

**MINUTES OF THE SELECTMEN/EXECUTIVE
COMMITTEE MEETING
TOWN OF FRYE ISLAND
JUNE 14, 2008**

The meeting was conducted in the town community center.

The meeting was called to order at 9:03 AM by John Nun.

SELECTMEN: John Nun, Mark Thomas, Phil Perry.

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

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts

PETITIONS FROM THE PUBLIC

None

OLD BUSINESS

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

- **Water System Upgrade:**
See Attachment A.
- **East Pump House:**
See Attachment A.
- **Marina Dredging:**
See Attachment A.
- **O'Grady/Yates Fee Complaints:**
See Attachment A; New Business item below.

- **Lot 273 Consent Agreement:**
See Attachment A. Meeting with Zeas on 13 June resulted in agreement between the Town and the Zeas on a revised Consent Agreement. The Selectmen signed the revised agreement at this meeting; copies have been sent to the Zeas and their attorney for their signatures. Draft minutes of the 13 Jun meeting have been sent to the EXCOM members for comment and approval at the July EXCOM meeting. There are separate issues between the Zeas and DEP over the shoreline/bank stabilization that could affect execution of the Consent Agreement, primarily scheduling, but DEP representatives at the meeting did not anticipate any show stoppers.
- **Ferry Invoices:**
See Attachment A. Harry Zea was to have contacted Wayne on 13 June after the EXCOM meeting on Lot 273 to resolve possible duplication of invoices and pay ferry fees noted in Attachment A. That did not happen. It was noted that the LLC did not exist at the time of the billings so it appears that Harry is personally liable for the invoices. Separately, Wayne has established a limit of \$2,500 on Ferry fee invoices to be paid before allowing additional ferry usage by those contractors/agencies that are allowed to invoice.
- **Schwanns' Ferry Fees:**
See Attachment A. After discussion, no action was taken by the EXCOM. Wayne will continue to charge Schwann's \$96 as a box truck. BIT will review the ferry fee schedule again this fall both for possible inequities and for possible changes due to changing economics for action at the October Town Meeting, if deemed necessary.
- **Discretionary Ferry Funding Program:**
See Attachment A. Wayne had received an email from Congressman Tom Allen and he assured us the application is in but it is a long and tedious process so we should be patient.

Ferry Service/Fuel Costs:

Wayne reported that fuel costs went down slightly from \$4.44 to \$4.34 per gallon at last delivery. He has only reduced service slightly based on actual usage at the time. Revenues are down slightly (Resident tickets up slightly; non-resident down a little more). Shutting down of engines at mainland ferry landing between runs has had little effect to date. There is no reason to change fares or service at this point but he is watching closely. He pointed out that Maine ferry services (off the coast) have added fuel surcharges.

Other Old Business:

Employee Handbook:

Wayne reported that he is updating the draft Handbook to include all Town operations and that he will get a legal review before providing it to the Board.

NEW BUSINESS

Review 2008 General Lease Agreement:

Changes were made in paragraphs 3 and 4 of the General Operation Lease Agreement to change “Common Services” to read “common services” to clarify that the lease did not specify a special set of common services but a general set of services not further specified. The lease was signed by John Nun for the Town and Joe Potts for FII.

Review Requests for Refunds from David O’Grady & Derek Yates:

Derek Yates was present; David O’Grady called in. Their requests appeared to be based on a perception that the Municipal Road and Water fees for new construction are taxes. It was pointed out that such is not the case; that they are in fact municipal fees imposed under authority of State of Maine statute Title 30-a Section 4505. The Board felt that the authority for and the amounts of the fees were appropriate. Wayne noted that an abatement request by Mr. O’Grady in 2007 (2006 taxes) had been denied, appealed to Cumberland County where it was again denied. The logic appears to be the same in both cases. It was also noted that the fallout of the Growth Ordinance and its subsequent repeal plus changes caused by the ups and downs of the economy have caused some hardships on several town residents but those really could not be anticipated.

MOTION by Mark Thomas to deny both requests, second by John Nun – UNANIMOUS.

