

**MINUTES OF THE SELECTMEN/EXECUTIVE
COMMITTEE MEETING
TOWN OF FRYE ISLAND
OCTOBER 18, 2008**

The meeting was conducted in the town administrative office.

The meeting was called to order at 09:05 AM by John Nun.

SELECTMEN: John Nun, Mark Thomas, Jimmy Kuiken.

BIT EXECUTIVE COMMITTEE: Bruce Nisula (phone), Joe Potts (phone), Bob Miner, Dave Bond, John Nun, Mark Thomas, Jimmy Kuiken.

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts (phone)

PUBLIC: Bob Sutherland.

PETITIONS FROM THE PUBLIC

None

NEW BUSINESS

1. Election of Officers

a. First Selectman:

NOMINATION for John Nun as First Selectman by Mark Thomas, second by Jimmy Kuiken – UNANIMOUS.

b. Secretary:

John Nun volunteered to continue as Secretary. Mark Thomas and Jimmy Kuiken concurred.

c. Chair, Executive Committee:

NOMINATION for Bruce Nisula as Chair Executive Committee by Joe Potts, second by Bob Miner – UNANIMOUS.

OLD BUSINESS

Project Updates (see Attachment, Manager's Notes):

1. **O'Grady/Yates Fee Complaints:**
Awaiting Superior Court hearing.
2. **Lot 273 Consent Agreement (Replanting):**
DEP, PWD and Paul White have approved the foliage restoration plan. Zea has agreed and indicated he has plans to start replanting NLT 23 Jun 2009.
3. **Water Distribution System:**
Installation on High Point is complete to the intersection of Ridge and Birch Roads. Out of \$89K budgeted this year approximately \$50K has been spent. John Crosby is going out for bids for additional 4 inch pipe to begin installation, probably on White Way and Independence up to Ridge Road and Sunset Road, hopefully ;next spring. All remaining funds will be kept in the Water Reserve for future phases.
4. **Community Center Repair/Painting Proposals:**
It appears that the siding we selected is more costly by about \$7K. Wayne did not accept that proposal and is; negotiating for lower costs
5. **First Coast Realty Fee:**
Harry Zea has indicated to Wayne that he will pay the full amount due.
7. **Consent Agreement for Setback Violations Lot 273:**
Zea has indicated that they intend to sue the town for errors in determining setbacks; that they are in compliance with original setbacks as verified by the Town CEO.
8. **Other Old Business:**
 - Wayne reported that the Town responses to the Labor Dept Safety inspection were almost complete. He has a request for extension of the 17 Oct 08 suspense to Sep 09, anticipates no problems.
 - Marina jetty permit is still out for approval, expect to complete next spring.

- Wayne has talked to Don Willard, Raymond Town Manager about the possibility of Frye Island committing something like \$3K for a sonar system or the rescue boat. He was not sure; that was wanted. He indicated they would still like to talk about Frye Island about \$30K cost sharing on hiring of additional EMTs, that the Raymond Selectmen had gone so far as to indicate pulling of EMT support if outside support is not received. BOS members felt that we should be supportive but not sure how, Wayne will again try to set up a meeting.
MOTION by Mark Thomas to authorize expenditure of up to \$3K from the Island Improvement Reserve for potential purchase of Sonar system for Raymond Town Rescue Boat, second by Jimmy Kuiken – UNANIMOUS.
- Question by Jimmy Kuiken, response by Wayne: The [June] Ferry Operations Policy has been expanded to include all Town operations and is under legal review by the Town attorney.
- Discussion of status of sale of DPW properties, sale of car, snowmobile, pontoon boat were approved at last meeting. Pontoon boat has been sold to K. Thurston for \$1500, snowmobile for \$500, car still not sold. John has ad in MMA, FINS, is placing Portland paper ad; Joe will post on Website.
- Wayne had held back \$1000 payment on completion of ferry haulout repairs; funds ;have expired; payment is needed to complete the project.
MOTION by Mark Thomas to authorize expenditure of \$1,000 for payment of holdback on ferry haulout repairs from the Ferry Capital Reserve, second by Jimmy Kuiken - UNANIMOUS.
- FOA training for town officials. Dave Bond and Jimmy Kuiken need to complete in next 30 days; Wayne will provide web address to all.
- Wayne has bound copies of the 2007 Town Audit; will provide to those who request.

NEW BUSINESS

2. Presentation of Conceptual Plan for Willis Property:

Dave Bond (for Transportation Committee) – Handed out copies of draft concept for development of the property; presented highlights of the concept. Discussion by all. Joe said he would post the draft to the Island Web Page. The EXCOM members agreed that the Transportation Committee has done an excellent job and that work needed to proceed. They also agreed that the town should meet with Raymond Town officials to keep them informed and ask for their comments.

MOTION by John Nun to authorize expenditure of up to \$10K from the Island Improvement Reserve for continuation of plans for development of the Willis property, second by Jimmy Kuiken – UNANIMOUS.

3. Ferry Tickets.....Preprinted or Ticket Printers:

After discussions, a decision on implementation was deferred to the December meeting. There was concern that we might need some of both during a transition period. Joe Potts agreed to draft a requirements driven Request for Proposal for EXCOM comments for discussion and decision by the December meeting.

4. Resident Stickers for Automobiles:

It was agreed that, with the “one price” fare system approved at the Town Meeting, there was no requirement for special auto stickers to identify residents on the ferry.

