



MINUTES FOR THE SELECTMEN/EXECUTIVE COMMITTEE MEETING 02/06/2010

MEETING DATE: February 6, 20109:00A.M.

START	END	NEXT MEETING	NEXT TIME	PREPARED BY
09:10 AM	12:49 PM	April 3, 2010	9:00 AM	Wayne & Nancy Fournier

ATTENDANCE

<p>EXECUTIVE COMMITTEE: Mark Thomas - Selectman Jim Kuiken – Selectman John Nun – Selectman Bruce Nisula Joe Potts Dave Bond Bob Sutherland</p>	<p>Town Manager: Wayne Fournier Treasurer: Joe Potts Recording Secretary: Nancy Fournier</p>
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PETITIONS FROM THE PUBLIC

- Add future agendas to the web-site. It was agreed that this would be done for the next meeting.

OLD BUSINESS	BIC
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<u>Permit Fee Schedule – Road Usage Fee</u>	
<p>02/16/08</p> <p>04/15/08</p> <p>05/17/08</p> <p>06/13/08 to 12/05/09</p> <p>02/06/2010</p>	<p>MOTION by Mark Thomas to reduce the Road Usage Fee from \$1000 to \$500, second by Phil Perry. After short discussion MOTION was withdrawn for further discussions at the April 08 meeting. Phil Perry requested Wayne get a Town attorney and/or MMA (may only involve Wayne resurrecting past discussions with MMA and attorneys) reading on the legalities involved in setting the amounts of these fees.</p> <p>Wayne had discussions with our attorney about the issue. The attorney recommended we table further actions pending a court decision on the fee suits.</p> <p>Discussions were deferred to a future TBD meeting pending a court decision on the outstanding fee suits.</p> <p>No Change</p> <p>A \$1000 fee was enacted as part of the Building Permit process for construction vehicles using the Island Roads. This fee was questioned by two Islanders who filed a complaint in Superior Court regarding the high cost of the Building Fees. In addition, some Board members also questioned this fee.. It was decided to table any further action until the Court ruled. Prior to the Court reaching a decision, both Islanders dropped their cases. It should be determined if the Board intends to retain this fee, reduce it or drop it totally. Both parties have dropped their complaint against the Town. Wayne will determine what the road fee should be with a justification for the amount and present it at the next meeting.</p>

<u>FI Road Inventory</u>	
<p>02/16/08</p> <p>02/06/2010</p>	<p style="text-align: right;">Closed</p> <p>Wayne reported that the auditors look at the roads as Town fixed assets. Joe noted that the roads are owned by FII and are leased to the Town; should not be Town fixed assets. Wayne will check into this.</p> <p>This has been discussed with our auditors and they agree....This item can be closed.</p>

<u>Proposal to Trade 1159 South Beach Road</u>	
<p>04/05/08</p>	<p style="text-align: right;">Closed</p> <p>John Nun had received in information copy of a proposal by Bill Speed to consider trading his Lot 1159 for another buildable lot on the island. While the lot is buildable and is in a desirable location, there are potentially serious problems with building and maintaining an extension to South Beach Road to provide</p>

owner and safety access to the lot. He had sent the proposal to Wayne, who had not received it, and to John Crosby for information. Wayne said that the town might be in possession of a tradable lot. The current FII policy is not to trade any more lots. John Nun said he would forward the proposal to Wayne.

05/17/08 to 08/09/08 No Change

09/13/08 Bill would like town or FII to consider trading a buildable inland lot for Lot 1159, buildable, which has no road access (South Beach Road section not completed) and might require considerable effort and cost to provide normal and fire/rescue access; lot is adjacent to conservation land. Joe said that FII would not consider an even trade, but would be open to a trade where proper values are used. BOS asked Wayne to look into town properties acquired through foreclosure and see if anything could reasonably be done; we may consider making a swap in return for Mr. Speed making up the cost differential based on professional appraisals.

09/27/08 to 12/05/09 No Change

02/06/10 The Town has 2 buildable lots, 1 being a golf course lot. The estimated value is between \$50K - \$75K. However we have not heard from Bill Speed since meeting in 2008. This item is now closed. John Nun has volunteered to talk to Mr. Speed in the spring to see if he wishes to reopen this issue.

Employee Handbook

Attorney / Wayne

05/17/08 Wayne asked for comments from the Board on the draft Employee Handbook provided in April. Most had not had opportunity to review in detail but all felt that, at a cursory review, it was well done. Bob DeFelice (author) and John Crosby said that it had been done specifically for the ferry service but it will not be hard to revise it to include all town employees. Bruce Nisula had a specific comment which had already been corrected. Mark Thomas requested a legal review, particularly about the roles of the BOS vs. the town managers. Board requested further revision to include all town employees, further review and submission to the BOS for approval.

