



MEETING MINUTES FOR THE SELECTMEN/EXECUTIVE COMMITTEE MEETING 09/18/2010

START	END	NEXT MEETING	NEXT TIME	PREPARED BY
0904	1125	September 25, 2010	9:30AM	Wayne Fournier

ATTENDANCE

EXECUTIVE COMMITTEE:

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

- Town Manager:** Wayne Fournier
- Treasurer:** Joe Potts (Teleconference)
- Recording Secretary:** Nancy Fournier

PETITIONS FROM THE PUBLIC

- David Lowe spoke in favor of approving the abatement request of Mr. & Mrs. Crivellaro.
- Charlie Crivellaro spoke in favor of the tax abatement on his property.

OLD BUSINESS

Business Item	BIC
<u>Community Center Handicap Access</u>	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.
07/31/2010	I have e-mailed Tina Means in an attempt to get this resolved. She is on vacation until July 26 th . No Change
08/21/2010	No Change
<u>09/18/2010</u>	No Change, Wayne has e-mailed Tina Means but has no response yet. He will continue to try to get the reimbursement.
<u>Conceptual Plan for Willis Property – Transportation Committee</u>	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
02/06/10

No Change

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.

04/03/2010 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

07/31/2010 The Transportation Committee met on Sunday July 11. The minutes of that meeting have been distributed to the Committee. An additional meeting was held with Pat Cayer, Land Services Inc., and Mark Gray the site engineer to discuss the possibilities of developing a phased approach to the park and ride facility on the mainland. The immediate issues continue to be the safety concerns that arise when the queue extends onto the Cape Road and the cars that are presently being parked along the access Road and the Cape Road. It was decided to seek Executive Committee approval to proceed with the design work required to develop phase 1 (of concept 3) of the Park & Ride facility. This would consist of the “ring road” with sufficient parking for all of the cars that now use the access road with traffic patterns designed to safely accommodate automobiles, golf carts and pedestrians.

There was a considerable amount of discussion about the Hokes Bluff ferry. The estimate from Cianbro to transport the ferry from Hokes Bluff, Alabama to Frye Island was \$125,000. Members of the Committee felt that there would be considerable costs involved in making the ferry facilities acceptable to use the ferry once, and if, it got here. The transportation committee was asked to look into the feasibility of continuing the process to get the ferry and how it could be integrated into the ferry operation if the Town proceeded. The TC will be meeting on August 8 to discuss this issue and will report to the EC at its next meeting. Brian Nisula, chair of the Transportation Committee was asked to review the use of the

08/21/2010 Brian Nisula distributed an outline (attached) identifying the results of the Transportation Committees discussion of the Hokes Bluff Ferry. Brian explained that Tom Farrell, a Naval Architect had attended the TC meeting and participated in the discussions. While the Committee was able to identify possible uses for the ferry, both near and long term, there remained a number of questions that required the Naval Architects expertise before any firm recommendations could be made. Brian requested the ExCom approve \$2500 to contract for these services. Joe Potts indicated his concerns in transporting this ferry from Alabama to Maine and suggested additional monies be appropriated so the Naval Architect could evaluate the structure of the ferry to insure that it could withstand the rigors of the trip. A motion was made by Dave Bond and seconded by John Nun to appropriate \$2500 from the ferry capital reserve to have the Naval Architect perform the necessary research to answer the TC's questions. Joe Potts offered an amendment to increase the appropriation to include an evaluation of the transportation issues, especially if it included cutting the ferry to transport it over the road. Jim Kuiken made a motion to appropriate up to \$3500 to have the Naval Architect answer the TC's questions and to insure that the ferry could be transported to Maine safely. John Nun seconded the motion and the ExCom passed it unanimously.

Brian also distributed an outline (attached) identifying the TC's study of the proposed Park and Ride Facility on the mainland based on the ExCom's recommendation to reduce the preferred concept into a phased plan. Brian explained the safety concerns resulting from the lack of sufficient room on the ferry access road to accommodate all of the cars during peak demand forcing them to queue on the Cape road; and the parking problems resulting from the increased number of Islanders parking on the mainland and walking onto the ferry. He then presented the plan the TC recommended for the first phase (copy attached), and possibly the only phase, of the Park and Ride Facility. The estimate to do the full design and engineering for this phase is \$25,000 to \$30,000. A formal proposal / contract will be prepared if the Town decides to pursue this further. Joe Potts voiced his concern about the Town spending a large amount of money on a problem that only exists a few times during the peak season as well as the negative impact a Park and Ride Facility could have on ferry revenues if the pedestrian traffic increased substantially. He suggested warning lights and signage might be sufficient for the few times the problem exists each season. Brian and Pat Cayer, the site designer, will be available to discuss this at a joint ExCom – TC workshop to be held on Saturday August 28th.

