

MEETING DATE: June 12, 20109:00A.M. Frye Island Community Center

START	END	NEXT MEETING	NEXT TIME	PREPARED BY
0907	1055	July 24	9:00 AM	Wayne Fournier

ATTENDANCE

EXECUTIVE COMMITTEE:

Mark Thomas - Selectman
 Jim Kuiken – Selectman
 John Nun – Selectman
 Bruce Nisula
 Joe Potts
 Dave Bond
 Bob Sutherland

Town Manager: Wayne Fournier
Treasurer: Joe Potts
Recording Secretary: Nancy Fournier

PETITIONS FROM THE PUBLIC

Roger Stenz asked if the meeting minutes could be posted on the Web sooner. Joe indicated that he would take care of it.

Joe Potts discussed the vote at the Frye Island Inc. Board meeting to suspend the transfer of any FII property to the Town until the requirements to dispose of any transferred property is determined. The Committee agreed to work on a warrant article for the October Town Meeting to address this issue.

06/12/2010

OLD BUSINESS

BIC

EMS Agreement with Raymond

Closed

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.

04/03/2010

Wayne has had a discussion with Don Willard, Raymond Town Manager and has sent an email to Denis Morse identifying the areas of concern. Waiting a reply. Wayne was instructed to determine the best arrangement for the Town and approve the agreement.

05/15/2010

I have contacted Denis Morse and Chief Persson to schedule a meeting. Denis was going to be away and will contact me when he returns to finalize the agreement. A meeting has been scheduled for Thursday May 20th with the Town of Raymond to finalize the agreement.

06/12/2010

I attended a meeting on May 20 with RFD Chief Denis Morse and FIFD Chief Steve Persson to finalize the Fire and EMS agreement. The agreement provides assistance for both fire and EMS services from Raymond through April 1, 2012. Chief Persson and Chief Morse will be scheduling joint training sessions to familiarize both departments with the services each can provide. This item can be closed

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 (i.e. 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
- 004/03/10 Wayne has emailed Katharine Moore at the Secretary of States office inquiring about the lack of payment. As of this date there has been no response. Wayne will continue to try to get the reimbursement from the State
- 05/15/2010 Wayne has attempted to contact the Secretary of States office to no avail. However, we have learned that there is still money available for these projects and a fax was sent to the State requesting reimbursement of our expenses. An e-mail from the Secretary of State's office confirmed that the request has been forwarded to the person responsible for the payment of these reimbursements.
- 06/12/2010 I have talked to Tina Means from the Secretary of States office. Apparently her predecessor misplaced half of our file. I have re-sent the information she was missing. Hopefully, we will be receiving this reimbursement soon. This item will remain open.

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.
- 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.

04/03/10

No Change, Waiting to hear about our application

05/15/2010

Dave Bond reported that it appears that our request for funds has been forwarded, with a number of other applications, to the federal government. Dave also reported that Brian Nisula has agreed to chair the Transportation Committee again.

06/12/2010

No Change

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.

04/03/10

Joe Potts has received the information and equipment he requested and is working with Acute Technologies to test the system. He has generated a list of items that needs to be addressed by the Executive Committee. Joe gave the committee an update on the system and reviewed “Table 2”.