Wayne to check on form of feedback to Mr. O’Grady and Mr. Yates.

Make Appointments for 2008:

MOTION by Mark Thomas to approve Town appointments for 2008 as described in Attachment B to these minutes, second by John Nun – UNANIMOUS.

There was considerable discussion over the appointment of a Tax Assessor or Tax Assessor's Agent. Wayne has had difficulty in finding a replacement for Paul White as the Tax Assessor's Agent. The position has been advertised; most applicants do not want a part-time position. Wayne is still looking; will contact Jerry Daigle as a possible Agent; will query John Thompson for other possible qualified persons. In the interim the position is open and the Board of Selectmen are the Tax Assessor.

2008 National Electrical Code:

At the May EXCOM meeting a motion was passed to "adopt the 2008 National Electrical Code for new construction effective 1 July 2008". The Board decided that this was not appropriate and that it should more properly be presented by the Planning Board as a proposed Ordinance change at the Town meeting in October.

MOTION by John Nun to rescind the motion that was passed at the 17 May meeting to adopt the 2008 National Electrical Code for new construction effective 1 July 2008 and recommend that the Planning Board take appropriate action to adopt the code into Town Ordinances, second by Phil Perry – UNANIMOUS.

Other New Business:

Treasurer Policies – Disbursement Procedures:

MOTION by Nun to approve the Treasurer's Policies for School Disbursements and Wage Disbursements for the period 1 July 2008 to 30 June 2009 submitted by Joe Potts, second by Thomas – UNANIMOUS. (See Attachments C, D)

Change of July EXCOM Meeting Date:

Because of the large volume of 4th of July and Town Anniversary activities, the next meeting of the EXCOM was changed from 0900 AM 5 July to 0800 AM 12 July, still at the Community Center.

Backup of Town Records:

Phil Perry questioned the adequacy of backup of town records. Joe said the web page information is backed up at least daily by an off-site service hosted in California, so we are at risk for only a maximum of 1 day. Wayne said the office is currently backing up to a separate hard drive to include TRIO. Grace Morin has scanned the majority of the paper town property records (upwards of 30,000 pages but there still may be records that have been in work by the CEO (recent or current work on existing properties where older records have already been scanned) that could have been missed. Assessing is done in TRIO so that should be OK. Wayne is looking at an off-site commercial backup service; it is not expensive.

Status of Assessments:

Wayne reminded the Board that the effort in 2007 to update the town assessments to correct probable inequities, especially between neighborhoods, ran into difficulties and was not completed last year. It needs to be completed as soon as possible, preferably this year.

Long Beach Marina Parking:

Wayne reported that the Marina Committee is looking for additional parking in the area of Long Beach. They have looked at Lots 1367/1368 but those are in conservation which would require an approval vote by the EXCOM of at least 5-2. Those lots are probably in wetlands also and might be extremely difficult to develop into parking. Ed Charette is looking at options for the Marina Committee. No action by the Board at this time.

Road Dust Control:

Wayne reported that the new road dust control material does not appear to be working as advertised. There is approximately \$1,200 remaining in the dust control budget. DPW may have to put down 2 treatments (1 each in Jul, Aug) at a cost of approximately \$5,000. Wayne will advise if costs can be absorbed or if the Board has to come up with additional authorization. Board was in general agreement to fund if required.

Recreation:

Wayne reported that Nancy Bishop will be the Recreation Director for the 2008 season. Neill Bovaird said that he will not be available to run Bingo so Wayne is again looking for somebody to do that.

REVIEWS and REPORTS

Meeting Minutes:

MOTION by John Nun to approve minutes of 17 May 08 BOS/EXCOM meeting, previously provided, second by Phil Perry – UNANIMOUS.

Minutes of 13 Jun 08 special meeting of the EXCOM, Subject: Lot 273 Violations, were not distributed in sufficient time for members to adequately review; approval is deferred until the 12 July 08 meeting.

