

**MINUTES OF THE SELECTMEN/EXECUTIVE
COMMITTEE MEETING
TOWN OF FRYE ISLAND
MAY 16, 2009**

The meeting was conducted at the Community Center.

The meeting was called to order at 09:00 AM by John Nun.

SELECTMEN: John Nun, Mark Thomas, Jimmy Kuiken.

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

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts

PUBLIC: Rod Beaulieu, Ed Charette, Kathy Potts, John Crosby, Pat Karpaz, Phil & Karen Spring, Paul & Ruth Ann Bourque, Betsy Gleysteen (phone), Tim Toomey.

John Nun requested that discussions on any item be held to a maximum of 15 minutes if no decisions were desired or expected at the meeting. Any further discussions should be expected to be tabled until later meeting(s).

PUBLIC HEARING

There were no public hearings.

PETITIONS FROM THE PUBLIC

Kathy Potts requested that the Board reconsider the Complimentary Ferry Ticket Police and continue to compensate Town Board members with complimentary ferry tickets; that deletion of that benefit indicated a lack of respect for those performing the services, often involving considerable time and effort by board members. John Nun tabled further discussion until the subject was addressed later in the meeting agenda (Item 2, Old Business).

OLD BUSINESS

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

- **Derek Yates vs Town of Frye Island:**

The case has been placed on the Cumberland County Civil Trial calendar and will be heard sometime between 6/15/09 and 9/4/09. Wayne has provided information to Town attorney; must identify witnesses, potentially John Nun, Jimmy Kuiken, John Crosby and Paul White.

- **Ferry Fees:**

Short discussion on background and issues relating to past due ferry fees and on procedures that have been implemented to preclude future occurrences.

- **Break-ins:**

Persons affected need to notify Town police chief and to contact Cumberland County District Attorney's office. DNA testing of additional evidence is still in the queue at state labs, Rod is pursuing. Board members agreed that we need better communications with residents for such incidents. Town office attempts to get contact information for all residents but resident cooperation is not always there.

2. **Discuss/Approve Complimentary Ferry Ticket Policy:**

MOTION by Dave Bond to approve the draft policy with the following changes, second by John Nun – CARRIED 5 -2, Jimmy Kuiken and Bob Miner opposed:

- Delete 2nd sentence in the introductory Discussion.
- Change 3rd sentence to read: "This policy will become effective on 1 July 2009."
- Change the first sentence of paragraph 1 to read: "Complimentary ferry travel will be provided to island workers for the purpose of commuting to and from work for the island on assigned workdays."
- Change the first sentence of paragraph 2.c.ii. to read: "Complimentary ferry services for other commercial operations, on a continuing basis, must be approved by the BOS/BIT Executive Committee."
- Change paragraph 3.e. to paragraph 7.
- Change the third sentence of paragraph 6 to read: "When approved by the Town Manager, complimentary passage may be issued to the attending party."

3. **Discuss Ferry Revenue /Electronic Data System:**

Wayne provided an update on the progress of the project – Meetings were held with each of the bidders to explore reducing bid costs and still providing a system that met the intent, if not the specific details, of the RFP. Both bidders were very responsive. After the meetings a list of written questions was provided to each of the bidders with responses expected by 1 Jun 09.

4. **Septic Service at the Ferry Trailer:**

Wayne provided an update on the progress of installing a septic system at the mainland ferry trailer. It was discovered that there was no septic system, that the

existing pipe terminated at a sump pit. He did not have costs yet but expected to come in below the \$12K authorized at the last meeting.

