

**MINUTES OF THE SELECTMEN/EXECUTIVE
COMMITTEE MEETING
TOWN OF FRYE ISLAND
JUNE 13, 2008**

The meeting was conducted in the town community center.

The meeting was called to order at 08:45 AM by John Nun.

SELECTMEN: John Nun, Mark Thomas (telephone), Phil Perry.

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

TOWN MANAGER: Wayne Fournier

TOWN ATTORNEY: Larry Clough

TOWN CEO: Paul White

NEW BUSINESS

Lot 273 Meeting:

This was a special meeting of the EXCOM, called at the request of Mrs. Allison Zea, owner of Lot 273, to discuss and, hopefully, resolve the following issues associated with an excessive tree clearing violation issued 20 June 2007:

- Revegetation plan required IAW Maine DEP rules and Town of Frye Island ordinance.
- Punitive damages recommended by the Town of Frye Island BOS.

There was extensive discussion on other issues related to, but not necessarily within the scope of this meeting (as understood by the BOS, not necessarily understood by the Zeas).

- Shoreline remediation – a DEP responsibility, not the Town's.
- Revegetation of the area beyond 100 feet from the high-water mark extending to Leisure Lane (required to be compliant with the 40% total lot coverage, very difficult to define after the fact, likely not a serious problem).
- Dwelling setback violations – recourse, if requested by the Zeas is a Board of Appeals responsibility, not the BOS.

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 0846 AM, second by Phil Perry - UNANIMOUS.

Executive session was joined by Larry Clough, Town attorney.

Returned from Executive Session 0905 AM– discussed town legal issues associated with ongoing Lot 273 Town actions as authorized under MRSA 1 Paragraph 405 (6) (A).

Open Session

Regular open session was joined by Allison and Harry Zea; Bob Neault, their attorney; Mike Morse, Jeff Kalinich, and Rich Baker, from DEP; Charlie Hammond, Chad Thompson, Roger Paradis, from the PWD; and numerous island residents.

Harry initially spoke for the Zeas, providing mostly background. He was occasionally supported by Mr. Neault and Allison Zea. The long discussion essentially boiled down to identifying the two major issues noted in the first paragraph above. The Zeas had provided the fourth iteration of the revegetation plan today, 13 Jun to DEP and the town. It was due NLT 31 May. DEP and CEO gave this plan a cursory review during the meeting and reported back that it still was not sufficient. Mike Morse agreed to get with O'Donal's Nursery, the contractor for the plan and probably its implementation, within the next 10 days to resolve the issues; that was agreeable to the Zeas and their attorney.

Long discussion over the sequence of events leading to citation for the clearing violation on 20 Jun 2007 to several meetings with possible misunderstandings between Harry and the CEO/DEP, but it was clear to BOS members that Harry had authorized additional clearing after being told not to clear any more trees by both the CEO and DEP.

When questioned about the lack of response (30 days requested) from the Zeas and/or their attorney to the 22 Feb 2008 letter forwarding the final draft (from the town) of a Consent Agreement no good answer was provided. It was explained to the Zeas that this lack of response prompted the BOS to file a complaint with the superior court.

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 1210 PM, second by Phil Perry - UNANIMOUS.

Executive session was joined by Larry Clough, Town attorney.

Returned from Executive Session 1230 PM– discussed town legal issues associated with ongoing Lot 273 Town actions and open session discussions above as authorized under MRSA 1 Paragraph 405 (6) (A).

Open Session:

MOTION by John Nun to amend the current Consent Agreement to reflect a contribution by the Zeas of \$10,000 to the Town of Frye Island with \$5,000 to be refunded to the Zeas upon satisfactory completion of the lot revegetation and the Consent Agreement to be Executed by the Zeas NLT 13 June 2008, seconded by Phil Perry – UNANIMOUS.

MOTION by Phil Perry to adjourn at 1234 PM, seconded by John Nun – UNANIMOUS.

Respectfully submitted,
John B. Nun
First Selectman