2000 YTD Financials:

Financials had been previously provided to the Board members. Wayne provided a fairly comprehensive rundown of the status of revenue and expenses. We still do not have the new school budget numbers nor the county but it appears to be going up about 3%. Town of Raymond wants to discuss fees for emergency services. Bottom line – watching a few areas closely but we are generally on track.

Treasurers Report:

Joe Potts reviewed the General Ledger Summary. Tracking of revenues on a monthly basis may be somewhat misleading but as the year goes on it gets better. Calvin is more timely, deposits are more timely. Joe offered training to Board members on how the town financials work; first session will be at 1:00 PM on 28 June at the FIFD training room.

Golf Report:

Bruce Nisula reported that the new irrigation pump is operating. Golf Club is running close to budget at this time; no issues. VISA is charging the golf club 7% per transaction; this has placed a large burden when membership fees are charged. New procedures are being considered for next year; in the meantime the Golf Committee has asked members to pay the larger fees by personal check.

Marina Report:

Wayne reported that all slips are now installed; a couple of oversized boats have been relocated. There are still some rentals available; some people have not returned yet and may not. Ernie Wrzesinski reported that he had seen several boats in the marina that did not have current stickers and/or MILFOIL stickers. Wayne said that Marina Committee would be patrolling and reporting those to the office. Wayne reported that a few residents are unhappy about the Marina Committee proposal to put channel markers in the Quail Circle entrance and that the Marina Committee is working with those residents to resolve the issues.

Executive Session:

MOTION by Joe Potts to go to Executive Session according to MRSA 1 Paragraph 405 (6) (A) to discuss sensitive personnel matters at 1205 PM, second by John Nun - UNANIMOUS.

Returned from Executive Session 1309 PM– discussed sensitive personnel issues as authorized under MRSA 1 Paragraph 405 (6) (A).

MOTION by Mark Thomas to adjourn at 1310 PM, seconded by Phil Perry – UNANIMOUS.

Respectfully submitted,
John B. Nun
First Selectman

Encl: Attachment A – Managers Report 14 June 2008
Attachment B – 2008 Town Appointments
Attachment C – Municipal Officers’ Policy on Disbursement of Municipal Education Costs
Attachment D – Policy on Treasurer’s Disbursement Warrants for Employee Wages and Benefits

Attachment – A. Town Manager Report 14 June 2008

1. **Water System Upgrade:** The Board appropriated the money in the Water Reserve for the installation of a 4" water distribution line along Highpoint Drive from the intersection at Sunset Road to the intersection at Birch / Ridge Roads. John Crosby is updating the material list now and will be ordering materials as soon as this is finalized. We anticipate starting work by the end of June. Fire Chief Persson raised the question of running a larger (6" – 8") line from the intersection of Independence down Highpoint to the Community Center so that a fire hydrant can be installed. This would provide a water supply in the event of a fire at the Community Center. *The water distribution pumps will not support a typical fire hydrant; however, we will be installing a 4" blow-off line in the Community Center area that can be used to fill the trucks in an emergency. The pipe and fittings have been ordered.*
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. We have started demolishing the old pump house.
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 June. 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. *No Change.*
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. *The request has been received and will be considered at the 06/14/08 meeting. The fee complaint to the Superior Court is on hold until the request to the BoS / EC for a refund is decided.*
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. *The request has been received and*

will be considered at the 06/14/08 meeting. The fee complaint to the Superior Court is on hold until the request to the BoS / EC for a refund is decided.

- 6. 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 27th. Legal costs may be available if we have to pursue this case through the court system.

Mr. Zea has requested a meeting to discuss the notice of violation and the consent agreement. This meeting is scheduled for June 13, 2008.

