

**MINUTES OF THE SELECTMEN/EXECUTIVE COMMITTEE MEETING
TOWN OF FRYE ISLAND
December 5, 2009**

The meeting was conducted by conference call.

The meeting was called to order at 09:04 AM by Mark Thomas

Selectmen present: John Nun, Jimmy Kuiken, Mark Thomas.

BIT Executive Members present:: Joe Potts, Dave Bond, Bob Sutherland, Bruce Nisula, John Nun, Jimmy Kuiken, Mark Thomas

Town Manager: Wayne Fournier

Treasurer: Joe Potts

PETITIONS FROM THE PUBLIC

None

OLD BUSINESS

- 1. Manager's Report:** The report was distributed to Selectmen and BIT representatives prior to the meeting. (See attached).

Wayne went through the attached report and added the update on the 2009 winter burglaries.

- 2. Personnel Policy:**

Prior to discussing the draft of the policy, the following motion was made by Joe Potts and seconded by Dave Bond: "The approval of the personnel policy and similar items in the future be voted on by the full 7 member Executive Committee." After much discussion, this motion was passed by the full Executive Committee, by a vote of 3 for, 2 against, 2 abstaining. However, it would fail if you only count the Selectmen who voted 1 for and 2 against.

Action Item: *Because of the confusion created by the Town Charter under the Town Managers responsibilities which states in article V, section 3-K, "The Town Manager shall prepare a Personnel Policy, submit it to the Selectmen, and be responsible for its administration." The Executive Committee was not certain who had the authority to approve the Personnel Policy. It was the unanimous consensus of the Committee that as many issues as possible should be voted on by the full seven members of the Executive*

Committee. However, because of the article in the Charter, Wayne was instructed to seek legal opinion on the interpretation of this article in the Charter to identify the exclusive duties of the Selectmen. Wayne will not contact the attorney until he receives feedback from Committee members regarding specific issues that should be addressed.

In the discussion of the Personnel Policy, changes were suggested and minor modifications were made to Articles 4, 5, 6 and 13. There was considerable discussion on Article 14, Section G, "Ferry Usage". A motion was made by Dave Bond to "add after the last sentence in paragraph 1, personal use shall not exceed 6 trips per month and will expire at the end of each month". John Nun seconded. After much discussion, the vote was 4 in favor, 2 opposed, with 1 abstaining.

Article 14, Section G - A motion was made by Mark Thomas and seconded by Jim Kuiken, to delete the previous motion and paragraphs 1 & 2 of Article 14, section G, and replace with the following: As an addition compensation to Island employees, living on the Island, they would receive the equivalent of 1 free ferry passage for personal use, for every 40 hours worked. The vote was 3 in favor, 2 opposed, with 2 abstaining.

Article 14, Section G - A motion was made by John Nun and seconded by Jim Kuiken to amend the previous motion to change "Island employees" to "all employees". The vote was 6 in favor, 0 opposed, and 1 abstaining.

Article 14, Section G - Motion as made by Bruce Nisula and seconded by John Nun, to add the original paragraph 2, which required space availability on the ferry for employees to get free passage. Following discussion, John Nun withdrew his second, and Bruce Nisula withdrew his motion.

A motion was made by John Nun and seconded by Jim Kuiken to approve the Personnel Policy as amended. Vote was 6 in favor, 0 opposed with 1 abstaining.

Action Item: *Wayne will insert the approved changes into the Personnel Policy and distribute it to the Committee.*

There was no further Old Business discussed.

3. New Business:

1. "Conflict of Interest" potential: It was determined by Committee that there were no present issues with current Committee.
2. Substance Abuse Policy/Drug Testing: The Board of Selectmen /Executive Committee concurred to develop a procedure to include drug testing for all newly hired employees, with provisions to randomly test full time and returning employees, or when probable cause or doubt exists.

Action Item: *Wayne was instructed to develop the procedures and distribute them to the Committee.*

3. **Financial Projections:** Financial projections were reviewed and all indications are that we are on track and under budget. The outstanding amount owed to the Town of Raymond was included in the projected expenses and it was decided to account for this as a 2009 payable expense until we get the invoice from Raymond.
4. **Road Closings:** Motion was made by Jim Kuiken to close all Island roads as of December 7, 2009. The motion was seconded by Mark Thomas. Vote was unanimous.