5. Establish the Summer Board Meeting Schedule:

The Board established the following summer meeting schedule:

- 27 Jun 09 – 0900 – Community Center
- 25 July 09 – 0900 – Community Center
- 29 Aug 09 – 0800 – Community Center – followed by Budget Committee meeting
- 5 Sep 09 – Public Hearing on 2010 budget – 1000 – Community Center
- 19 Sep 09 – 0900 – Community Center
- 26 Sep 09 – 0800 - Community Center – followed by Budget Committee meeting
- 10 Oct 09 – 0900 – Annual Town Meeting
- 17 Oct 09 - 0900 – Community Center
- 5 Dec 09 - 0900 – Teleconference

6. Other Old Business:

- **Raymond EMS Fees:**

The Town still owes \$15,903.31 to the Town of Raymond for 2006 & 2007 EMS calls. We still have not been billed for 2008. Discussion of how EMS service is billed and process of passing on costs to users was discussed. MOTION by Jimmy Kuiken to authorize expenditure of \$15,903.31 from the Unreserved Undesignated Fund to reimburse the Town of Raymond for 06/07 EMS service, second by John Nun – UNANIMOUS.

NEW BUSINESS

1. Approve Ferry Pedestrian Policy:

MOTION by Mark Thomas to approve the Ferry Pedestrian Policy provided by Wayne, second by Jimmy Kuiken – UNANIMOUS.

2. SAD 6 2009/2010 Budget:

Wayne reported that the SAD 6 2010 budget would increase Frye Island taxes by an estimated \$146K.

3. **Other New Business:**

- **New Dump Truck:**

Wayne explained the mounting costs of the old truck, the benefits of buying the new at the cost involved. He had deferred the last payment on the sale of the old truck to allow fixing some existing deficiencies, will collect later.

- **Bad Rumor:**

Wayne said there had been a rumor going around that some work had been done for a DPW employee with Town funds. He said the rumor was unfounded.

- **Willis Property:**

Wayne reported that the Town has joined the local civic association where the Willis property is located; we are in touch with them. We are using the pit there for town materials storage. We have done some repairs to the road. Wayne has done this on his own authority, within current budget, as a “good neighbor” effort to work with the local residents of the town of Raymond.

- **Reconciliation of Checking Account:**

Wayne reported that reconciliation of the Town – Gorham Savings Bank checking account is still difficult and more needs to be done to make it work.

REVIEWS and REPORTS

1. **Meeting Minutes:**

MOTION by Mark Thomas to approve minutes of EXCOM meeting of 4 April 09, amended to delete reference to paragraph 5 in the draft Complimentary Ferry Ticket Policy, second by Jimmy Kuiken – UNANIMOUS.

John Nun to provide amended minutes to Joe Potts for posting to the Town web site.

2. **Treasurers Report (See Attachment B):**

Joe Potts had nothing to add to the report at Attachment B.

3. **Golf Report:**

Nothing to report beyond items elsewhere in the minutes.

4. **Marina Report:**

Dave Bond reported that slips were in place. A couple of people had dropped off Quail Circle; those slips will be filled from the waiting list. The CEO has authorized brush clearing on the marina causeway every year, no trees to be cleared without separate approval. Stairs have been installed by DPW from the parking lot to the road.

EXECUTIVE SESSION

MOTION by Jimmy Kuiken to go to Executive Session according to MRSA 1 Paragraph 405 (6) (A) to discuss personnel issues at 1215 PM, second by John Nun - UNANIMOUS.

MOTION by Mark Thomas to adjourn Executive Session at 1240 PM– discussed personnel issues as authorized under MRSA 1 Paragraph 405 (6) (A), second by John Nun - Unanimous.

OPEN SESSION

MOTION by Jimmy Kuiken to adjourn at 12:41 PM seconded by John Nun – UNANIMOUS.

Respectfully submitted,

John B. Nun
First Selectman

Attachment A: Manager's Report, May 16, 2009

Attachment B: Treasurer Report May 16, 2009

**Attachment A
Managers Report
May 16, 2009**

1. **Derek Yates Fee Complaint:** The Court has determined that Mr. Yates 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. Yates.