- 7. Ferry Invoices:** Mr. Zea has been invoiced \$24,000 in ferry fees accumulated at the end of the 2007 season. He has paid \$4,000 toward the total bill and informed me that I would have the remainder by the end of May. This will be discussed at the 06/13/08 meeting.
- 8. Schwanns' Ferry Fees:** The Schwanns delivery truck had been charged \$48.00 for transport to the Island until last weekend when they were charged \$96.00. The drivers complained but when I reviewed the fee schedule I felt their vehicle fit the single axel box truck description and confirmed the \$96.00 fee. They felt that this was unfair in light of the fact that we only charge RV's \$48.00 and the RV's take up less space than they do. I have added this to the agenda for the 06/14/08 meeting for discussion.
- 9. Discretionary Ferry Funding Program:** The application for phase 1 has been submitted through the Maine DOT to the Federal Highway Administration. The application is making the rounds in DC. We have applied for 2009 money and are in hopes of hearing something by the October Town Meeting.

Attachment - B
2008 Town Appointments

<u>Position</u>	<u>Incumbent</u>	<u>Appointment</u>	<u>Term</u>
Town Manager	Wayne Fournier	<i>Wayne Fournier</i>	July 1, 2008 - June 30, 2009
Town Clerk	Wayne Fournier	<i>Wayne Fournier</i>	July 1, 2008 - June 30, 2009
Tax Collector	Wayne Fournier	<i>Wayne Fournier</i>	July 1, 2008 - June 30, 2009
Registrar of Voters	Wayne Fournier	<i>Wayne Fournier</i>	July 1, 2008 - June 30, 2009
Town Treasurer	Joseph Potts	<i>Joseph Potts</i>	July 1, 2008 - June 30, 2009
Tax Assessor (Agent)	Paul White		July 1, 2008 - June 30, 2009
Code Enforcement Officer	Paul White	<i>John Thompson</i>	July 1, 2008 - June 30, 2009
Building Inspector	Paul White	<i>John Thompson</i>	July 1, 2008 - June 30, 2009
Local Plumbing Inspector (LPI)	Paul White	<i>John Thompson</i>	July 1, 2008 - June 30, 2009
Road Commissioner	John Crosby	<i>John Crosby</i>	July 1, 2008 - June 30, 2009
Fire Chief	Steve Persson	<i>Steve Persson</i>	July 1, 2008 - June 30, 2009
Police Chief	Rod Beaulieu	<i>Rod Beaulieu</i>	July 1, 2008 - June 30, 2009
Animal Control Officer	Don Alexander	<i>Don Alexander</i>	July 1, 2008 - June 30, 2009
Planning Board	Marge Hommel	<i>Marge Hommel (Alt.)</i>	July 1, 2008 - June 30, 2009
	Sam Donio	<i>Sam Donio</i>	July 1, 2008 - June 30, 2011
	Margarete Schnauck (Alt)	<i>Ron Cedrone (Alt.)</i>	July 1, 2008 - June 30, 2009
		<i>Bob Sutherland</i>	July 1, 2008 - June 30, 2011
Board of Appeals	Bobbie Aranyi	<i>Bobbie Aranyi</i>	July 1, 2008 - June 30, 2011
	Rich Kaplan	<i>Rich Kaplan</i>	July 1, 2008 - June 30, 2011
	John Schutz, Alt	<i>John Schutz, (Alt)</i>	July 1, 2008 - June 30, 2009
	Ed Charrette, Ch	<i>Ed Charrette, Ch</i>	July 1, 2008 - June 30, 2009
Conservation Committee	Bobbie Aranyi	<i>Bobbie Aranyi</i>	July 1, 2008 - June 30, 2009
	Pat Karpacz	<i>Pat Karpacz</i>	July 1, 2008 - June 30, 2009
	Andy Lapati	<i>Andy Lapati</i>	July 1, 2008 - June 30, 2009
	Tom McOsker	<i>Tom McOsker</i>	July 1, 2008 - June 30, 2009
	Sylvia O'Connor	<i>Sylvia O'Connor</i>	July 1, 2008 - June 30, 2009
	Dick Vande Hei	<i>Dick Vande Hei</i>	July 1, 2008 - June 30, 2009
	Andrea Sansonetti	<i>Andrea Sansonetti</i>	July 1, 2008 - June 30, 2009
Recreation Commission	Annie Charrette	<i>Annie Charrette</i>	July 1, 2008 - June 30, 2009
	Kathy Giggey	<i>Kathy Giggey</i>	July 1, 2008 - June 30, 2009
	Phil Perry	<i>Phil Perry</i>	July 1, 2008 - June 30, 2009
	Marie Tedford	<i>Marie Tedford</i>	July 1, 2008 - June 30, 2009
	Amy Wagner	<i>Amy Wagner</i>	July 1, 2008 - June 30, 2009
	Debbie Anthony (EC Liason)		July 1, 2008 - June 30, 2009
	Ken Thurston	<i>Ken Thurston</i>	Nov 1, 2008 - Apr 30, 2009
Town Constable			
Terms that expire in 2008			
Selectman	Phil Perry		
BIT / EC	Joe Potts		
	Deb Anthony		
SAD 6 Board of Directors	Oleg Svetlichny		