06/13/09 No Change

06/14/08 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.

07/09/08 to 09/27/08 No Change

10/18/08 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.

12/13/08 to 2/8/09/09 No Change

02/06/10 Wayne will take the recently approved "Personnel Policy" and incorporate it into the Employee Handbook.

Meeting With Raymond on Common Issues

Closed

05/17/08 Wayne has had discussions with the Town Manager of Raymond. He indicated that their Selectmen would like to meet with the Frye Island Selectmen, probably sometime in Jun 08, to discuss common issues (e.g., Cape Road, emergency services). Wayne will set up the meeting.

06/13/08 to 06/14/08 No Change

07/09/08 Wayne and Steve Persson had met with Raymond Town Manager and Fire Chief. They are interested in setting up a meeting between the town selectmen prior to Labor Day to discuss possible mutual town safety efforts.

08/09/08 to 06/27/09 No Change

07/25/09 Town officials had met with Raymond in 2008. This latest proposal from Dennis Morse has only made matters worse. Chief Persson is still trying to meet with Dennis to try to come up with something reasonable before we again meet at the town official level. Wayne reported that he had talked with Casco, they face similar problems and are/ also stuck with Raymond due to manning problems, he talked to a couple of private companies who indicated they could not provide responsive service, he talked to Cumberland County about intermittent service but that was discounted as not practical. The matter was tabled pending a meeting between the fire chiefs.

08/29/09 Wayne reported that Casco has a reciprocal agreement with Raymond but that we are unable to do this. The up-front costs are not a major issue; the problems are in the fine print.

09/26/08 to 10/03/09 No Change

10/17/09 Wayne had some minor changes to the EMT services agreement from Raymond. It still needs work.

11/21/09 to 12/05/09 No Change

02/06/10 It was determined that this general item be closed and the issues be dealt with on an individual Basis.

EMS Agreement with Raymond

Wayne

The Town of Raymond generated a proposal to provide EMS Services to Frye Island. The agreement included a flat \$15,000 covering the first 15 calls in a season with additional charges on a cost per call basis for all call in excess of 15. In addition it called for Frye Island to reimburse Raymond Fire and Rescue for consumable materials used on calls to Frye Island and to assume insurance liability while Raymond F&R is on the Island. While the Executive Committee felt the \$15,000 annual cost was livable, the reimbursement of supplies and the insurance issues needed clarification. In addition, the Town of Raymond has stated that the present cost per call for service is approximately \$1000, the EC would like to review the documentation supporting this cost. Wayne has relayed this information to Denis Morse, Raymond Fire Chief, and was told that Denis understood the questions and would provide clarification. This has not been received as yet. The \$15,000 for the 2009 payment has been set aside as a 2009 payable expense and will come from the 2009 budget. The 2010 payment has been budgeted.

02/06/10 Wayne will contact Denis Morse to get this resolved before the 2010 season.

Report on Conclusions Reached with PWD on Septic

Closed

System Records

07/09/08 Small discrepancies have been cleaned up. It was noted that PWD allows sharing of septic systems. This could lead to more dwellings being included in the 750 court ordered septic system maximum. Joe Potts had talked to Planning Board members about a 1:1 system vs dwelling ordinance; Wayne to follow up.

08/09/09 to 12/05/09 No Change

02/06/2010 The PB, at its 08/02/2008 meeting, concluded that the wording of the consent agreement, dated March 4 1974, limited the number of lots that could be cleared to 750. Therefore no further action was required.

Labor Department Inspections

Closed

07/09/08 State inspection was performed on 2 July. We do not have report yet but there will likely be infractions, some of which could carry fines for the town. The last inspection was done in 2000.

08/09/08 The Labor Department recently conducted an inspection on the Frye Island infrastructure. While there were no serious infractions, there were many small ones which added up to a fine of \$9800. The Island will be allowed to correct these infractions using an informal reporting system. This may result in no actual outflow of funds. See Attachment A for more details.

09/13/08 Work off of corrections is progressing well; no extensions planned beyond the Oct 17 08 suspense for corrections.

09/27/08 to 12/05/09 No Change

02/06/10 All corrections have been addressed... This item can be closed

Late Ferry Runs

Closed

08/09/08 There was considerable discussion concerning the numerous requests to hold the last ferry for late arrivals or to make special runs late at night. This item was tabled until the next meeting with John Crosby to come back with specific recommendations as to what costs were to ferry crews and even whether the crews were willing to accommodate these requests. Until then, current policy will remain in effect.

09/13/08 to 09/27/08 No Change

10/18/08 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.

12/13/08 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.