Table 2. Issues for the Town of Frye Island to Resolve (

Item #	Description of Issue	Resolution
Tuesday - March 30, 2010		
1	Printed on the paper ferry ticket are the words "Ticket is refundable at Town Office". Should the time period for refund be limited to a fixed number of months, e.g. twelve months?	The words describing refund ability should be removed from the ticket.
2	Should the ability to use a ferry ticket expire after a defined period of time?	A prepaid ticket will expire 18 months after the purchase date; if the ticket price increases during that 18 month period, a credit on a replacement ticket can be obtained at Town Office only.
3	Should the Island purchase an ID laminating machine that will be able to laminate the paper ID card image into a pouch sleeve for a credit card size item?	The Town currently has a laminating machine; Wayne will coordinate the production of credit card size IDs from the paper output from the eTicket system.
4	Does the EZ-Ride ID card need to have a photo of the customer?	No photo will be utilized on the IDs
Wednesday - March 31, 2010		
5	Should existing Complimentary Ferry tickets only be converted to paper Complimentary Ferry bar-coded tickets or could there be an option for a \$15 credit be given on an EZ-Ride account for each ticket?	Any old Comp. ferry tickets can be exchanged in the Town office for bar-coded Comp. tickets.
Thursday - April 1, 2010		
6	What should the penalty be for passing an EZ-Ride ID or Employee ID to someone other than the issued individual for passage on the FI Ferry?	No penalty defined; owner is responsible for all usage.
7	What should be cost be to replace an EZ-Ride ID or Employee ID that was lost?	\$10 cost to issue a replacement ID.
8	Can the ferry mate ticket collection be simplified to automatically record the time the ticket is taken instead of forcing the mate to enter the run time?	Ferry mate does NOT have to enter run time; system should automatically record date & time of the transaction; goal is to simplify Mates HHT interaction.
Saturday - April 3, 2010		

9	Who will be the initial users of the EZ-Ride accounts during the initial period when the system is installed (prior to public availability)?	The members of the BoS/EC and the Ferry eTicket committee are encouraged to open and use an EZ-Ride account as soon as possible.
10	What will be the schedule for the initial rollout of the eTicket system?	9am 4/23 start selling bar-coded tickets and taking initial applications for EZ-Ride accounts (see Item #9 above) in the Town office; 4/27 1pm start installation of ferry mate system; 4/28 start using HHT by ferry mates for bar-coded tickets; 4/30 10am start using HHT for EZ-Ride ferry passage.
11	Is the logo currently being used on the eTickets and IDs OK?	No; the Frye Island logo in B&W form should be provided to the developer to replace current logo

05/15/2010 Joe Potts spent a couple of weeks testing the equipment and software while at home and then continued that effort when he arrived on the Island in late April. The developer brought the new computer for the ferry trailer, and installed the equipment in the trailer so that ferry crew training and additional debugging could continue. Joe has identified a number of issues and has conveyed them to the developer. He also had the developer on site for a couple of days during the week of May 2nd. Additional issues were identified with the system; many of them were corrected on site but some will be corrected at the developer's office. We are making good progress but there is still some work to be done to insure the system is functioning accurately and consistently. I would guess that we are looking at June before we will be ready to start issuing ID Cards and implementing the system. We still plan to start with a few select few Islanders.

06/12/2010 We had a lot of problems with the ID Cards but I now feel confident that we have corrected that problem. I have purged all of the accounts that were in the system and have re-entered the data for those that have opened an account. I have issued new ID Cards to the few EZRide accounts and employee accounts that will be testing the system. Joe has been working with the hand held scanners and while he has been able to correct a lot of the reporting issues there remain some that still require work. It was our hope to implement the system for a select few on Monday the 14th but it doesn't look like we will make it. The Committee agreed that it was more important to get the system working as well as we could before implementation than to rush into it. Joe will update his status report and distribute it to the committee.

**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

04/03/10 No change

05/15/2010 No Change, I have called the DEP for an update but have not heard anything yet.

06/12/2010 There has been no change. According to Mr. Zea, he intends to have the issue with the DEP resolved by July 12th so that he can proceed with the re-vegetation according to the approved plan. Mr. Zea indicated the Committee would be getting a letter to this affect but we have not received it yet.

**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.

04/03/10

Mr. Zea called me on Thursday, March 11 and indicated that he had re-organized his financial situation and would be correcting all of the issues very soon. He did need to have a bank representative review 273 Leisure Lane and I made arrangements with Chief Beaulieu to get the bank representative to the Island. Chief Beaulieu reported that he had a couple of discussions with Mr. Zea's representative and scheduled 2 trips to the Island. Both were cancelled, one because of the weather and the other by Mr. Zea's representative.

05/15/2010

I spoke with Mr. Zea on May 6th and stated that he had finally closed with his bank and would be paying the outstanding debt within 60 days. During that phone conversation, Mr. stated that he was close to a settlement with the DEP and as soon as that was finalized he would complete the replanting; he also indicated that the financial arrangement he had required that he remedy the issues at 273 Leisure lane within 60days or face forfeiture of the funds.