09/18/2010 The Transportation Committee met on September 11th. A draft copy of the plan including the "ring road" only has been submitted by Land Services Inc. but it has not been estimated yet. Correspondence from MEDOT indicated that they would be more inclined to assist in the funding of a Park & Ride facility than they would in the purchase or upgrade of a ferry. They also would like a visit to our facility to review our operation. John Crosby is trying to schedule this.

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.
- 07/31/2010 We continue to make gains in using and operating the system. As of July 15th we started the process to exchange all of the old un-bar-coded tickets for the new bar-coded ones. We also increased the number of EZ Ride accounts that we have established. We still have issues, so we will be proceeding cautiously as we increase the use of the EZ Ride system. As has been stated a number of times we seem to take two steps forward and one back. During the first week in July, while attempting to correct one problem the developer erased the data base containing the tickets. This took better than a week to reconstruct. Joe spoke of the inexperience of the programmer and the fact that it might be necessary to hire someone at the end of the season to review and improve the system.

08/21/2010 The system appears to be more stable in both the office operations and the ferry. I still feel there is a need to review the data base structure in the fall / winter but I am reluctant to do so now while we are in operation. We also want to insure the operation is as simple as possible for the ferry and office crews. The biggest problem we have had recently is internet related. When our internet service is down we do not have access to the system and can not print tickets or generate reports. We do print a stock of generic tickets to use when this happens. It has been suggested that we consider hosting the program on our own server. However, a new server, similar to the one used for TRIO and our other office functions, would cost \$4000.00 to purchase plus whatever the maintenance costs would be. The consensus of the experts I polled (I am not one of them) feel that this wouldn't be the smart thing for Frye Island. We do have to decide if we are going to add any additional EZRide accounts this season.

The need to do an assessment / peer review of the software program was discussed. Wayne and Joe Potts will research this.

09/18/2010 We have received a proposal for \$6000 to complete an analysis / peer review of the existing ferry ticketing system. This review would be conducted by Starlit Software located in Raymond Maine and would be completed in time to present the findings / recommendations to the ExCom at the October 23rd meeting. I request that up to \$6000 be appropriated from the Ferry Reserve to conduct this Peer Review. A motion was made by John Nun and seconded by Dave Bond to appropriate up to \$6000 from the Ferry Capital Reserve to fund this project. The motion passed with 6 votes in favor.

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

04/03/2010

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.

07/31/2010

On Tuesday, July 13th I got a phone call from Laura Wells, an attorney representing the DEP. She told me that the DEP was close to finalizing an agreement with The Zea's / First Coast Realty on the NRPA violation. She stated that the agreement would be finalized this month and the re-vegetation of Zone 1 on the approved plan would be complete with DEP over site and approval by the end of August. She also said that their recommendation is that re-vegetation of Zone 2, under Frye Island over site, wait until the DEP portion is finished. An agreement has been reached with Mr. Zea and Bob Neault, Mr. Zea's attorney to correct all of the violations on the property. Mr. Zea has received quotes to provide the materials required by the approved re-vegetation plan, to install the plants and trees, and to re-work the foundation to bring it into compliance with the set back requirements. The Town will receive a check for this total amount and after the materials are delivered o site and or the work is performed and approved, the Town will pay the contracts. The work is expected to begin on or about August 3rd. Zone 1, under the supervision of the DEP must be completed by August 20th After DEP approval the work can begin on zone 2 and must be completed to within 25 feet of the foundation by Sept. 20th. The work on the foundation is also expected to begin on or about August 3rd. Once these issues are resolved, Mr. Zea plans to address the ferry debt incurred by First Coast Realty.

08/21/2010

The re-vegetation of Zone 1 has been completed with the exception of some low blueberry bushes which can't be harvested for replanting until mid to late September. When they are available, the landscape contractor will return to plant them. Money is being held in a liability account until this is completed.

