

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

The meeting was conducted by teleconference.

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, Joe Potts, Bob Miner, Dave Bond, John Nun, Mark Thomas, Jimmy Kuiken.

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts

PUBLIC: Tim Toomey.

PETITIONS FROM THE PUBLIC

Tim Toomey was not satisfied with the Town response(s) to his July and September information requests. Wayne asked what he wanted that had not gotten. Wayne stated that he had provided all the information he had on the Marina billings; that nothing was missing. On the request for salary information it appeared that Tim had mistakenly assumed that the 2008 budget for salaries should reflect actual expenditures; it was clarified that the 2008 budget was just that – a planning budget, and that actual expenditures might vary somewhat but, overall, should stay within the budget for the year. Wayne explained that the lists that were provided were complete and accurate, probably provided more information than was actually requested, as of the time they were sent to Tim. Wayne said that he was now confused as to what the real request meant and asked to Tim to resubmit his request with a clearer explanation of what was wanted if he still was not satisfied as a result of this discussion.

OLD BUSINESS

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

a) Marina Jetty Update:

Wayne reported the Maine Fisheries biologist had concerns about the surface area affected. The request is at DEP to approve or deny. Cost to do the work will not be known until we know what we have to do and restrictions on how to do it. Dredging from shore cost \$3500 in 1999. The DEP, in this new permit will not allow us to dredge from shore likely increasing cost considerably. DEP also has concerns that this request may extend the period until the next dredging but that, once the new shoreline is reestablished it may silt in just as fast as it is doing now, making the overall cost higher with minimal long term benefit increase. We are in a wait-and-see mode.

b) Siding Community Center:

Bob Miner asked about the quality of the new siding versus the current cost. Wayne reported that Lakes Region is providing the same siding as bid and holding the cost, though somewhat higher than bid, within budget.

c) Zea Ferry Fees:

Wayne reported that, in a call from Zea's they indicated that First Coast will not pay the back-due ferry fees. The Town has filed a claim against all parties.

2. Ferry Tickets/Electronic System:

Joe Potts went through the RFP history and indicated that he had incorporated comments that he received. He raised the question of whether we wanted to incorporate this in FY 09, with the dismal economic forecasts, at the potential costs involved (\$20 – 23K in original form going up to an estimated \$30 – 35K with credit cards added). Mark Thomas recommended that we continue the process and clarify schedule of implementation when we are further into the process. John Nun asked if the Bob Russo approach could continue in parallel at no cost. Wayne said that effort was on hold; that they would be provided a copy of the RFP, giving them a formal chance to respond to the ferry system improvement. MOTION by Nun to have Town Manager release the RFP, second by Thomas – UNANIMOUS.

3. Raymond Rescue Payment – Dispatching Service:

Wayne went over the history of past meetings with Raymond officials. He noted that Cumberland County will do all dispatching for \$7500, less than Raymond. Board discussed Wayne's draft letter to Raymond Selectmen offering funds in exchange for their support and state approval of release of Frye Island from SAD-6. Jimmy Kuiken said that failed before and he did not think it would happen this time.

MOTION by Nun to have Manager provide a letter for Selectmen signature to the Raymond Board of Selectmen offering a proposed trade, second by Kuiken – UNANIMOUS.

4. Other Old Business:

a) Raymond Rescue Boat:

Bob Miner asked for status of previous action on procurement of a sonar for the Raymond Rescue Boat. A request for clarification by Rod Beaulieu indicated that Raymond preferred money for operations (gas) rather than a capital expense. Wayne was directed to table the item without action until further notice.

NEW BUSINESS

1. Appointment of Registrar (2 year, Jan 09 – Dec 11):

MOTION by Thomas to appoint Wayne Fournier as Town Registrar for the period 1 Jan 2009 to 31 Dec 2011, second by Nun – UNANIMOUS.

2. Police Vehicle:

Wayne provided background that led up to a request for a replacement police vehicle. Joe Potts pointed out that the Town should be setting up a Reserve Account for this type of capital expense rather than responding on short notice. Dave Bond noted that the former police chief did not have a history of taking appropriate actions on planning for future problems; that the new chief has done it right and we should act accordingly. Question of need/utility vs cost led to direction to Wayne to have police chief look at the used car market for low mileage replacement. Further discussions on possibly setting up a Police Reserve Account were deferred pending Wayne's assessment of police capital requirements over time.

3. Electrical Service for Transfer Station (Approval of up to \$5000 from IIR):

MOTION by Nun to approve expenditure of up to \$5,000 from the Island Improvement Reserve for installation of electrical power into the Transfer Station, second by Thomas – CARRIED 2 – 1, Kuiken against.

Estimated total cost \$4.3 – 4.5K; portion already spent based on e-mail correspondence between Wayne and Board members; CMP not connected yet. Three phase electricity necessary for operation of corrugated paper compactor, future trash compactor (replace current aging truck with contract hauler) and to provide general lighting and other services.