02/07/09 to 03/17/09 No Change

04/04/09 There was extensive discussion on the fee that should be charged for an unscheduled run. Some board members felt that the fee that was presented in the policy (\$75.00) was too low, that it would not discourage some persons from abusing the privilege, majority agreed with the proposed fee. Jimmy Kuiken recommended that Wayne change the words "an Islander" in the 2nd Definition to "a person". Betsy Gleysteen asked whether the fee included in this policy should be approved by the entire BIT; **Board members agreed that the entire BIT should vote on the fee(s) in accordance with the charter at a future Town meeting.** MOTION by Mark Thomas to approve the Unscheduled Run Ferry Policy, as presented, with the fees remaining at current rates with the word

05/16/09 to 12/05/09 No change

02/06/10

The new policy, with the existing fees, was implemented for the 2009 season. It was suggested that the language be changed to clarify the fact that all multiple cars on a late ferry run required a ferry ticket. Other than that the policy was acceptable. Wayne will make the appropriate changes and issue with the meeting minutes. See attachment "A"

Community Center Handicap Access

Wayne

08/09/08

No action is to be taken at this time on handicapped access and/or service to be provided to the handicapped while alternatives to a very expensive alteration (ie a ramp from Recreation Lane into the office area.) are being investigated.

02/06/10

Handicap access to the Community Center has been completed. There was a proposal to add a handicap ramp from Recreation Lane to the Town Office for approx. \$60,000. No action was taken. All of the handicap requirements imposed by the State have been completed. The State still owes Frye Island \$2800 as their share of the project costs. Wayne will continue to try to get that money. The suggestion to provide handicap access to the Admin Office has been addressed by making arrangements with those people needing assistance to meet them at an acceptable location to conduct business. The administration portion of this item is closed

Conceptual Plan for Willis Property – Transportation Committee

Wayne/Transportation Committee

10/18/08

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.

12/13/08 to 05/16/09

No Change

06/27/09

Discussion – Improvements to the Willis property were considered not to be “shovel ready” as required by the proposed grant so the grant application was submitted for ferry improvements per previous recommendations by the Transportation Committee. The application was forwarded by State to Federal. Joe Potts said he felt that we might have put the “cart before the horse” in that we do not seem to have a plan on what we really need vs what we might want over the long run. Wayne agreed to set up a meeting for the EXCOM with the Transportation Committee to discuss the issue.

07/25/09

No Change

08/29/09

There was a long discussion during which it became readily apparent that there is enough to keep the Transportation Committee busy for some time. Summary of comments:

- Carve out a piece; Determine a minimum amount of construction to solve safety and parking problems.
- Develop a forecast consistent with island build out from the current <500 homes.
- Spread costs out over an extended period (who pays?, include O&M). Emulate the Water Reserve Approach. Continue to look at grants.
- Give priority to peaks. Look at other ways to handle peak periods.
- Consider tapping the Island Improvement Fund, currently >\$300K.
- Consider raising prices of ferry tickets.
- The key is a *Long Range Plan* with interim *Short Term Plans*. Must be integrated into the Town Comprehensive Plan.

The Town Manager and the Transportation Committee were asked to cooperate with the Planning Board in developing plans to move ahead.

09/26/09 to 12/05/09

No Change

02/06/10

The Town was invited to attend workshops on completing the applications for federal funding by Representative Chellie Pingree’s office. John Crosby and Dave Bond attended. We have filed another application for funding for the park and ride facility. The application was received and we were invited to meet with Representative Pingree’s office to discuss the project and answer questions. This was scheduled for February 5th. Dave Bond presented Frye Island’s Park and Ride project at this meeting and answered questions from Ms. Pingree’s staff. Staff members from Congresswoman Pingree’s Maine and Washington offices were present at the meeting. Dave said the presentation was video taped and will be available on Ms. Pingree’s web site at a later date. He also felt that the presentation was viewed favorably but that doesn’t

mean that our application will be approved. The Executive Committee had a considerable discussion about the needs of the Town and the timing of those needs. Dave Bond, as chair of the Transportation Committee, indicated that determining those needs and the plan to phase the project would be worked on by his committee as soon as the members could meet on the Island.

Marina Jetty Update

Closed

12/13/08

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.

02/07/09 to 12/05/09

No Change

02/06/10

The request for a permit to increase the size of the jetty was denied; however, the DEP did issue a 10 year permit to allow dredging of the existing channel. This item can be closed

Substance Abuse Policy

Wayne

12/05/09

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

02/06/10

A substance abuse policy has been prepared but not submitted to the State for approval. The State requires an approved rehabilitation program be included as part of the policy. This is available through the Affiliated Employee Assistance Program. The program costs are \$4.50 per employee per month. This ranges from a low of three during the winter to fifty four in the summer. In addition, there is a \$64.00 charge per person for the initial drug test. To test all of the employees and enroll in the rehab program would cost about \$5080.00 per year. We will need to determine who, if not all employees, should be tested. This expense is not currently budgeted. Wayne was asked to find out if a pre-employment drug test could be done with out having a full substance abuse policy. If so, this could be added to the personnel policy. Wayne will determine this for the next meeting.