09/18/2010

A DEP representative reviewed the site and determined there were still some deficiencies. Wayne spoke with Mark Clement from Clement Bros. Landscaping. He was aware of the corrections needed and was going to get them done when the blueberry bushes were available. He will complete all of the work at one time.

273 Leisure Lane - 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 submitted 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.
- 07/31/2010 The DEP has recommended that the re-vegetation required by the approved plan for zone 2 be held until Zone 1 is completed. An agreement has been reached with Mr. Zea and Bob Neault, Mr. Zea's attorney to correct all of the violations on the property. Mr. Zea has received quotes to provide the materials required by the approved re-vegetation plan, to install the plants and trees, and to re-work the foundation to bring it into compliance with the set back requirements. The Town will receive a check for this total amount and after the materials are delivered o site and or the work is performed and approved, the Town will pay the contracts. The work is expected to begin on or about August 3rd. Zone 1, under the supervision of the DEP must be completed by August 20th After DEP approval the work can begin on zone 2 and must be completed to within 25 feet of the foundation by Sept. 20th. The work on the foundation is also expected to begin on or about August 3rd. Once these issues are resolved, Mr. Zea plans to address the ferry debt incurred by First Coast Realty.
- 08/21/2010 The re-vegetation for zone two was completed according to the approved plan up to 25 feet from the existing foundation except for the low bush blueberry plants which can not be harvested for replanting until mid to late September. The landscape contractor will install the blueberry plants when they become available and will complete the planting to the foundation when construction of the house is finished. Money is being held in the liability account for this purpose.
- 09/18/2010 The Landscaping Company will plant the required blueberry bushes as soon as they are available at the nursery. The final 25' will not be finished until a later date after the house is built.

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
- 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.
- 07/31/2010 An agreement has been reached with Mr. Zea and Bob Neault, Mr. Zea's attorney to correct all of the violations on the property. Mr. Zea has received quotes to provide the materials required by the approved re-vegetation plan, to install the plants and trees, and to re-work the foundation to bring it into compliance with the set back requirements. The Town will receive a check for this total amount and after the materials are delivered o site and or the work is performed and approved, the Town will pay the contracts. The work is expected to begin on or about August 3rd. Zone 1, under the supervision of the DEP must be completed by August 20th After DEP approval the work can begin on zone 2 and must be completed to within 25 feet of the foundation by Sept. 20th. The work on the foundation is also expected to begin on or about August 3rd. Once these issues are resolved, Mr. Zea plans to address the ferry debt incurred by First Coast Realty.
- 08/21/2010 Mr. Zea has a plan that shows where the foundation has to be to meet the setbacks. A contractor was hired to cut the foundation to accomplish this plan. The pieces are still on place but will be removed this week. Mr. Zea has agreed to provide an "as built" drawing to the Code Officer showing exactly where the foundation sits and identifying the set backs. Once the Code Officer approves this plan this item will be closed.
- 09/18/2010 The foundation has been cut and all but one of the pieces has been removed. The final piece on the corner of the westerly wall remains for fear that removing it would damage the portion of wall that is to remain. Mr. Zea has indicated that he has contracted with a company to rebuild the foundation and will remove the remaining piece at that time. We still need to see the as built drawings to confirm the foundation is in compliance with the set backs.

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.
- 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 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
- 07/31/2010 On July 1st Mr. Zea paid \$1000.00 towards the outstanding debt. Through July 9th the original debt of \$20,240 owed by Mr. & Mrs. Zea / First Coast Realty had accrued \$1427.34 in interest. Once these issues are resolved, Mr. Zea plans to address the ferry debt incurred by First Coast Realty.
- 08/21/2010 Through July 31st the outstanding ferry debt has accrued \$1541.91 in interest which was applied to the receivable account. Mr. Zea paid \$1000.00 to that receivable. The balance due through July 31st is 20, 781.91. It is Mr. Zea's intent to apply the \$5000.00 being held in escrow to this account once the re-vegetation is approved and the money is released.
- 09/18/2010 Mr. Zea has confirmed that he is getting his finances organized and will be paying the ferry fee soon.

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.
- 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
- 07/31/2010 On July 19th I received a letter from the Leonard's attorney threatening that if FII or the Town attempted to remove the boulders that they placed on beach 9 we would be charged with trespassing and could be responsible for their legal fees. Their attorney also alluded to a compromise on the beach area. I asked our attorney to find out what they

were considering as a compromise. Their attorney asked if the Town would consider allowing Mrs. Leonard exclusive rights to a portion of beach 9 during her lifetime. Any agreement reached would expire should the property be sold. I am not sure if that is an agreement that FII, the Town or both would have to enter into. The Committee went into Executive Session to discuss the legal aspects of the adverse possession case and alternatives. Following the Executive Session, Wayne was asked to have additional discussion with the Town attorney and Mrs. Leonard's attorney.