4. Year End Financial Projections:

Joe provided the projections:

• Admin	Net	Up \$8K
• DPW		Expenses down \$20K
• Police/Safety		Expenses up \$5K
• Recreation		Expenses down \$10K
• MSAD		Expenses up \$46K
• County		Expenses up \$27K
• Ferry Ops	Net	Up \$9 - 10K
• Ferry Res	Net	Up \$3K
• Golf	Net	Up \$29K
• Marina	Net	Up \$37K

5. Freedom of Information:

Mark has been concerned over the amount of effort being expended to respond to FOI requests. Wayne agreed that a relatively significant amount of effort is required, based mostly on lack of understanding of what is being asked for – he has learned to try to understand the request before responding. He has applied charges to answer some requests where they were applicable, but generally this is not required.

6. Ferry Unscheduled Run Policy:

Wayne said there has been a written policy for quite some time; fees were set to discourage routine after-hours usage of the ferries and crews. Nobody was sure how or why the fees got changed, or by whom. Wayne agreed to discuss the issue with John Crosby for discussion at next Board meeting.

7. Time Warner Cable:

Wayne checked with a Mr. Mike Edgecomb, associated with Time Warner municipalities. They do provide service on Raymond Cape. Their normal costs include \$20K per mile and sometimes a \$200 – 300 connection fee. He did not know the company's policies on seasonal service. He told Wayne he would look into providing service to the island with his bosses. The issue is still open.

8. Pool Table:

Mark said the Golf Club would be interested in moving the pool table that is currently upstairs in the community center to the upstairs room in the golf club lounge. It is seldom used in its current location and would be available during lounge hours. They would also have a ping-pong top available for use. Golf Club would cover expenses to relocate. The Golf Club committee will discuss further and come to the Board for approval if interest is high enough.

9. Other New Business:

a) Ice Storm Damage:

Kenny Thurston will be going out to the island this week to inspect for ice damage from the last storm. John Crosby reported electricity out on east 1/3 of island; he will try to get CMP out to restore power (necessary for the water buildings rather than continuous run on generator). Wayne will keep contact with John.

b) Island Fund Transfers:

MOTION by Joe Potts that the Treasurer be empowered to move monies between the cash bank accounts and the insured CD investment account to earn maximum available interest and maintain required cash in bank accounts to cover expenses, second by Nun – UNANIMOUS.

c) Teleconference Costs:

Dave Bond said he thought that the teleconference connection fee was on the order of \$25 per user; this would amount to about \$400 per meeting for the primary attendees with no additional public attendees. He recommended that other persons desiring to dial in on the meetings notify Wayne of their intent and get the number and password from Wayne in this manner. He suggested that Wayne advertise the meeting agenda on the town web site, omitting the number and password and, while inviting public attendance for matters of concern also discouraging costly browsing for unstated reasons, with instructions to contact Wayne for access.

REVIEWS and REPORTS

Meeting Minutes:

MOTION by Nun to approve minutes of EXCOM meeting of 18 Oct 08, second by Kuiken – UNANIMOUS.

Treasurers Report (Joe):

- Calvin has been performing the end-of-month account reconciliations on time. Checking account reconciled with a \$16 delta in October; this should zero out as the credit card charges trickle in.
- An action still underway from September – taking the FII property tax down to zero, changing the Town lease. Still need to get the FII property off the Grand List. The Town auditor supported this action; Wayne is working to get it done.

Golf Report (Bruce):

- The winter meeting of the Golf Committee will be in February 09.

Marina Report (Dave):

- Parking at Long Beach Marina is still under review, will be addressed again next spring.

MOTION by John Nun to adjourn at 12:36 PM seconded by Jimmy Kuiken – UNANIMOUS.

Respectfully submitted,
John B. Nun
First Selectman

Attachment A: Manager's Report, December 13, 2008

Attachment B: Treasurer Report December 8, 2008

**Attachment A
Managers Report
December 13, 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 of the connections to the 2" circle feeders and the ¾" property feeds have been completed. The 4" main line has been successfully leak tested but it is next to impossible to test all of the connections. The next big test will be in the spring when we fill and start the system.
2. **Marina Dredging:** The application to amend the dredging permit has been submitted to the Department of Environmental Protection. Approval of the amendment will allow us to rebuild and enlarge the jetty to reduce the amount of sand that washes into the marina channel and thereby reduce the frequency of the required dredging . We are in the process of responding to agency questions.
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. A trial date will be set sometime in July 2009. In the mean time, I have sent all relative material, requested by the Court to our attorney. He will in turn supply what he determines pertinent to the Court and to Mr. O'Grady.
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. A trial date will be set sometime in July 2009. In the mean time, I have sent all relative material, requested by the Court to our attorney. He will in turn supply what he determines pertinent to the Court and to Mr. O'Grady.
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. and Mrs. Zea have now stated through their attorney that they are not responsible for the

debt. We will now have to go through the discovery process and have the Court make a determination.

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. There has been no change.