Legal Opinion of Authority Between Selectmen and Executive Committee

Closed

12/05/09

Wayne was instructed to seek legal opinion to identify the exclusive duties of the Selectmen. (It was decided to wait until the next meeting to give direction to Wayne on this issue.)

02/06/10

See "Selectmen's Authority per Title 30A" under new business.

Ferry Electronic Ticketing System

Joe

Prior to 12/08

Information not included – not considered necessary as it is prior to decision to issue RFP

12/13/08

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.

02/07/09

The Town received two responses to the RFP but one of those was not responsive to the requirements and Wayne is evaluating the one responsive proposal, provided by ICS. Joe Potts recommended that the Board authorize Wayne to proceed through the Planning Phase followed by a decision to proceed further through the design phase. MOTION by Mark Thomas to authorize expenditure of an additional \$25,000 from the Ferry Capital Reserve to complete the Design Phase of the Ferry Revenue/Data Collection System; contract award contingent on IC Solutions providing sufficient information to the Town Manager that projected costs to completion (including installation, testing, training and 1st year warranty support) will not exceed \$30,000 and that they have the capability to service and maintain the system, second by John Nun, further

discussion: Jimmy Kuiken requested that Wayne advise the Board of IC Solutions response to the motion conditions;
Wayne to resend the ICS proposal to Board members – UNANIMOUS (Dave Bond was opposed.).

03/07/09 No Change

04/04/09 Wayne said that he had received a 2nd proposal too late for consideration from Acute Technologies [worked last year with Bob Russo]. He would like to meet with the Board and/or the System Committee to show what he could do for \$25 – 35K. Joe Potts said he felt that ICS was reputable and could probably provide a useful system at some lower price than quoted. He recommended that a committee of Joe, John Crosby, Wayne, and Betsy Gleysteen meet with these two vendors to feel out what could be done. There are sufficient funds within those already authorized to possibly reimburse the vendors for any expenses incurred to support such a meeting.

05/16/09 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.

06/27/09 Wayne provided an update on the progress of the project – Both bidders were responsive and a decision was made to award to Acute Systems based on cost. MOTION by John Nun to authorize expenditure of up to \$30K from the Ferry Reserve to complete development and installation of the Ferry Revenue/Electronic Data System, second by Mark Thomas – UNANIMOUS.

07/25/09 to Ferry E – Ticketing / Data collection project: We selected Acute Technology LLC. from Vermont to develop the software and provide the hardware we need to implement the E-Ticket system at a cost of \$22,450. They have begun the development process and anticipate having the system up and running by may 15th of next season. (Manager’s Report)

08/29/09 We selected Acute Technology LLC. from Vermont to develop the software and provide the hardware we need to implement the E-Ticket system at a cost of \$22,450. They have begun the development process and anticipate having the system up and running by may 15th of next season. (Manager’s Report)

09/26/09 to 10/03/09 No Change (Manager’s Report not attached to minutes)

10/17/09 E-Ticketing: Expect conversion to start 15 May 2010. (Manager’s Report)

12/05/09 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. (Manager’s Report)

02/06/2010 A “Web-Review” with James Thompson of Acute Technologies, the developer, and representatives from Frye Island was held on Thursday February 4th. The attendees from Frye Island were Joe Potts, John Crosby, Betsy Gleysteen, Ronnie Ilich and Wayne Fournier Joe explained that he was a little bit disappointed that we were unable to operate the system but the screens that would be used were shown, and the developer committed to addressing a number of issues that were identified. Acute will develop a flow chart explaining the functions of all of the system users and distribute it to the committee by the end of February. In addition, he will send Joe the software and a hand held scanner shortly thereafter so that Joe can insure all of the scenarios have been addressed and identify corrections and / or additions. We are on schedule to implement the system this spring when the Island opens. It was suggested that instructions to the Islanders be prepared for inclusion in the Winter News Letter and a hand out be available for the Islanders as they arrive at the ferry terminal when the season opens. Wayne and the committee will see that this happens assuming the information is available at the time the News Letter is published.