Reviews and Reports: The following meeting minutes were approved:

- August 29, 2009
- September 26, 2009
- October 3, 2009
- October 17, 2009
- November 21, 2009

Motion was made by John Nun and seconded by Dave Bond to approve all minutes. The vote was unanimous.

- Golf Report:..... No report
- Marina Report:..... No report
- Treasurer Report: Joe Potts reported that everything was proceeding well. He indicated that one capital project may exceed the budget slightly, but if it did the overrun would be added to the appropriate expense account.

Executive Session:

A motion was made by Mark Thomas and seconded by Jim Kuiken to go into Executive Session to discuss personnel issues.

Returned from Executive session after discussing personnel issues.

Motion was made by John Nun and seconded by Dave Bond to adjourn at 11:45 am. The vote was unanimous.

Manager's Report

1. **Water System Upgrade:** All of the work that has been scheduled thus far is complete. After the Island was shut down the final cottage / side road connections were made on Independence, Ridge, and Sunset and are ready to be placed into service when the Island reopens in the spring.
2. **Ferry E – Ticketing / Data collection project:** Acute Technologies has completed the programming for the new e-ticket system. They have conducted some alpha testing of the system and we are now planning a webinar session so that the committee can review and test the system as well. We are still on target for beta testing and “go live” this spring.
3. **Lot 273 / Ferry Fees:** The BoS / EC negotiating team met with Mr. Zea and developed a plan to remedy all of the Town issues. There remains an outstanding issue with the DEP. I spoke with Mr. Zea this week. He indicated that there would be a closing on his re-financing in January and he intended to make the payment as soon as he received the money. I also spoke with Laura Welles, the attorney representing the DEP. The court hearing has been postponed until sometime in February so there is nothing new to report at this time
4. **EMS Agreement with Raymond:** A copy was sent to our attorney and we received his comments. I spoke with Denis Morse, Raymond Fire Chief, about our concerns with the draft agreement. He said he understood and was going to draft a memo of understanding to address the issues. I haven't received it yet.
5. **Beach 9:** Notice's to prevent adverse possession were served on the owners of 247 Leisure Lane which abuts the southern boundary of beach 9 and to the owner of 328 Island Rd which abuts the northerly boundary of beach 9. The property owners of 247 Leisure Lane have retained an attorney and have indicated they will be filing a court complaint for adverse possession. We suggested a meeting to clarify the issues but it was “inconvenient” for Mrs. Leonard to attend a meeting in the fall. Our attorney also sent them some court cases that would seem to make their case very difficult. We haven' heard from them since.
6. **Foreclosures:** We had two properties with dwellings that went into foreclosure. One of those has paid everything in full, the other is outstanding but I have been assured the outstanding taxes will be paid.
7. **2010 Budget:** The budget was approved at the 10 October Town Meeting.

8. **Ferry Engines:** We received three (3) proposals to replace the engines and transmissions on the Ellie Corliss. Both Cianbro and Cummins Diesel were in the \$80K range (+ freight) while Maine Marine Diesel was in the \$70K range (+ freight). We have awarded the job to Maine Marine Diesel. *The new engines have been ordered and we expect delivery in January.*
9. **Personnel Policy:** A new version of the personnel policy has been developed and will be before the BoS / EC at the Dec. 5 2009 meeting for review and approval.
10. **Island Closing:** The Island Closing went well this year. After closing on Monday Nov. 2nd, the Public Works Department, with volunteer help from Dave Bond and Cappy drained and blew-out the water lines and made all of the new connections and were finished by the end of that week.

Bancroft Contractors were scheduled in to replace the cable on the south side Island gantry. We replaced it after it broke this summer but the cable we had was a little longer than necessary. This replacement cable worked fine through the summer and fall but we were concerned that it might prevent the ramp from traveling up enough with a high lake level in the spring. Therefore, it was decided to replace it now.

Jeff Snow has taken the grader and the front end loader of the Island for repairs. The grader needs tie rod work and the bucket on the front end loader needs to be refurbished. Jeff will do this work over the winter at a much lower cost than sending them to a repair shop.

John and his crew are winterizing the remaining vehicles. The ferry crew replaced the broken boards on the slipways and Main Marine Diesel has been scheduled to make repairs to the Leisure Lady. There are exhaust leaks; anti-freeze leaks, and injector pump leaks that were band-aided during the season that need repairs.