Nothing more has been done,

2. **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. The 4" line for the next phase has been purchased.
3. **Discretionary Ferry Funding Program:** We met on Wednesday, May 6th with Jackie Potter, Congresswoman Chellie Pingree's senior policy advisor, to discuss our application for funding from the "American Recovery and Reinvestment Act" and the "Ferry Boat Discretionary Fund". While she didn't say that we didn't have any chance she did explain that there were a lot of deserving projects that we would be competing with. She did say she would help see that it at least got reviewed at the State level. She also thought that we should pursue the SAD 6 issues through the legislature. Her feeling was that if we could reduce our allocation to SAD 6, we could use that money to help fund our infrastructure improvements. She asked for a chronology of our efforts which I have prepared. She did agree to help us set up a meeting with the leadership from the house. Hannah Pingree, Chellie's daughter, is the speaker of the Maine House of Representatives so she has a connection.

That being said, we have completed the application and forwarded it to the appropriate parties at MEDOT and at the Federal Highway Administration's representative in Maine. They have said that they will include it with the other applications

4. **Lot 273:** Mr. Zea has informed me that he has hired a contractor to install the plants required by the approved re-planting plan and the project will be completed either the last week in May or the first week in June..

Mr. Zea also stated that we will be receiving a letter from his attorney identifying his position on the other issues with Lot 273. I have not yet received the letter.

5. **Ferry Fees:** Mr. Zea called and said for health reasons he would not be able to attend the meeting scheduled for May 23rd. He hoped to be here around the middle of June.
6. **Labor Department Inspection:** We have been granted an extension until May to complete the corrections required by the inspection. Most of the discrepancies are procedural and will be completed this winter and presented to the employees when we open in the spring. A meeting has been scheduled with the Department of Labor for May 28th to finalize the inspection,
7. **Dispatch Services:** Cumberland County is providing all of the dispatching services for the Island. The procedures are being worked out now.
8. **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.

Break-Ins: Additional evidence has been discovered since the Island opened which has been forwarded to the State Crime lab for analysis. Other than that there is no additional news to report.

**Attachment B
Treasurer Report
16 May 2009**

**Monthly
Financial
Summary
April 2009**

| Department | YTD Actual | YTD Budget | Difference to Budget | Notes |
|--|-----------------------|-----------------------|---------------------------------|--------------|
| Town Operations | | | | |
| 01 - General Government | | | | |
| Revenue | 2,168,514 | 2,165,202 | 3,312 | |
| Expenses | 121,136 | 107,266 | (13,870) | |
| 05 - Public Works (includes Water, Roads and Trash) | | | | |
| Revenue | 2,489 | 2,489 | 0 | |
| Expenses | 132,839 | 133,591 | 753 | |
| 15 - Public Safety (includes Police, Fire and Emergency) | | | | |
| Expenses | 23,107 | 25,084 | 1,977 | |
| 20 - Recreation | | | | |
| Revenue | 0 | 0 | 0 | |
| Expenses | 163 | 650 | 487 | |
| 40 - Non-Municipal (includes SAD 6, Cumberland County and Water Bond repayment) | | | | |
| Expenses | 377,013 | 377,145 | 132 | |
| YTD Expenses | 654,258 | 643,738 | (10,520) | |
| YTD Net Income | 1,516,745 | 1,523,953 | | |
| Enterprise Operations | | | | |
| 71 - Frye Island Ferry Operations | | | | |
| Revenue | 15,964 | 13,139 | 2,825 | |
| Expenses | 49,556 | 58,418 | 8,862 | |
| YTD Net Income | (33,592) | (45,279) | | |
| 73 - Frye Island Golf Club | | | | |
| Revenue | 11,448 | 12,896 | (1,448) | |
| Expenses | 22,663 | 24,529 | 1,866 | |
| YTD Net Income | (11,215) | (11,634) | | |
| 83-2 - Frye Island Yacht Club - Equity Operation | | | | |
| Revenue | 1,745 | 2,140 | (395) | |
| Expenses | 3,866 | 5,015 | 1,149 | |
| YTD Net Income | (2,121) | (2,875) | | |
| 83-4 - Frye Island Yacht Club - Rental Operation | | | | |
| Revenue | 5,700 | 2,341 | 3,359 | |
| Expenses | 3,984 | 5,000 | 1,016 | |
| YTD Net Income | 1,716 | (2,659) | | |