273 Leisure Lane Erosion issues

DEP

During the Summer of 2007 Mrs. Alison Zea was issued a permit by the Department Of Environmental Protection (DEP) to remediate the erosion that had occurred on her property at 273 Leisure Lane. The work was to be performed by First Coast Realty Development Corp. a company owned by Mrs. Zea and her husband using geo-cell technology. The intent being to correct the erosion problems that had occurred over the years and to build a summer residence on the lot. This project led to violations of Frye Island’s Shoreland Zoning Ordinance and Land Use Ordinance. In addition, the DEP also issued a notice of violation claiming that the permit to accomplish the erosion remediation was not completed correctly. Mrs. Zea and the DEP were not able to resolve the issues and the DEP has filed a complaint with the Superior Court. The case has not been resolved. The Town is not directly involved in this action but it is doubtful the issues that the Town has with the violations on lot 273 will be resolved until the Court case is decided.

02/06/2010 There has been no change

273 Re-vegetation Issues

Executive Committee / Wayne

In June, 2007, Mrs. Alison Zea, owner of 273 Leisure Lane, was issued a Notice of Violation by the Frye Island Code Enforcement Officer for excessive vegetation removal on lot 273 which violated the Town's Shore Land Zoning Ordinance. Through the summer of 2008 representatives from Frye Island, and the Department of Environmental Protection met with a designer from O'Donal's Nurseries to develop a re-vegetation plan that was approved by all parties including Mr. and Mrs. Zea in September 2008. It was understood that Mr. Zea would complete the re-vegetation plan as soon as possible in the spring of 2009 and no later than June 23rd. This was not accomplished.

02/06/2010

On June 14th 2008, an Administrative Consent Agreement was signed by Mrs. Zea requiring, in part, the following:

- Mrs. Zea submit a plan for the e-vegetation of lot 273 to the Town for approval.
- Following written approval of the plan, acquire an estimate for the plants and the labor to re-vegetate the lot and pay that estimated cost to the Town to be held in an account and disbursed to the contractors based on approved progress
- Proceed with due diligence to re-vegetate the lot and maintain, in perpetuity, the plantings
- Submit a contribution in the amount of \$10,000 to the Town. \$5,000 to be held in an account and returned to Mrs. Zea upon completion of the re-vegetation project if completed within 1 year and \$5000 to be retained by the Town for other storm water or mitigation projects as approved by the Selectmen. To Date, none of the re-vegetation has been done.

273 Leisure Lane Set-Back Violation

Executive Committee / Wayne

During the fall of 2007 Mrs. Zea was granted a permit to install the foundation and the septic system for a future home at 273 Leisure Lane. This permit allowed the foundation and septic only, no dwelling could be built until the re-vegetation issue was resolved. In February of 2008, a Notice of Violation was issued to Mrs. Zea, as owner of the property, identifying the Frye Island Code Officers belief that the foundation was in violation of the set back requirements of the Town's Land Use Ordinance. More specifically, the foundation was thought to be in violation of the 50' setback requirement from Leisure lane and the 15' side line set back from the northerly lot line. In addition, there was a suggestion that there might also be a violation of the 100' set back from Sebago Lake. A certified plan from Sebago Technics that Mrs. Zea submitted confirmed the road and the side line setbacks but confirmed that the lake side wall of the foundation was just at the 100' mark and therefore not in violation. Mrs. Zea initially applied to the Board of Appeals for a waiver of the set back violations but later withdrew the application. Withdrawal of this application removed her rights to any further appeal and requires the violations be corrected.

02/06/2010

In July 2009 the Executive Committee formed a sub-committee including Mark Thomas, John Nun and Dave Bond to meet with Mr. Zea to negotiate a settlement for the outstanding issues. On July 29, 2009 an agreement was signed by Mrs. Zea agreeing to the following:

- First Coast Realty would pay the outstanding ferry fees in full (\$20,240)
- Purchase and install the plants required by the approved plan, dated in September 2008. Following satisfactory installation the Town would pay for the installation up to the \$5000.00 the Town is holding in escrow. If the installation is less than the \$5000 the remaining amount will be returned to Mrs. Zea. If the installation is more than \$5000 Mrs. Zea would have to pay the remaining amount.
- To correct the set back violations identified in the NOV dated February 18, 2008. Following acceptable correction the Town would reimburse the \$5000 contribution being held in escrow.
- Should any of the plantings be damaged as a result of any work required by the DEP, Mrs. Zea would be responsible for their replacement.

To date nothing has been corrected.

**First Coast Realty / Mr. & Mrs. Zea
outstanding ferry fees**

Executive Committee / Wayne

First Coast Realty Development and Mr. and Mrs. Zea accumulated \$20,240 in ferry fees during a very short period of time in the fall of 2008. Mr. and Mrs. Zea have agreed to pay the town the outstanding debt in full. This was documented in a Promissory Note signed by Mrs. Zea on September 26th 2009. In this note Mr. and Mrs. Zea agreed to pay interest at an annual rate of 9.00% on any and all of the balance that remained unpaid after October 26th 2009 until it was paid in full.