The DEP has suggested that we initiate a law suit against First Coast realty and the Zea's to apply pressure to get this done or face a fine which could be substantial. It is approaching 3 years since the notice of violation was issued. Wayne was instructed to contact Mr. Zea, either by phone or letter, and inform him that if there has been no action in the 60days that the Town, following the recommendation of the DEP, will initiate legal action.

06/12/2010

The letter was sent and has been received by Mr. Zea. He was not happy to get the letter. However, it is Mr. Zea's intention to accomplish the re-vegetation in accordance with the approved plan by July 12th 2010. Mr. Zea indicated the Committee would be getting a letter to this affect but we have not received it yet.

**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.

04/03/10 Mr. Zea called me on Thursday, March 11 and indicated that he had re-organized his financial situation and would be correcting all of the issues very soon. He did need to have a bank representative review 273 Leisure Lane and I made arrangements with Chief Beaulieu to get the bank representative to the Island. Chief Beaulieu reported that he had a couple of discussions with Mr. Zea's representative and scheduled 2 trips to the Island. Both were cancelled, one because of the weather and the other by Mr. Zea's representative

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The DEP has suggested that we initiate a law suit against First Coast realty and the Zea's to apply pressure to get this done or face a fine which could be substantial. It is approaching 3 years since the notice of violation was issued. Wayne was instructed to contact Mr. Zea, either by phone or letter, and inform him that if there has been no action in the 60days that the Town, following the recommendation of the DEP, will initiate legal action.

06/12/2010 The letter was sent and has been received by Mr. Zea. He was not happy to get the letter. However, it is Mr. Zea's intention to accomplish the re-vegetation in accordance with the approved plan by July 12th 2010. Mr. Zea indicated the Committee would be getting a letter to this affect but we have not received it yet.

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.

2/06/10 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.

04/03/10 Mr. Zea called me on Thursday, March 11 and indicated that he had re-organized his financial situation and would be correcting all of the issues very soon. He did need to have a bank representative review 273 Leisure Lane and I made arrangements with Chief Beaulieu to get the bank representative to the Island. Chief Beaulieu reported that he had a couple of discussions with Mr. Zea's representative and scheduled 2 trips to the Island. Both were cancelled, one because of the weather and the other by Mr. Zea's representative

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06/12/2010 I spoke with Mr. Zea. He informed me that First Coast Realty, a Massachusetts company would start paying a reasonable amount toward the outstanding ferry debt; probably in July. In my most recent telephone conversation with Mr. Zea, he indicated that it was his intention to use the \$5000 that the Town is holding in escrow towards the ferry debt, pay as much of the remaining debt that he will be able to do after his closing and then pay the remainder as soon as possible after that

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 Town's 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 their 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.

04/03/10 I asked the Town attorney to prepare the letter. On Friday March 12 he called saying that Ms. Leonard's attorney had called him requesting a mediation meeting. He is trying to set it up for the last week in April. The meeting has been scheduled for **Tuesday, May 11, at 1:00 p.m.**

05/15/2010 A meeting was held on May 11th with the Town attorney, Ms. Leonard's attorney, and a mediator to discuss the encroachment issues. No settlement was reached at the mediation session. The Leonard family insisted that they had acquired a portion of the beach 9 area by *adverse possession*. They further stated, by E-mail through their attorney, that they would file a trespassing complaint if we attempted to remove the boulders that they placed there in 2004. The BoS / EC adjourned to Executive Session to discuss the issue with the Town Attorney. Following the Executive Session, the BoS / EC concurred that the Town would defend ownership of the section of Beach 9 the Leonard family claims to own by *adverse possession* should the Leonard family decide to take their case to the Maine Superior Court. In the mean time, and until decided differently by Court action, Frye island / Frye Island Inc. assumes ownership of the Beach 9 property as defined by the plan compiled by Main - Land Development Consultants, Inc. dated in August 2009 and the original plan developed by Leisure Living .

06/12/2010 No Change

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 we 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.