| Reserve Fund Summary | | | | |
|---|----------------------|--------------------|-------------------|-----------|
| Reserve Fund Name | Posted | Pending | Net | |
| 1 - General | | | | |
| 300-10 Capital Funds Reserve | 38,789.27 | 0.00 | 38,789.27 | |
| 300-20 Water Reserve | 115,863.77 | 0.00 | 115,863.77 | |
| 300-40 Recreation Reserve | 4,810.40 | 0.00 | 4,810.40 | |
| 300-50 Equipment Reserve | (7,681.92) | 18,000.00 | 10,318.08 | |
| 300-60 Public Safety Reserve | | | | |
| | Fire Department | | | |
| | Partition | 58,666.85 | 0.00 | 58,666.85 |
| | Police | | | |
| | Department Partition | 2,525.20 | 0.00 | 2,525.20 |
| 300-64 Fire Department Operations Reserve | 0.00 | 0.00 | 0.00 | |
| 300-70 Island Improvement Reserve | 308,656.02 | 27,515.00 | 336,171.02 | |
| 300-80 Revaluation Reserve | 2,247.56 | 0.00 | 2,247.56 | |
| 300-85 School Operations Reserve | 0.00 | 0.00 | 0.00 | |
| Unreserved Undesignated Fund Balance | 352,922.00 | (11,705.00) | 341,217.00 | |
| Total | 876,799.15 | 33,810.00 | 910,609.15 | |
| 2 - Special Revenue/Grants | | | | |
| 296-01 Due To/From | 7,341.74 | 0.00 | 7,341.74 | |
| Total | 7,341.74 | 0.00 | 7,341.74 | |
| 3 - Enterprise | | | | |
| 300-03 Golf Operations Reserve | 57,916.66 | 21,160.00 | 79,076.66 | |
| 300-04 Golf Equipment Reserve | 13,484.19 | 0.00 | 13,484.19 | |
| 300-06 Yacht Club Equity Reserve | 28,100.74 | 11,387.00 | 39,487.74 | |
| 300-12 Ferry Capital Reserve | 222,601.62 | (42,000.00) | 180,601.62 | |
| 300-13 Ferry Operations Reserve | 98,045.65 | (2,019.00) | 96,026.65 | |
| Total | 420,148.86 | (11,472.00) | 408,676.86 | |

| Investment Summary | | | |
|--|------------------|---------------------|--------------------|
| Account Name | Working | Investments | |
| Liquid Accounts | | | |
| 1-110-00 Gorham Savings - Ckg | 70,193.43 | | |
| 1-110-12 Merrill-Lynch Investments | | 1,318,354.52 | |
| 1-110-33 Gorham Savings - Sav | | 497,934.61 | |
| 1-145-10 Stock Equity Prin Fin | | 6,281.22 | |
| Sub-total | 70,193.43 | 1,822,570.35 | |
| Reserve Allocation Totals | | | |
| | | Posted | Pending |
| 1 - General | | 876,799.15 | 33,810.00 |
| 2 - Special Revenue/Grants | | 7,341.74 | 0.00 |
| 3 - Enterprise Reserve Funds | | 420,148.86 | (11,472.00) |
| Sub-total | | 1,304,289.75 | 22,338.00 |
| Total | | 518,280.60 | (22,338.00) |
| Net - Other Monies Held in Savings / Investment | | | 495,942.60 |

***** **Notes** *****

1. Online Town information can be found at:
Trio Journal Entries: <http://www.fryeisland.com/local/trio/>
Public Financial Information: <http://www.fryeisland.com/tdoc/financial.htm>

2. Beano Money in Key Bank Savings: 1,594.81 As of 12/31/08