\$5,000
Infrastructure	\$10,000

MOTION by Nun to approve the Fixed Asset Policy as presented, second by Walker.
UNANIMOUS.

Approval of MMA Agreement to provide Income Protection Plan to Eligible Employees at No Cost to the Town:

MOTION by Nun to approve the MMA Agreement; second by Morin – UNANIMOUS.

BOS signed the agreement.

Approve the Use of up to \$2098 in Re-evaluation Reserve to Review Neighborhood Factors and Adjust Property Values:

Wayne said that the review was indicated by the recent (last 4-5 years) sales prices; that the state assessment person agreed that it should be done and that we could use these new values when we do next year's state. Since the previous revaluation we have discovered a number of inaccuracies in the cards that we currently have primarily because many homes were not accessible when the revaluation was accomplished in 2002/2003. Paul is going to try to confirm what is on the assessors' cards for as many of the properties as he can. At the same time he will be working with Jerry Daigle to identify the sales over the past 4-5 years, develop sales statistics for the different neighborhoods on the island so that these factors can be adjusted if necessary, and adjust the values to be more in line with the State values. Paul White would do this on his salaried time and Jerry Daigle felt that he would only need to expend approximately 40 hours @ \$40/hr so funds should be sufficient.

MOTION by Nun to approve use of up to \$2098 in Re-evaluation Reserve to review neighborhood factors and adjust property values accordingly; second by Walker – UNANIMOUS.

Other New Business:

Bruce Nisula said that the \$3K that had been approved for a utility cart would actually be spent on a small pickup truck to be used for the same purpose. It was agreed that Wayne could handle this as an adjustment with no approval required by the BOS.

REVIEW and APPROVALS

Meeting Minutes:

MOTION by Nun to approve minutes of 26 May 2007 Board meeting, previously provided; seconded by Morin – UNANIMOUS.

Year to Date Financials:

Wayne presented financials through May with detailed discussion of significant items. Overall, the numbers are in good shape compared to last year at the same time. There are some corrections that need to be applied due to interest on maturation of CDs, Liability Insurance allocations. The ferry operating costs are running higher than normal, due primarily to the transmission, propeller and steering problems that occurred early on, but we have applied for state and federal funds due to damage caused by the storm. Ferry revenues are running somewhat lower than last year, partly due to late opening. Salaries are running higher but April may not yet be properly allocated.

Treasurer's Report:

There was no Treasurer's report because Carl was absent due to sickness.

MOTION to adjourn at 01:13 PM made by Nun, seconded by Morin – UNANIMOUS.

Respectfully submitted,
John B. Nun