08/21/2010 No Change

09/18/2010 The ExCom discussed the legal correspondence from the Town attorney and the Leonard's attorney in executive session. To date, no agreement has been reached on a resolution; however, the Executive Committee is committed to resolving this issue.

Maine DOT Ferry Proposal

Wayne, John Crosby, Transportation Committee

04/03/2010 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.

05/15/2010 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.

06/12/2010 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 Administration legislative earmark

07/31/2010 Cianbro is working with the ferry engineers trying to put together the cost of transporting the ferry to the Island. I was asked by the MEDOT to get our legislators involved to assist in the effort to get the ferry but until the Executive Committee makes a decision to move forward with this I am reluctant to do so. There was a considerable amount of discussion about the Hokes Bluff ferry. The estimate from Cianbro to transport the ferry from Hokes Bluff, Alabama to Frye Island was \$125,000. Members of the Committee felt that there would be considerable costs involved in making the ferry facilities acceptable to use the ferry once it got here. The transportation committee was asked to look into the feasibility of continuing the process to get the ferry and how it could and would be used if the Town did proceed. The TC will be meeting on August 8 to discuss this issue and will report to the EC at its next meeting.

08/21/2010 See Above.

09/18/2010 The Naval Architect is still working on the plans. We have still heard nothing from MEDOT or the Federal Highway Commission.

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.

06/12/2010 No Change

07/31/2010 No Change

08/21/2010 No Change

09/18/2010 No Change

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.

- 07/31/2010 Wayne explained the results of a meeting held with members of the Beach Committee, the Planning Board, and the Police Chief. It was suggested at this meeting that the two complaints heard most frequently were having dogs on the beaches during the restricted hours and the fact that some boats were left on the beaches for long periods of time. The consensus was that the signage should be improved and / or some of the existing signs relocated so that people approaching the beaches would see them. It was also suggested that any new signs indicate that the restrictions are part of an ordinance and a monetary fine could be imposed. The fact that the State of Maine has a law that prohibits having more people in a vehicle than there are seat belts was also discussed. It was felt that a sign at the mainland ferry terminal stating this law might reduce the number of area people that overload a vehicle to save on ferry tickets.
- 08/21/2010 Wayne and John will meet with the Beach Committee to discuss the relocation of existing signs and/or the purchase of new signs for the beaches.
- 09/18/2010 Wayne met with Nancy Donio, Chair of the Beach Committee. She will be preparing her recommendations for the beach signage. This probably won't happen until next season.

Tree Cutting Violation

Wayne

- 07/31/2010 The Code Enforcement Officer identified a tree cutting violation at 323 Leisure Lane. This was reviewed with the home owner and the DEP because of the proximity to a stream. A re-vegetation plan was discussed and approved by all parties. The Executive Committee must decide if a fine is appropriate. With the exception of one violation, the Town has not imposed fines for unintentional violations of this ordinance provided that the replanting occurs in a timely fashion. Dave Bond questioned whether the State law required a fine. Wayne was asked to get clarification of this issue. This item will be tabled until more information is available.
- 08/21/2010 No Change
- 09/18/2010 I spoke with the Town Attorney. Basically he said that imposing a fine is required and if the Town didn't impose a fine it is possible that the DEP could step in and impose a fine of their own. Wayne confirmed that the minimum fine is \$100.00 and the maximum fine is \$2,500.00. A motion was made by Mark Thomas and seconded by John Nun to impose a fine of \$100.00. During the discussion a number of the ExCom felt that the fine should be more. Bob Sutherland made a motion to amend the original motion to increase the fine to \$250.00. Dave Bond seconded the motion to amend. The amendment was approved with 5 in favor. Mark Thomas was opposed. The amended motion to impose a \$250.00 fine was approved with 5 votes in favor and one (Mr. Thomas) opposed.