02/06/10

Wayne reported that he spoke with Mr. Zea on February 5, 2010 and was told that the funding was in place and the Town should receive the payment with interest by the 1st week in March 2010.

Beach Nine

Wayne

During the summer of 2009 the office received a complaint that the owners of 328 Island Road were improperly using the access to Beach 9 as a drive way and preventing Islanders from parking in that area. Consequently, the Town paid to have the Beach 9 property surveyed to determine the lot lines. This did establish the proper lot lines between lots 328 and the beach 9 area. In addition, it identified the fact the owners on 247 Leisure, the Leonard family, the abutters on the southerly side of beach nine had improperly claimed a portion of beach 9 as their own. When notified of this, Ms. Patti Leonard informed me that that piece of land had been given to her family by the developer of the Leisure Living many years ago. Absent any written documentation of that fact; I informed her I would not accept her contention that the Leonard family owned the land. I was then informed that the family intended to file a claim for adverse possession. I discussed this with the Town attorney and notices to prevent adverse possession were issued to the owners on both 238 Island Road and 247 Leisure Lane. I have met with the owner of 238 Island Road and they have accepted the results of the survey and have agreed not to prevent the use of the beach 9 parking area. The owners of 247 Leisure Lane do not accept the results of the survey and plan to file a claim of adverse possession. The Town attorney has submitted a number of documents explaining the Towns position that adverse possession would not apply but the appearance is that they are not accepting this. We attempted to meet with the family and their attorney last fall but they were unable to schedule a trip to Maine. The Leonard's installed some boulders a few years ago to mark the section of the beach they are claiming as there own

02/06/2010

Wayne will be asking the Town attorney to send a letter to the Leonard's attorney stating that it is our intention to remove the boulders when the Island opens this spring. If this doesn't prompt further action on their part we will remove the boulders. The Committee concurred with this action.

NEW BUSINESS

• **2010 Ferry Schedule**

Wayne

02/06/10

Wayne presented the 2010 ferry schedule. Jim Kuiken identified an error in the second ferry operation on some days in July and August. These errors were corrected. Dave Bond questioned the April 30th opening date. Wayne stated that standard policy had been to open the last Friday in April and close the first Monday in November, weather permitting. It was suggested that the opening be moved up a week to Friday April 23rd. Wayne said that he could do this on a tentative basis determined by the weather and access to the Island. Joe Potts mentioned that an earlier starting date may affect the implementation of the E-Ticket system but we could work around it. Wayne will publish the schedule with the adjusted starting date.

• **2010 Liquor License for Leisure Lounge**

Wayne

02/06/10

Wayne explained that the Maine Liquor Laws allowed Municipal Officials to waive the public hearing to renew a liquor license if the facility had been in business for 5 years or more with no complaints. A motion was made by John Nun and seconded by Mark Thomas to waive the public hearing and approve the application for renewal of the liquor license for the Leisure Lounge at the Golf Course. The Executive Committee vote was unanimous. Wayne will complete the application and submit it o the State for approval prior to the season opening.

• **Approve revised Golf Policy**

Closed

02/06/10

Mark Thomas explained the revisions to the Golf Policy that were recommended by the golf committee at its

recent annual meeting. The revisions were primarily clarifications and restructuring the format without substantive changes. Mark did mention that the committee recommended some very minor changes to the fee structure and a new schedule would be available soon. Mark also mentioned a possible change in the policy that provided free golf memberships to Island employees but that would not happen this year but potentially next. A motion was made by Bob Sutherland and seconded by Bruce Nisula to approve the Golf Policy as recommended by the Golf Committee. The Executive Committee vote was unanimous.

