

**MINUTES OF THE SELECTMEN/EXECUTIVE  
COMMITTEE MEETING  
TOWN OF FRYE ISLAND  
MAY 17, 2008**

The meeting was conducted in the town community center.

The meeting was called to order at 9:05 AM by John Nun.

SELECTMEN: John Nun, Mark Thomas, Phil Perry.

BIT EXECUTIVE COMMITTEE: Bruce Nisula, Debbie Anthony, John Nun, Mark Thomas, Phil Perry. Absent: Joe Potts, Bob Miner

TOWN MANAGER: Wayne Fournier

TREASURER: Absent

**PETITIONS FROM THE PUBLIC**

Jimmie Kuiken requested that the BOS adopt the 2008 National Electrical Code effective 1 July 2008. He explained that it is mandatory for new work by electricians but that the State of Maine has not adopted it.

MOTION by John Nun to adopt the 2008 National Electrical Code for new construction effective 1 July 2008, second by Mark Thomas – UNANIMOUS.

**OLD BUSINESS**

**Project Updates:** See Attachment A, Manager's Report, for details.

- **Marina Dredging:** Approval of amendment of the Dredging Permit to extend the jetty expected by 1 Sep 08; anticipate work next year.
- **East Pump House:** No Change.
- **David O'Grady Fee Complaint:** No change.
- **Derek Yates Fee Complaint:** No change.
- **Island Ferry Gantry Beam:** Work completed.

**Consent Agreement for 273 Leisure Lane:**

See Attachment A, Managers Report. Further discussions were deferred until Jun 08 or later depending on outcome of anticipated meetings in early Jun.

**Road Fee Schedule:**

Discussions were deferred to a future TBD meeting pending a court decision on the outstanding fee suits.

**Leisure Lounge Liquor License:**

License has been issued.

**Discretionary Ferry Funding Program:**

The FBD program, if approved, would provide 80% of \$600K, \$600K, and \$400K and the Town would need to appropriate 20% or \$120K, \$120K, and \$80K in matching funds. Phase 1 funds are requested for FY 2009. The other phases are not requested in this application; Phase 2 and 3 applications would have to be separately submitted for later funding, possibly as early as FY 2010 and 2111. Wayne expects to have cost estimates for ferry modification and initial land use plans from two separate contracts by Jun 08.

**Water Distribution System:**

CDM recommended 3" pipe at a cost of \$22,860 for materials for High Point main lines and Hodge recommended 6". Board recommended an immediate start limited to High Point with no or minimal road closings expected for a period of 1-4 months to completion.

MOTION by Nun to authorize installation of 4" line at an approximate cost of \$29,422 for materials and a total cost not to exceed \$89K, from the Water Reserve Account, second by Perry – Passed by 3-2 majority (FOR (Nun, Perry, Anthony) and AGAINST (Thomas, Nisula).

**Appropriate \$4681 from Ferry Reserve for Repairs to Island Gantry Cross Beam:**

MOTION by Nun to authorize expenditure of \$4681 from the Ferry Operations Reserve for emergency repairs already completed on the Island Ferry Gantry Cross Beam, second by Perry – UNANIMOUS.

**Regional Disaster Aid Agreement:**

Wayne reported that it had been revised to reflect new costs of providing services. No action required by Board members.

**Other Old Business:**

- Wayne has had discussions with the Town Manager of Raymond. He indicated that their Selectmen would like to meet with the Frye Island Selectmen, probably sometime in Jun 08, to discuss common issues (e.g., Cape Road, emergency services). Wayne will set up the meeting.

- Wayne reported that the Planning Board has scheduled actions relative to ATV ordinance and Beach & Marina rules.

## **NEW BUSINESS**

### **Summer Meeting Schedule (Confusion with June meeting date):**

Date for Jun 08 meeting was confirmed to be Saturday the 14<sup>th</sup>.

### **Ferry Schedule/Fuel Costs:**

Wayne said that he is closely watching ferry fuel costs vs the current schedule, that the actual cost (per gallon) of fuel far exceeds the budgeted amount and we may have to consider adjusting the schedule and/or fees. Deb Anthony and Mark Thomas recommended not cutting service without additional justification. The issue will be discussed again at the 14 Jun 08 meeting.

### **Employee Handbook – Frye Island Ferry Service:**

Wayne asked for comments from the Board on the draft Employee Handbook provided in April. Most had not had opportunity to review in detail but all felt that, at a cursory review, it was well done. Bob Felice (author) and John Crosby said that it had been done specifically for the ferry service but it will not be hard to revise it to include all town employees. Bruce Nisula had a specific comment which had already been corrected. Mark Thomas requested a legal review, particularly about the roles of the BOS vs the town managers. Board requested further revision to include all town employees, further review and submission to the BOS for approval.