05/15/2010 No Change
We have determined that we did receive some poor information on the operation of the multi media filters but we have revised the operation and we have cleaned them and put them back into operation. Bob Campbell has been helping with the operation of the water treatment system. He has an excellent reputation with the folks at the Drinking Water Program; he does a lot of operations training for them and will be helping determine the best, most effective and economical way to operate our system.

06/12/2010

Maine DOT Ferry Proposal

Wayne, John Crosby, Transportation Committee

The Maine DOT has identified a small ferry capable of carrying 3 vehicles and 45 passengers. They proposed the possibility of the State purchasing the ferry and leasing it to Frye Island. Wayne will contact the DOT to get more details for the meeting. The committee agreed that the possibility of getting this ferry should not be dismissed but a lot more information was necessary before any decision could be made.

04/03/2010 We have received some of the physical information on the ferry including the fact that design specs are available and stability tests were performed. We are still trying to determine transportation costs and what restrictions would be placed on the Island if the State was able to get the ferry.

05/15/2010 The engineer / naval architect that worked for the company that built the ferry suggested that a trailer be modified that would support the ferry at an angle so that the over the road width would be 16Ft or less and the height would allow passage under the bridges / overpasses; however, he has reported that he was unable to do this. He has suggested that 4 FT be cut off the entire length of the ferry and that it be transported via 2 trailers (one for the large section & 1 for the cut off section and the wheel house) to Frye Island and re-welded when it gets here. He stated this would not impact any of the mechanical / electrical systems and would be relatively easy to do. He is getting an estimate to plasma cut the ferry, prepare the joint for welding and transport the sections to Frye Island. We are getting an estimate from Cianbro to weld the sections back together. Cianbro has said that this would be quite easy to do. We could have the sections delivered to the pit area on the mainland; the sections could be welded, painted and the ferry would then be craned into the lake. We are also getting an estimate to transport the uncut ferry to Frye Island by water for comparison. The ferry cost about \$380,000 when it was built in 2007 which was paid for primarily with a Federal Highway

06/12/2010

Administration legislative earmark

Long Term Transportation Reserve

Mr. Kuiken, Executive Committee

- 04/03/2010 Mr. Kuiken would like to discuss the possibility of transferring some of the money in the Ferry Capital Reserve into the Long Term Transportation Reserve. It was decided to table this item until a later meeting.
- 05/15/2010 No ChangeThis will be addressed during budget process.

Complaint of noise from new ferry engines

Wayne, John Crosby

- 05/15/2010 We have received "informal" complaints from residents of the Raymond Cape Road about the noise from the new engines on the Ellie Corliss. The State Game Warden has also received some complaints and actually approached both ferries last Sunday but didn't think there was excessive noise. The new engines have different mufflers and one of the engines does sound a little louder so we have asked the manufacturer for the proper muffler. The one initially installed was supplied because at the time it was the only one available.
- 06/12/2010 The new muffler has been received and we are trying to schedule the mechanic from Maine Marine Diesel for the installation. It is our hope to do this before the high season begins.

Review the results of the revaluation of the undeveloped lots.

Paul White

- 05/15/2010 The value of the unimproved lots on the Island has been questioned for a number of years. Therefore, Paul White was asked to conduct a study of these lots and identify what action, if any, should be taken to bring the value of these lots in line with the value applied to the improved lots .Paul recruited Bob Konczal, a licensed assessor and a principal in Atlantic Property Services to assist in this study. They reached a conclusion and Paul presented their recommendations to the Committee at the meeting (See the attached report). The Committee approved their recommendations. A motion was made by John Nun and seconded by Jim Kuiken to have Paul White adjust the factors in the real estate program for all of the unimproved lots in accordance with the recommendations determined by Paul and Bob Konczal. The motion passed with all in favor. Paul will revise the factors necessary so the new values will be ready for the 2011 budget / tax process. We will notify, by letter, all of the owners of unimproved lots of the change in value with an estimate of the impact it will have on their 2011 taxes.
- 06/12/2010 Paul is in the process of changing the appropriate factors in the real estate module. We are trying to determine if we can get a report from TRIO that will identify the existing property value and the adjusted value for all of the properties; we will then send all affected owners a letter explaining the adjustments so they can question the changes before we make the commitment at budget time.