5. Server/Backup Problems for Town:

It has become apparent since the recent failure of TRIO where almost 4 years of data were temporarily lost, fortunately subsequently recovered, that more reliable data backup is required. Wayne is transitioning to a server approach and has received quotes from TRIO and Network Data Solutions, both in the \$4K (not budgeted) range to implement. The NDS quote was more robust and responsive. Monthly fees, which can be absorbed in the current budget will be approximately \$65-75.

MOTION by Mark Thomas to authorize expenditure of up to \$4,500 from the Capital Funds Reserve for a contract with Network Data Solutions to implement an on-line, off-site backup system, second by John Nun – UNANIMOUS.

6. Residents “Not in Good Standing”:

With the establishment of a “single price” schedule at the Town Meeting the term “Not in Good Standing” is not applicable. That does not mean that the policy is abolished; it could become effective again at some future date if it would be appropriate for some future change in ferry fee pricing.

7. Establish Winter Meeting Schedule:

The following schedule of EXCOM meetings was established:

09:00 AM	Saturday	13 December 08	Teleconference
09:00 AM	Saturday	07 February 09	Teleconference
09:00 AM	Saturday	04 April 09	Teleconference
09:00 AM	Saturday	16 May 09	Community Center

8. Other New Business:

- Wayne – brought up issue of how to handle “pickup bed” passengers on the ferry. It was agreed that the normal fare included the vehicle and “legally” seated passengers; that all other persons will be charged the normal walk-on fee. Seating of additional passengers in pickups will be allowed based on safety considerations at the discretion of the ferry captain.
- The subject of fees (\$50 vs \$100) on unscheduled ferry runs was deferred to the December meeting so that Wayne could check on the policy.
- Jimmy Kuiken asked Wayne to check with local cable companies to see if they could provide island service and at what costs.

REVIEWS and REPORTS

Meeting Minutes:

MOTION by Mark Thomas to approve minutes of EXCOM meetings of 13 and 23 Sep 08, second by John Nun – UNANIMOUS for 13 September, 5 FOR, 2 ABSTAIN (Kuiken, Bond) for 23 Sep.

Treasurers Report:

- Joe – Savings account balances; Checking account has 2 items where TRIO and bank statements do not balance (\$1223 and \$1597, offsetting) – Calvin has booked these as expense accounts to force a balance. Checking account reconciliation is very difficult primarily because of the way deposits and credit card charges are handled differently in TRIO vs the bank reporting process. There is much manual effort required and going back to previous months to catch up entries. Golf club interest and credit card fees are continuing examples of this. The problems generally can be fully resolved sometime after year end.
- \$500K has been placed into short term CDs for bill payments to close out the year. Kudos to Joe from Mark for innovative investment layering and for clear explanations of Enterprise funding at the Town meeting.
- Wayne – The Town is down about \$8K in actual vs projected revenues; expenses are about \$49K above budget, primarily due to SAD-6.
- DOT grant is carrying an Undesignated Fund Balance of \$7341; needs to be moved to some spendable reserve.
- All taxes are booked at beginning of year. We do well (within 1-2%), get most later. This year 3 liens were placed against buildable lots for unpaid taxes.

Golf Report:

Bruce – No clubhouse renovations will be started this year. Wayne will fill out permit applications for renovations, no fees. Two tee marker drawings have been submitted for record.

Marina Report:

- Dave Bond – Parking at Long Beach Marina is still under review, will be addressed again next spring. The current concern is expansion of the jetty at the marina entrance.
- Wayne – Docks are currently scheduled to be removed 1 Nov.

MOTION by Mark Thomas to adjourn at 1:13 PM seconded by Jimmy Kuiken – UNANIMOUS.

Respectfully submitted,
John B. Nun
First Selectman

Attachment: Manager's Report, October 18, 2008

**Attachment
Managers Report
October 18, 2008**

1. **Water System Upgrade:** The 4" line has been installed from Sunset Road, down High Point Drive to the intersection of Birch and Ridge Roads. All that is remaining to complete phase 1 is to make the smaller connections to the roads and homes along High Point. This will be done after the Island closes and the water is shut off.
2. **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.*
3. **David O'Grady Fee Complaint:** The Court has determined that Mr. O'Grady's complaint does not constitute an appeal but is a complaint that requires a legal opinion and will place the complaint on the non-jury court calendar.
4. **Derek Yates Fee Complaint:** The Court has determined that Mr. O'Grady's complaint does not constitute an appeal but is a complaint that requires a legal opinion and will place the complaint on the non-jury court calendar
5. **Lot 273:** The replanting plan has been approved by the DEP, and Frye Island and has been recorded at the Registry of Deeds. Mr. Zea has acknowledged the approved plan and has committed to having it done by June 23, 2009.

Mr. Zea has also stated that he accepts the Boards decision to deny his appeal for a reduction in the cost of the ferry passage for his construction vehicles and will pay the full amount. The Town's attorney has filed a legal complaint in Court to recover the outstanding debt.

Mr. Zea has stated that he and his attorney feel that the Code Officer was, in part, responsible for the placement of the foundation and plan to appeal this to the Superior Court. I have written a letter, at the Executive

Committee's request, giving Mrs. Zea until June 1, 2009 to correct the setback violations. If not corrected by that date the Town has the option to refer the matter to the Superior Court.

6. **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.
7. **Labor Department Inspection:** We have received the report and have until October 17th to complete the corrections. We have requested and been granted informal consideration which allows us to use the penalty money to affect the corrections. Many of the corrections are complete but we still need to develop a number of procedures, many of which are available on line and only require customization for Frye Island. Because the Island will be closing soon, we have requested an extension of the completion date.