Attachment - C

TOWN OF FRYE ISLAND
MUNICIPAL OFFICERS' POLICY
ON DISBURSEMENT OF MUNICIPAL EDUCATION COSTS

Pursuant to 20-A MRSA Section 15006(1) and 30-A MRSA Section 5603(2)(A), the municipal treasurer is hereby authorized to disburse funds to pay municipal education costs when the treasurer has been presented with a disbursement warrant signed by the school superintendent and approved by a majority of the school board, or by all of the members of any finance committee appointed or duly elected by the school board.

Before disbursing any funds on such a warrant, however, the municipal treasurer shall satisfy himself or herself that the warrant is indeed signed by at least a majority of the school board or by all of the members of any finance committee appointed or elected by the school board. The treasurer may accept as such satisfaction a written and signed certification of the pertinent fact from the school superintendent, or, if the warrant itself indicates the fact (as, for example, by bearing the statement "being at least a majority of the school board" or "being all of the members of the school board's finance committee" beneath the signatures appearing on the warrant), then the Treasurer may rely on the representation of the warrant without further inquiry. The Treasurer shall not, however, pay any item on a warrant if payment of that item would result in an overdraft, and shall report his refusal to honor the item in writing to the superintendent and to the municipal officers promptly.

The Town Manager shall file a copy of this policy and provide a copy to the municipal treasurer, and shall ensure that this policy is brought to the attention of the municipal officers annually for consideration of renewal. The approved minutes of the Board of Selectmen shall be the official record of the approval/renewal of this policy.

Dated: June 14, 2008

Approved at Selectman's Meeting Dated: June 14, 2008

TOWN OF FRYE ISLAND
POLICY ON TREASURER'S DISBURSEMENT WARRANTS
FOR EMPLOYEE WAGES AND BENEFITS

Purpose. This policy allows designated municipal officers (selectmen or councilors), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants, for wages and benefits only.

This policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits.

Delegation of authority. Pursuant to 30-A MRSA § 5603(2)(A)(1), the following authority is granted with respect to treasurer's disbursement warrants **for municipal employee wages and benefits only:**

Current municipal officers. The municipal officers in office at the time of execution of this policy are: Selectmen - John Nun (Chair), Mark Thomas and Phil Perry.

- Any one of the municipal officers named above, acting alone, may review, approve, and sign such warrants.
- Either Joseph Potts (Treasurer) or Wayne Fournier (Deputy Treasurer) acting alone, may review, approve, and sign such warrants.
- Both Calvin Nutting (Deputy Treasurer) and Patty Meyer (Deputy Treasurer) acting together, may review, approve, and sign such warrants.

Effective date. This policy becomes effective on the date indicated below.

Lapse. This policy lapses one year after its effective date, if not sooner amended or cancelled.

Renewal. This policy may be renewed at any time before its lapse. Thereafter, it may be readopted at any time. Any renewal is valid for one year from its effective date, unless a sooner date of expiration is specified.

Reminder. The Town Manager shall remind the municipal officers to consider renewing this policy annually before it lapses.

Original. The Town Manager will maintain the original of this policy. The approved minutes of the Board of Selectmen shall be the official record of the approval/renewal of this policy.

Dated: June 14, 2008

Approved at Selectman's Meeting Dated: June 14, 2008