Sebago Lake Proposal – Phase II

Wayne / John Crosby

Wayne introduced an e-mail received on May 13th from Betty Williams regarding the potential of receiving some grant money to help finance 3 projects on Frye Island.

1. Leisure Road – beaches #3, 4 & 6 for a total cost of \$12000. The grant can pay 60% or \$7200 and the town/public works would be responsible for the 40% or \$4800
2. Sunset Road – Improvements include ditches, turnouts, check dams and a level lip spreader. Total cost \$1800. Grant pays \$1080. Town/public works pays \$720
3. Ferry Landing Area – add surface material, grade, and pave over 20,000 square feet. Total Cost \$35,000. Grant pays \$21000. Town pays \$14,000.

I will also mention that for #1 & #2 listed above it is very likely that Public Works could weave this work in to the regular schedules and therefore the 40% can be labor and machinery.

For #3, I would foresee, since that involves some pavement, the town/public works would need to provide cash match to help pay for the asphalt.

Mr. Bond asked if the quote for the paving included properly preparing the base of the site to be paved. Review of the quote determined that this was included but there was an increase in the cost of asphalt and the project cost should be increased to \$38,900. Wayne will change the cost of this item in the letter sent to Ms. Williams. She will submit the application for the grant which has to be submitted by June 1, 2010. It is probable that these construction projects would be done in the second year of the project (2012) which would allow for time to budget the Towns portion. Wayne suggested that the Towns share could come from the Island Improvement Reserve if the Committee approved. The Committee approved submitting the letter to Ms. Williams requesting inclusion in the grant request.

- 05/15/2010
- 06/12/2010 The original proposal was checked and it did include properly preparing the base. \$2,000 was added to the original estimate and we wanted to add approximately \$2K to the request to be safe but the grantor would not allow it. The letter was sent in to meet the June 1 deadline. No Change

Foreclosures

Closed

Wayne reported that the following lots had passed the automatic foreclosure date for delinquent 2008 taxes:

- 05/15/2010
- 806 Beach View Drive
 - 1986 Twin View Circle

- 909 paddock Circle
- 1627 Ridge Road

06/12/2010 I left this on this week because the taxes owed on 806 Beach View were paid by a friend of the owner.

OTHER OLD BUSINESS

Insurance Certificates, W-4's, W-9's

Wayne

06/12/2010 Mr. Kuiken reported that he reviewed these documents with Calvin Nutting and found them to be lacking. Wayne will check to see what we have and what's missing.

NEW BUSINESS

Make appointments for Town Office Holders

Joe Potts

06/12/2010 See attached. All new appointments / reappointments were approved as presented. Motions were made by Jim Kuiken and seconded by John Nun to approve the appointments as presented. The motions passed with all in favor. Joe Potts presented the fact that he had not had a review in his position as Treasurer in the three years that he has held the position. The Committee agreed to look into this.

Review / clarify holiday benefit in new Employee Policy

Wayne / Executive Committee

06/12/2010 A question was raised about the employees that usually work Monday through Friday. If they the day off because of the holiday, do they get a days pay at the straight Time rate. This isn't addressed in the new Employee Handbook. The committee agreed that this should be reviewed and Wayne was asked to prepare a proposed revision to the Employee Handbook.

Use of Frye island Facilities (Beaches) by non-residents

Wayne / Marina Committee/ Public Works

06/12/2010 It has been reported that there are non-residents / non-guests arriving on the Island by boat and using the beaches. Wayne will check with the legal department to determine what authority the Town has to keep them from using the beaches. Wayne had distributed a letter from our attorney indicating that each beach should have "No Trespassing" signs on all of the beaches restricting usage to Frye Island residents and guests only. This will give the Police officers the authority to ask non-residents to leave. We will purchase signs for the beaches. It was discussed that the beach with the biggest problem is Long Beach and a possible cure would be to extend the swim area ropes but this would restrict the use of the beach to Island boaters. Dave Bond, chair of the Marina Committee, indicated the Marina Committee would review this.