- **Transfer funds from Golf Operating Reserve to Golf Equipment Reserve** **Joe Potts**
02/06/10 Mark Thomas explained the golf cart situation at the Golf Course and the fact that some of the carts were getting older. The Golf Committee plans to establish a policy to annual upgrade the golf cart fleet. We presently have 10 and the Committee would like to get to 12. Therefore, the plan is to purchase 3 used (2-3 years old) golf carts this spring and sell the oldest one. Going forward, the Golf Committee plan is to purchase one used cart every year and sell the oldest one. This will keep the fleet at 12 and insure the oldest one is no more that 14 – 15 years old. A properly maintained golf cart should easily last 15 years. Mark recommended that \$11,000 be transferred from the Golf Operating Reserve to the Golf Equipment Reserve for the purpose of purchasing 3 used golf carts. A motion was made by Mark Thomas and seconded by John Nun to make this transfer of funds **and authorize the purchase of three used golf carts**. The Executive Committee vote was unanimous. Joe Potts will provide the documentation to accomplish this transfer.
- **Review Project Recommendations** **Closed**
02/06/10 Joe Potts presented a list of projects with recommendations for action. (See attachment “B”). A motion was made by Joe Potts and seconded by Jim Kuiken to accept the recommendations as presented. The Executive Committee vote was unanimous.
- **Selectmen’s Authority per Title 30A** **Closed**
02/06/10 A question arose at a previous meeting concerning the actions and / or votes that were exclusively that of the 3 Selectmen vs. the actions and votes that the full 7 member Executive Committee could participate in. While all agreed that as many activities as allowed by law and charter should be the responsibility of the full Committee, there remained some question concerning the legal authority of both entities. Joe Potts reviewed Title 30A which identifies the responsibilities of the Selectmen and created a list of those responsibilities (See attachment “C”). Joe Potts made the following motion. “In all future actions all 7 members of the Executive Committee will vote / approve except for those items specifically identified on the list that Joe Potts compiled from his review of Title 30A subject to legal opinion”. This motion was seconded by Dave Bond. A considerable amount of discussion followed regarding statutory authority established by Title 30 A and municipal authority established by the Town Charter. Following this discussion it was agreed that only the 3 Selectmen would vote on this motion. The vote was one in favor (John Nun) and two opposed (Mark Thomas and Jim Kuiken). The motion failed. However, it was reaffirmed that the intent was to have all 7 members participate in all of the actions of the Committee.
- **Complimentary Ferry Passes for Town and BIT Elected and Appointed Individuals (Not Volunteers)** **Closed**
02/06/10 Mark Thomas proposed establishing a policy that allowed compensating **elected and appointed** officials with complimentary ferry passage. Following a brief discussion there was no motion and the proposal failed.

Other New Business

- Fire Works** **Closed**
02/06.3010 Wayne reported that the fire works display for 2010 have been scheduled for Saturday July 3rd. No further action is required
- Winter News Letter / Annual Report** **Wayne /Joe/Mark/Dave/John/DPW/ FIPD**
02/06.3010 Wayne reported the winter news letter / annual report would be completed around the last week in March and notice of its posting on the web site would be provided to property owners . Wayne requested reports from the previous 1st selectman, the Treasurer, the Marina Committee Chair and the Director of Golf to include in the news letter..
- Water System Pilot Study** **Wayne /Mark / John Crosby**
02/06.3010 Wayne reported that we had a proposal, estimated to be in the \$5K, range to perform an analysis and a pilot study of our potable water system in an effort to increase efficiencies and save money. Mark suggested that before se do a pilot study we meet with the safe drinking water division at the State to identify exactly what they require of our system. Wayne mentioned that we have always complied with the water testing requirements of the State and have never had a failed test. Wayne will send the test reports that he has electronically to Mark and will schedule a meeting with the State as soon as all parties are available.

REPORTS

Meeting Minutes – 12/05/09

02/06/2010 The minutes were approved as presented.

Treasurer's Report\

02/06/2010 The Treasurers report was accepted as presented.

Golf Report

02/06/2010 The Golf report was accepted as presented.

Marina Report

02/06/2010 There was no Marina report at this time.

EXECUTIVE SESSION: None Held

Adjourn Meeting: A motion was made by John Nun and seconded by Jim Kuiken at 12:49. The Executive Committee vote was unanimous.

**Town of Frye Island
Ferry Operating Policy
Unscheduled runs**

Definitions:

1. Unscheduled Run: An "unscheduled run" is any run before or after the approved daily run schedule of the ferry service.
2. Medical Emergency: A "medical emergency" is any situation that requires any person on the Island to be transported off the Island by a licensed ambulance service.
3. Non-Medical Emergency : A non-medical emergency is any emergency situation that involves the Frye Island Police Dept., Frye Island Fire Dept., Raymond Fire Dept, State Police, County Sheriff, Warden Service, or any other law enforcement agency.
4. Family Medical Emergency: A "Family Medical Emergency" shall consist of an off-Island medical emergency involving an immediate family member to include: father, mother, son, daughter, brother, sister, mother in law, father in law, or grand child, that requires a person to leave the island without delay.
5. Allowable Time: The "allowable time" is one (1) hour before or after the daily run schedule of the ferry service only. No unscheduled runs will be authorized out side of this allowable time, with the exception of the Emergencies described in 2, 3, and 4 above.

Policy:

1. Should an Islander require an unscheduled run, with-in the allowable time, they must notify the ferry service in advance by calling the ferry office at 207-655-4258 while the ferry crew is still on site.
2. The fee for an unscheduled run to the Island shall include the appropriate ferry ticket plus the fee listed below:
 - a. \$50.00 if the un-scheduled run begins within the first ½ hour after the last scheduled ferry run.
 - b. \$100.00 if the unscheduled run begins between ½ hour and 1 hour after the last scheduled ferry run.
3. The fee for an unscheduled run from the Island shall be as follows:
 - a. \$50.00 if the un-scheduled run begins within the first ½ hour after the last scheduled ferry run.
 - b. \$100.00 if the unscheduled run begins between ½ hour and 1 hour after the last scheduled ferry run.