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 been granted an extension until May to complete the corrections required by the inspection. The majority of these are procedural and will be completed this winter and presented to the employees when we open in the spring.
8. **Server Back-Up:** We have successfully connected with the "Live Vault" remote back-up service provided by Harris Computer. The system backs up the financial operation from TRIO as well as the data in the "SHARED" file. All of the current TRIO files as well as all of the files in the SHARED folder were copied during the initial back-up. Subsequently, a snapshot of all of the changes to any of the copied files is taken every 15 minutes. All of this data is encrypted and stored electronically offsite in two separate locations. In addition, the new server that was recently installed has a dual hard drive. One drive mirrors the other so if we had a hard drive failure we still have the data on the second drive. With the mirrored drives and the off-site back-up, I think our critical files are well protected.
9. **Siding of Community Center:** The contractor, Lake Region Property Management, was not able to begin the siding application until after the Island closed and was able to complete only three sides before we shut him down. The two ends and the rear are pretty much done except for the top couple of feet. He needs to rent a man lift to complete the top and we told him he would have to wait until spring because we were shutting the ferry service down. We are holding approximately 1/3 of the agreed upon price (\$7000) until the job is finished in the spring.
10. **Raw Water Pump House:** Work has continued on the control circuitry for the raw water supply system. It was felt that much of the lightning damage to the control circuit resulted because the control wires between the treatment building and the pump house were on the ground and very susceptible to the lightning strikes. In an effort to correct this, we have leased lines from the phone company that will carry the control circuits. A

small heater is being installed in the control panel to eliminate moisture during the off season when the system is shut down.

11. **Dispatch Services:** I have spoken with Bill Holmes, director for Cumberland County Communications. He has informed me that Raymond, Casco, Naples and Harrison will all be using the County for their dispatching services next year. If Frye Island opted to go with the County as well our total dispatching bill would be \$7,564 for the 2009 year. We presently pay the County \$4,256 for police dispatching and Raymond \$5000 for fire and rescue dispatching. Raymond has said that if the Town agrees to the \$30,000 fee dispatching will be included. If the Town decides not to do the \$30K, Raymond has said that we will be phased out of their coverage.
12. **Electrical Service for Transfer Station:** The new service has been installed. All that remains is for CMP to make the connection which they will do in the spring when the Island reopens.
13. **Golf Course Club House addition:** The plans and application were submitted to the Code Enforcement Officer and the building permit has been issued. In addition, we have received a new waste water system design from Main-Land Development. The new system is not required as part of the expansion because the construction only affects the kitchen facilities but will be required should the existing system fail.
14. **Ferry:** Following the Island closing, the water system was drained and blown-out thanks to the efforts of Rich Purtell and Dave Bond. Public Works completed fusing all of the connections to the new water line on High Point Drive, removed the boulders that were dug up during the pipe installation, replaced a lot of culverts, enlarged the storm water retention area at beach 6, finished painting the hulls and super structure of both ferries, replaced the large wooden bumper on the Island gantry, painted the chapel, worked on the ferries and winterized the Island and the island vehicles. The last day the ferry ran was Friday Dec. 5th.

Attachment B
Treasurer Report
13 December, 08

- In July, the BoS/EC authorized the Treasurer to move up to \$500K of operational money into short term CDs. In October, \$114K was moved back into the GSB checking account. There currently remains \$365K of operational assets in the CD investments. The operating cash requirements are being monitored on a regular basis; current checking balance is \$60K. It does appear that only a fraction of investment cash, if any, will be needed in December.
- At the 12/13 meeting, I will ask that the following motion be passed to allow incoming tax revenues to earn the maximum available interest:

“Move that the Treasurer be empowered to move monies between the cash bank accounts and the insured CD investment account to earn maximum available interest and maintain required cash in bank accounts to cover expenses.”
- At the 9/27 BoS/EC meeting it was approved to reduce the assessed value of FII properties to zero. From an FII perspective this change has been accomplished, i.e. FII has no property tax liability for 2009. Unfortunately, the implementation was done by giving FII an exemption equal to the value of the assessed value, i.e. the assessed value of the FII property is still on the Town Grand List. Not only is the \$828K of FII assessed value on the Grand List, Town owned properties have a value of \$2,572K on the Grand List. We need to get this \$3.4M off of the Grand List. Doing so should reduce our school & county taxes by \$40K per year.
- As Town Treasurer, I participated in three training classes over the past few weeks: 9/11 Trio budgeting, 11/2 Harris online transactions, and 11/25 Trio real estate database. These classes were roughly a half-day each, held via the Internet (a webinar). The classes were well done. I have recommended to Calvin that he participate in this type of training in the future where it matches his job responsibilities.
- As of the end of November, \$94K in 2009 tax revenue has been collected. An additional \$850K is expected to be received by the end of December.
- As of the end of November, the Ferry Operation is at a YTD Net Income of \$54,275. If the December 2008 ferry expenses are the similar to last year, the ferry will end the year with a net profit of \$48K.

- Make sure you read Notes 4-6 at the bottom of the Summary page of the Financial Report. The YTD Net Income for the Golf Club operation is actually \$33K, not the \$39K shown in Trio. There was an error in posting a capital investment project in November.