Approve Disbursement Policies

Executive Committee

06/12/2010 Treasurer Joe Potts has issued the policies for the disbursement of Payroll and the disbursement of the School payment for approval. The policies are the same as the previous year with the new dates. A motion was made by Jim Kuiken and seconded by John Nun to approve the policies as presented. The motion passed with all in favor.

Transfer funds from Golf Equipment Reserve

Executive Committee

06/12/2010 The Golf Committee has requested the BoS / EC approve the transfer of funds from the Golf Equipment Reserve in the amounts of \$24,000 to purchase a new greens mower and \$15,000 for improvements to the Pro Shop and Leisure Lounge. A motion was made by Jim Kuiken and seconded by John Nun to transfer \$24,000 from the Golf Capital Reserve for the purchase of a new greens mower and \$15,000 from the Golf Operating Reserve to pay for renovations to the Leisure Lounge / Pro Shop required by the State Fire Marshals office. The motion passed with all in favor.

BYOB activities on Town Property

Executive Committee

06/12/2010 I have had a couple of queries recently from Islanders to hold BYOB activities at the Community Center. Even though there is no specific policy, I have refused these requests because of the potential liability for the Town. The liquor liability we have at the Golf Course lounge is for that operation only and if groups have a function catered the caterer has to provide the license and the liability insurance. Wayne had presented a letter from the Town attorney indicating there was very little up side and significant down side to allowing public BYOB functions at Frye Island facilities. The Committee concurred that the Town should not allow public BYOB functions at Frye Island Facilities.

OTHER NEW BUSINESS

Purchase of truck mounted fuel tank

Wayne

06/12/2010 The Raymond Fire Chief had asked if Frye Island would consider installing a fuel tank on the Island to provide fuel for the rescue boat. Wayne told him that the Town would not consider installing a permanent fuel tank on the Island. But might consider a portable / truck mounted tank. Wayne asked the committee if \$684 of the \$3000 that was previously approved for the purchase of a side angle sonar unit for the Raymond Rescue boat and is not needed could be used to purchase a truck mounted tank and pump. This could also be used for fueling the pontoon boat. Mr. Kuiken voiced a concern for liability in the case of a spill. Wayne was

asked to confirm with Raymond that the purpose of the refueling setup was for emergency / unusual situations only and to check on what if any insurance Raymond might have for spills.

Vendors setting up on Town property

Planning Board

06/12/2010

Wayne explained he has received requests to set up vendor tables on Town property adjacent to the Island post office. We have no ordinance to control or prohibit this type of activity. The committee concurred that his should be referred to the Planning Board for review and /or action.

Ballot for MMA Legislative Policy Committee

Wayne / Selectmen

06/12/2010

There were two nominations for two positions on the ballot. The selectmen approved the nominations and signed the ballot. This item can be closed

Outing with the officers and crew of the Jason Dunham

Wayne

06/12/2010

It was discussed that it was very difficult getting commitments to help with the outing and how difficult it would be to provide the extensive program that Dick Norris has proposed for upwards of 80 people if not more. Wayne was asked to discuss this with Dick to see if the program can be drastically reduced. Bob Sutherland explained that he had already spoken with Mr. Norris and would be willing to participate in a conference call.

Next Meeting

06/12/2010

The next meeting is scheduled for July 24 but a couple members will be unavailable that date. If there is no objection, the meeting will be rescheduled for Saturday, July 31st

REPORTS

Meeting Minutes – 05/15/2010

06/12/2010

Approved minutes of the 05/15/2010 meeting as presented

Treasurer's Report

06/12/2010

Joe reported on a recent training seminar he had attended. Wayne discussed a couple of YTD budget expenditures. Some of the supplies for Public Works were purchased earlier this year than past years and the dispatching costs had been improperly posted but Calvin has corrected those postings.

Golf Report

06/12/2010

Bruce reported that the irrigation pump had been pulled and the problem turned out to be moisture in the wiring. He also reported that a larger number of volunteers were stepping up to complete the kitchen addition and the renovations to the club house but there were still outstanding permits that needed State approvals before some of the work could continue.

Marina Report

05/15/2010

No new report

Adjourn Meeting:

A motion was made by Jim Kuiken and seconded by John Nun to adjourn the meeting at 10:55AM. All were in favor