### **Liquor Licenses for Frye's Leap Café and Store:**

Submitted.

### **Abatement Request from Mr. & Mrs. Yates:**

Wayne had received an Abatement Request from the Yates; it was similar to the one submitted by O'Gradys last year that was denied, appealed and also denied by Cumberland County. It is a late submission; past the required date. Bruce Nisula recommended Wayne prepare denial based on same rationale.

### **MMA Executive Committee:**

Wayne had received a letter from MMA asking for applicants for a Vice President position at MMA. Applicants must be a current Maine Municipal Officer. No one indicated any interest in running for the position.

**Other New Business:**

Phil Perry asked Wayne if we had a replacement Recreation Director. Wayne said he had queried St. Joseph's college and placed announcements on the bulleting boards but had no takers yet. John Crosby recommended checking with the MMA web-site Job Bank.

**REVIEWS and REPORTS**

**Meeting Minutes:**

MOTION by John Nun to approve minutes of 5 Apr 08 BOS/EXCOM meeting, previously provided; subject to e-mail confirmation of inclusion of discussion on Road/Water fees by John Nun; second by Phil Perry – UNANIMOUS.

NOTE: John Nun e-mail of 18 May confirmed that the discussion on Road/Water fees had been held in the February 08 meeting (not 5 Apr) and was included in those minutes; subject closed.

**2000 YTD Financials:**

Financials had been previously provided to the Board members. The only issue discussed was the probable impact of fuel costs on the ferry operation.

**Treasurers Report:**

No report due to absence of Treasurer.

**Golf Report:**

Bruce Nisula reported that the Golf Course came through the winter OK but that the irrigation pump had failed right after the island opened. A new pump is on order.

MOTION by John Nun to authorize expenditure of up to \$10K from the Golf Equipment Reserve to replace the failed pump, second by Phil Perry – UNANIMOUS.

**Marina Report:**

Wayne reported that the old slips are installed in the Long Beach Marina but that new slips are on the road waiting to be installed; should happen shortly.

**Executive Session:**

MOTION by John Nun to go to Executive Session according to MRSA 1 Paragraph 405 (6) (A) to discuss town legal issues at 1105 AM, second by Phil Perry - UNANIMOUS.

Executive session was joined by Paul White, CEO; Mike Morse, DEP; and Larry Clough, Town attorney (by telecom).

Returned from Executive Session 1230 PM– discussed town legal issues as authorized under MRSA 1 Paragraph 405 (6) (A).

MOTION by John Nun to adjourn at 1247 PM, seconded by Phil Perry – UNANIMOUS.

Respectfully submitted,  
John B. Nun  
First Selectman

Encl: Attachment A – Managers Report 17 May 08

Attachment – A. Town Manager Report 17 May 2008

1. **Water System Upgrade:** Camp Dresser and McKee has completed its initial review of our system and made their recommendations for improvements. Their report was presented at the October '07 Town Meeting. We have received component proposals on labor and materials to replace and upgrade the distribution system based on CDM's recommendations. We will need to make decisions on the following:
  - Does the Town want a full engineering plan at a cost of \$65k to \$75k or will the Town purchase all materials and install the new system using subcontractors under Town oversight?
  - How will we phase the project?
  - How will the project / phases be financed?
  - When is the best time to do the phases?
  - What size replacement lines should we use?

I would suggest that we plan to commence replacing the section of piping down High Point Drive beginning at the intersection of Independence and going to the intersection at Birch and Ridge Roads. I realize that CDM suggested starting with Ridge Road because of the breaks we have had in the system and if we were going to contract the complete job I would agree but I think the consensus is to do the work ourselves and I think a less inhabited road would be a better start for us to "practice" on. This would allow us to identify the logistic and installation issues and determine the time requirements to perform this work so that we can prepare a plan for the rest of the Island. I would plan to start the work right after Labor Day and work until the weather or the completion of the job shuts it down. Estimates are that we could finish this in about 30 days but we don't know this for sure. This schedule would allow us to purchase and stage the materials that are needed and plan our labor through the summer. I think if we try to do anything before the fall we would have to rush and would be more likely to overlook something which could result in more costs and much more congestion for the Islanders.