Water Connection Fee

Wayne

- 07/30/2010 Mark Thomas questioned the water connection fee. Wayne was asked to look into the cost of these connections.
- 08/21/2010 Tabled
- 09/18/2010 Wayne explained the \$4000 water fee was based on the original estimate of \$3,000,000 to replace the water distribution system. Mr. Thomas argued that the study performed by Camp, Dresser & McKee indicated that the distribution piping would need to be replaced even without further Island expansion. Mr. Nisula reminded the ExCom that Maine statutes permitted municipalities to establish rates and fees for providing potable water. Mr. Thomas made a motion to reduce the water fee to \$500.00. There was no second and the motion failed. A motion was made by Mr. Nisula to reduce the water fee from \$4,000.00 to \$2,500.00. The motion was seconded by Mr. Bond. The motion was passed with 4 in favor and 2 opposed. \$500.00 will be applied to the operation budget and \$2000.00 will be applied to the Water Reserve.

Health Insurance Rates

Wayne

- 07/31/2010 Wayne reported that he had a brief discussion with the representative from the Maine Municipal Health Trust and was informed that the health insurance rates for next year would increase 12% and the dental rates were increasing 5%. Wayne is going to schedule a meeting with the representative to discuss available options.
- 08/21/2010 No Change
- 09/18/2010 No Change, Wayne is still trying to get additional quotes on supplying medical insurance.

Tennis Courts

John Crosby / Wayne

- 07/31/2010 Brian Riley spoke on the disrepair of the tennis courts at the Community Center and the fact that the courts at Lancaster Loop were oriented east - west which makes it very difficult for the better players to use these courts because of the sun. Apparently, the courts were originally oriented north-south but at some point were changed. The Committee asked Wayne and John to review the courts and the available options and report to the Committee.
- 08/21/2010 Vermont Tennis was contacted to review and evaluate our tennis courts. It was their opinion that it would not be cost effective to re-orient the courts at Lancaster Loop. They felt that they should be resealed and re-striped, but left as they are. In their opinion these courts would be fine for the majority of the people. Their proposal to seal and stripe these courts is \$5,047 plus \$3,300 to remove and reset the fence on the Highpoint Drive side.. The courts at the

Community Center are a different story. They need to be dug out and replaced. We have a price from Frank Snow to rebuild these courts for \$77,870. This proposal does not include the sealing and striping. Vermont Tennis has provided a quote of to do the sealing and striping for \$6078. They will be providing a quote to replace the courts as well. The old courts at the Recreation Area were checked and it was determined that those courts would not be worth trying to resurrect. The Recreation Commission has suggested converting those courts into a volleyball / bocce / horseshoe area. I have asked Ken Thurston for a proposal to clear that area. In addition, the basketball court should be resealed and repainted. Vermont Tennis will include this for \$2777 if they are on Island to do the other work. The ExCom asked if it would be wiser to build new courts at a different location, possibly the old recreation area or the golf course. A possible use for the Community Center courts could be for skate boarding. Wayne was asked to have the Recreation Commission develop a long term plan for recreational facilities.

09/18/2010 Wayne met with Andrea Sansonetti, chair of the Recreation Commission. I asked her to work with the Commission to develop a “mission statement” and to develop a long term plan for all of the recreation facilities. She said she would work on this; most likely via e-mail over the winter. I also suggested that she contact Brian Riley for his input into the Tennis facilities on the Island. It was suggested that those interested in tennis form a committee to pursue means of funding improvements to the tennis facilities.

2011 Budget

Wayne

08/21/2010 The 2011 budget is being prepared. The Committee reviewed some of the reserve accounts to see if ceilings should be set for any of them. No action was taken. The next scheduled meeting is on September 18th. The ExCom may want to schedule more before finalizing the budget. If so this will be determined on the 18th.

09/18/2010 The Public Hearing on the budget was held on Saturday September 4th. The following comments on the first draft were received:

- Increase the capacity of the recycle container or increase the frequency of disposal.
- Increase the calcium chloride applications on the roads.

It was decided not to add additional calcium applications to the budget but to work them into the budget if necessary next season. The needs of the transfer station were discussed and the fact that the compactor truck was a 1992. Mr. Potts suggested that an amount should be calculated and added to the budget as a contribution to the Capital Reserve and earmarked for the replacement of the compactor truck. The estimated tax rate was calculated without the addition of the new assessed values. It was thought this could be done if the new values were included without adding to the estimated tax rate. It was decided to hold a meeting next Saturday, 09/25/2010, to approve the warrant for the Town Meeting.