Note: No ferry ticket will be charged for runs from the Island

4. The fee for an unscheduled run involving more than one vehicle to the Island shall be the same fee as described in 2 and 3 above but pro-rated among the number of vehicles. However, the appropriate ticket will be required for each vehicle.
5. The fee for an unscheduled run involving more than one vehicle from the Island shall be the same fee as above but pro-rated among the number of vehicles.
6. No fee will be charged in the event of Emergencies described in definitions 2, 3, and 4 above.
7. A Captain may refuse, under extenuating circumstances, to make an unscheduled run, except for an Emergency, and only after receiving authorization to do so from the Ferry Director or Island Manager.

All ferry runs are subject to safe operating conditions including weather and equipment.

Attachment "B" to 02/06/2010 Meeting Minutes

Project / Account	Authorization	YTD Expense	Unused Amount	Proposed Action
60 - Capital-Administration				
1 - Rescue Boat Support	3,000.00	0.00	3,000.00	Keep Project Open
2 - Comm Center Siding	3,238.89	3,238.89	0.00	Close Project
3 - Assessment Revaluation	2,313.58+	0.00	2,313.58+	Keep Project Open
61 - Capital-Public Works				
1 - New Dump Truck	42,000.00	42,000.00	0.00	Close Project
62 - Capital-Public Safety				
1 - Police Car Replacement	12,000.00	11,000.85	999.15	Close Project, Return Unused \$ to Reserve
63 - Capital-Recreation				
1 - CC Flooring Rec Room	4,300.00	0.00	4,300.00	Close Project, Return Unused \$ to Reserve
2 - CC Roof Replacement	20,000.00	18,414.53	1,585.47	Keep Project Open
65 - Capital-Water System				
1 - Water Line Ext Phase 2	88,200.00	88,200.00	0.00	Close Project
2 - Water Line Ext Phase 3	19,800.00	163.33	17,636.67	Keep Project Open, recommend change *
8 - Lightning Damage	3,519.19	3,519.19	0.00	Close Project
66 - Capital-Ferry System				
1 - Barcode Rev System	30,000.00	11,135.00	18,865.00	Keep Project Open
2 - Cape Parking Lot	10,000.00	2,595.00	7,405.00	Keep Project Open
3 - Trailer Septic System	13,711.55	13,711.55	0.00	Close Project

4 - Ferry-Two New Engines	80,000.00	5,652.80	74,347.20	Keep Project Open
67 - Capital-Golf Club				
1 - Tee Boxes 1&7 Reno	9,590.46	9,590.46	0.00	Close Project
2 - Lounge Expansion				Keep Project Open
Liability Funds	31,398.60	16,218.33	15,180.27	
Reserve Funds	4,800.00		4,800.00	
3 - Hole 2 Drainage	5,000.00	5,000.00	0.00	Close Project

* Reduce unused authorization by \$2,000 due to adjustment by auditor

Attachment "C" to 02/02/2010 Meeting Minutes

Items Requiring Selectmen Only Votes

- } Appointment of Town Positions
- } Town Meeting Warrants
- } Town Check Warrants
- } Ordinance Certification, Enforcement
- } Receipt of Gifts
- } Enforcement of Land Use Laws and Ordinances
- } Authorization to Issue Bonds, Borrow Funds
- } Charter Revisions, Adoptions, Procedure
- } Application for State Funds for Public Assistance Programs
- } Regional Planning Commissions
- } Recount Hearings
- } Identification of Town Boundary Lines
- } Decoration of Veterans' Graves
- } Abatement of Public Nuisance
- } Small Borrow Pit Compliance
- } Disposition of Abandon Property
- } Municipal Fire Protection Zones, Aid to Other Municipalities
- } Preservation of Trees Along Public Ways and Water
- } Public Dump Acquisition, Rat Control
- } Sewers and Drains Construction, Prosecutions, Charges, Crossings, Connections, Fees
- } Regional Transportation District
- } Fire Districts
- } Utilization of Air Rights
- } Licensing Authority of Town Lodging Houses, Lunch Wagons
- } Junkyards and Automobile Graveyards
- } Growth Management Programs
- } Affordable Housing, Urban Renewal
- } Eminent Domain
- } Capital Improvement Districts
- } Rates, Fees and Charges for Revenue Producing Facilities
- } Determination of Municipal Year
- } Directions on the Investment of Town Funds

Note: Information pulled from State Statute 30-A Part 2