*We need to commit to this plan or a plan so that we can start preparing for the installation. In addition, the best price for the installation was from Jeff Snow and he needs a commitment from us to block out that time. If not, he will have to schedule other work.*

2. **East Pump House:** The new pump house is complete. The system is in operation. There is still some minor programming of the controls needed but this is not affecting the operation. The programmer is working off site then will return to install the changes.

3. **Marina Dredging:** The dredging project is complete. We have also begun the work on the amendment to the dredging permit to allow us to increase the height and length of the stone jetty at the entrance to the Marina. Surveyors from Main-Land Development Consultants have completed the site work needed for the application. The project engineer feels that the application should be ready to submit to the DEP by the end of May. He also said that he felt the DEP would take 3 months to complete its review so we probably won't hear much before the end of the summer.
4. **David O'Grady Fee Complaint:** Our attorney has sent a letter to Mr. O'Grady stating that the BoS/EC would consider a formal request for a refund of some portion of his building permit fees. This was with the understanding that this in no way meant a refund would be granted. Mr. O'Grady has until May 30 to submit a formal request.
5. **Derek Yates Fee Complaint:** Our attorney has sent a letter to Mr. Yates stating that the BoS/EC would consider a formal request for a refund of some portion of his building permit fees. This was with the understanding that this in no way meant a refund would be granted. Mr. Yates has until May 30 to submit a formal request.
6. **Island Gantry Cross Beam:** The cross beam has been repaired by Diver Down Underwater Services. They removed the beam, and the damaged pockets, added some gussets to the beam to provide stiffening, rebuilt the end of the beam and then reinstalled the beam. They took an underwater video of the repaired beam which is now on file. The cost of the repair was \$4681 which should be appropriated from the Ferry Reserve.
7. **Consent Agreement-Lot 273:** The consent agreement for alleged violations of the Shore Land Zoning Ordinance on lot 273 was sent to Mr. & Mrs. Zea requesting remittance of the signed agreement with the \$10,000.00 contribution to the Town by Friday March 21. We did not receive either the signed agreement or the contribution the 21st so I contacted our attorney. He suggested that we wait until Monday before taking any action. On Monday we still had not received anything so I contacted our attorney again and he indicated that he would be contacting Mr. Zea's attorney and determine what he would recommend as the next step. He had not been able to reach Mr. Zea's attorney by Thursday March 27<sup>th</sup>. Legal costs may be available if we have to pursue this case through the court system.

Mr. Zea has requested a meeting to discuss notice of violation and the consent agreement but he will not be available until after June 9.
8. **Ferry Invoices:** Mr. Zea has been invoiced \$24,000 in ferry fees accumulated at the end of the 2007 season. Mr. Zea paid \$4,000 toward

the total bill and informed me that I would have the remainder by the end of May.

9. **Code Enforcement Officer:** Paul White has resigned as our CEO to take a full time position in Eliot Maine. He has agreed to answer questions relating to building permits through the winter until we can find a replacement. We are in search of a certified Code Enforcement Officer, and Local Plumbing Inspector to fill this position on a part-time, seasonal basis. We plan to have this position filled by the time the Island opens. I have a potential candidate. We are trying to workout the details now.
10. **Assessing:** At the Boards request, I looked into the legal responsibilities and all other functions of the assessing position. There is a constitutional requirement to have a fair and equitable assessment of each and every property. To accomplish this, the assessor inspects each parcel and assigns a value to that parcel based on the consistent application of known data. The assessor must be able to defend that assigned value if challenged. The assessor also inputs all deed changes into the real estate program.

On an annual basis, the assessor meets with a representative from the State Assessing Office to gather the appropriate data to generate the “sales ratio” and the “quality rating”.

The assessor also develops that information required to complete the tax commitment and with budget data provided by the Town Manager, Finance Director, or Selectmen, generates the tax rate.

An Assessors Agent can perform all of the functions except generate the tax rate.

11. **Water System:** John Crosby, Rich Pertell and I recently attended a training session on the new drinking water requirements. The existing rules require that we filter and disinfect and monitor turbidity and chlorine residual. The “Enhanced Surface Water Drinking Rule” provides a targeted approach to reduce exposure to *Cryptosporidium*. The requirement to add additional treatment will be determined by the number of “crypto” colonies in the source water. We will determine the number of colonies by taking a series of six monthly samples of the raw water entering the treatment system and having a certified lab perform the appropriate analysis. An average reading of 25 colonies or greater over these 6 months could require that we add additional filtration to our system. We don’t have to start testing until October and then resume testing next May. It is doubtful that we will have to add additional treatment to our system.