NEW BUSINESS

Tax Abatement for 1657 Ridge Road – Mr. & Mrs.

Crivellaro

This item will be closed

09/18/2010 In 2005 Mr. & Mrs. Crivellaro purchased 1656 Ridge Road from Frye Island Inc. with the stipulation that it be merged with their property at 1657 Ridge Road. This was done by deed and the additional property was added to their existing property at 1657 Ridge Road. However, 1656 Ridge Road was not removed from the taxable property rolls and consequently, Mr. & Mrs. Crivellaro has been paying double taxes on the property. This was an error on the Town's part and in cases of this nature; the Municipal Officials have the authority to abate up to three years of taxes. Mr. & Mrs. Crivellaro have requested this abatement. A motion was made by Mr. Nun and seconded by Mr. Thomas to grant abatement to Mr. & Mrs. Crivellaro for three years of their double payment. The motion passed with 6 in favor and none opposed.

1545 Harbor Road

This item will be closed

09/18/2010 In 2001, Mr. & Mrs. Pender purchased 1545 Harbor Road from Standish at a tax acquired property auction. They have claimed that this property is unbuildable because the Town of Frye Island is collecting water and discharging it onto this property. To remedy this, their attorney has suggested that the Town could either redirect the flow of water or purchase the property at fair market value. I responded to their claim by stating that the property is low and is a natural collection area for storm water run-off. To the best of our knowledge the Town has not and is not discharged water on this property. I told them that I didn't think the Town had any interest in purchasing the property but this was out of my authority and that I would bring it before the Municipal Officers at the Sept. 18 meeting. The ExCom agreed that the Town was not interested in purchasing 1545 Harbor Lane from Mr. & Mrs. Pender.

Draft Warrant Article - Financial Authority

This item will be closed

09/18/2010 Joe Potts submitted the following proposed Financial Authorization article for the Town Meeting warrant.

Article XX. To see if the Voters of the Town of Frye Island will vote to establish the following approval requirements for all financial actions related to operational expenses and the expenditure of Reserve Fund monies for the Town of Frye Island, including the Town's Enterprise Operations:

1. Any commitment of assets \$50,000 and over requires first a majority vote of the Board of Island Trustees, and if approved by that body, a subsequent approval by a majority vote of the Town Voters at a Regular or Special Town Meeting.
2. Any commitment of assets under \$50,000 requires first a minimum four vote approval of the seven person Town Executive Committee, and if approved by that body, an approval by a majority vote of the Board of Selectman.
3. Approval of the regular check warrant will be the responsibility of a majority of the Board of Selectmen.

Following discussion, it was agreed to increase the trigger amount from \$50,000 to \$75,000. A motion was made by Mr. Potts and seconded by Mr. Nun to place this article with the \$75,000 trigger on the 10/09/2010 warrant. The motion passed with 6 in favor.

Warrant Articles proposed by the Planning Board

BoS / ExCom

09/18/2010 The Planning Board is considering 2 Warrant Articles for the October Town Meeting.

- An Article to adopt the Shoreland Zoning Ordinance, in its entirety, as recommended by the Department of Environmental Protection.
- An Article titled “Frye Island Solicitation Ordinance” to address vendors on Frye Island.

There was considerable discussion on the “Frye Island Solicitation Ordinance” . The consensus was that the proposed ordinance needed additional work. Mr. Sutherland stated that members of the Planning Board were going to review the ordinance later in the day.

OTHER NEW BUSINESS

Ferry Fees

This item will be closed

09/18/2010 Mr. Potts suggested that the ExCom consider placing an article on the 10/09/2010 warrant to include peak and non-peak rates for using the ferry. He stated that this could be done with the new electronic ticketing system. Following the discussion, no action was taken.

REPORTS

Meeting Minutes The minutes of the 08/21/2010 meeting were approved as presented.

Treasurer’s Report: The financial reports have been distributed. There was no additional report.

Golf Report: No Report

Marina Report: Mr. Bond stated that the Yacht Club held its annual meeting on Labor Day weekend. The committee will be reviewing the Yacht Club policy over the winter.

EXECUTIVE SESSION

09/18/2010 The ExCom moved into Executive session to discuss legal issues and personal issues at 1050. The ExCom returned from Executive Session at 1124.

ADJOURN

A motion was made by Mr. Nun and seconded by Mr. Sutherland to adjourn the meeting at 1125. The motion was approved with 6 votes in favor and none opposed.