



MEETING MINUTES FOR THE SELECTMEN /EXECUTIVE COMMITTEE MEETING 04/02/2011

START	END	NEXT MEETING	NEXT TIME	MEETING LOCATION
0901	1240	05/14/2011	9:00 AM	Community Center

ATTENDANCE

EXECUTIVE COMMITTEE:

Mark Thomas - Selectman
 Jim Kuiken - Selectman
 John Nun - Selectman
 Gary Donohue
 Joe Potts
 Dave Bond
 Bob Sutherland

Town Manager: Wayne Fournier
Treasurer: Joe Potts

PETITIONS FROM THE PUBLIC

None

OLD BUSINESS

Business Item	BIC
<p><u>Community Center Handicap Access</u></p> <p style="text-align: center;">Prior to 09/18/2010, see September 18, 2010 meeting minutes.</p> <p>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</p> <p>10/23/2010 Wayne spoke with Tina Means at the Secretary of States office. She said they are short handed and have been very busy with the coming elections but we will get reimbursed but she won't be able to take care of it until after the elections are over. However, she sent a form for Frye Island to do a self evaluation of the ferry trailer as a voting place. This has to be done before the November elections. There was no action taken on this item.</p> <p>12/04/2010 Wayne reported that he will have to resend some of the information to the State but with the recount on the casino question, it is doubtful a decision will be made before the end of the year.</p> <p>01/29/2011 Wayne has sent the additional information the State requested and is now waiting a response.</p> <p style="background-color: yellow;">04/02/2011 No Change</p>	<p>Wayne</p>

Conceptual Plan for Willis Property - Transportation Committee

Wayne/Transportation Committee

Prior to 09/18/2010, see September 18, 2010 meeting minutes

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.

10/23/2010 We received notification from MEDOT indicating they have reviewed our project for a "Park & Ride" facility and have determined that we did not qualify for the grant. The specific grant

program they were considering requires that an eligible project demonstrate a reduction in emissions, a reduction of vehicle miles traveled and connectivity to other modes of passenger transportation such as carpooling, vanpooling and fixed route passenger services. Additionally, the traffic and pedestrian safety issues raised relate specifically to a local road, as opposed to a state or federally classified road which would fall under the department's responsibility.

12/04/2010 No Change – Nothing is being done at this time

01/29/2011 No Change

04/02/2011 No Change

Ferry Electronic Ticketing System

Joe / Wayne

Prior to 09/18/2010, see September 18, 2010 meeting minutes.

- 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.
- 10/23/2010 John Thomas from Starlit Software presented the results of the review of the eTicket system. In summary, while there were some areas of the system that were acceptable, it was felt that it would be easier and we would have a better system if the program was re-written starting with an appropriate and secure frame and building the desired program from that. A motion was made by Jim Kuiken and seconded by Mark Thomas to engage Starlit Software to re-write the eTicket software at a cost not to exceed \$50,000. A proposed contract was presented but there were questions. It was decided that the original RFP should be the framework for the new contract with a supplemental clarifying the expected plan. Joe will forward his thoughts to Wayne and Wayne will work with Starlit to prepare a contract for the work to be performed. Once a new contract is developed, Wayne will circulate it to the ExCom for review before approving it. Wayne was instructed to pay the outstanding invoice of \$2700 for Acute Technologies and attempt to get documentation of system design and operating manuals.
- 12/04/2010 A contract has been signed with Starlit Software to re-write the software program for the electronic ticketing system. A letter has been sent to Acute Technology terminating the contract with them. Starlit Software reports the following progress:
- * completed initial database design and system architecture work.
 - * configured a development site (web address and database)
 - * configured a source code repository, and setup to deploy to the development server when changes are committed
 - * built a skeletal application (aka "scaffolding") containing rudimentary implementation of many data entities (users, accounts, transactions, etc.) that the system will manage.
 - * setup basic security subsystem
 - * started work on the administration site (view list of "Contacts")
 - * started work on the rider account site ("My Account")
- 01/29/2011 With much of the basic framework for the application in place, we are now focused on building out specific functionality. We have not spent any time on look and feel (such as color schemes, etc.) and will probably do that very late in the process. Starlit has been working on the development of the system. In an effort to make the ferry portion of the program as user friendly for the mates I have put them in contact with Ronnie Ilich for her input. A number of questions have arisen about the fees that should be charged when an individual appears at the mainland terminal with a vehicle costing \$50.00 if a ticket is purchased in the office and \$100.00 if purchased on the mainland. If they have 1 - \$15 ticket are they entitled to the \$50.00 rate? What if they have 2 or 3 tickets? One thing that has to be changed is that all of

the fees must be evenly divisible by the base ticket price. We realize that a lot of this will be remedied when and if everyone has an account but they should be considered when developing the next fee schedule and should be discussed at this meeting to identify the policy to be followed by the ferry crew.

04/02/2011 The developers continue to work on the program. A scanner was purchased and sent to the developers for testing. The report is the scanner worked very well. A second scanner has been purchased and sent to Joe Potts for his use. The development of the program appears to be coming together and is expected to be on schedule for the opening. Joe reported that he has been working with the system and has generated a number of questions for the developer but also reported that the developer has been very responsive to his questions and comments.

273 Leisure Lane Erosion issues

DEP

Prior to 09/18/2010, see September 18, 2010 meeting minutes.

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.

10/23/2010 The landscape company, Clement Bros., has completed the re-vegetation of zone 1. This includes the planting of the blueberry bushes as well as the installation of the weed control under the rip-rap; and exposing the toe boulders which the DEP required. The Code Enforcement Officer has approved the re-vegetation but this still requires DEP approval. Wayne met with Mike Morse and Jeff Kalinich from the DEP on Wednesday October 20 to review the progress at 273 Leisure Lane. While they did identify a few remaining issues, they were pleasantly surprised with the progress. They said they would relay there concerns to the DEP attorney handling the case. On Friday Wayne spoke with Mr. Zea. He said he had spoken with the attorney from the DEP and they agreed to wait until spring to see how everything survived the winter before doing anything more. John Thompson, Frye Island CEO has inspected the area and felt that the re-vegetation satisfied the Town's requirements.

12/04/2010 No Change

01/29/2011 No Change

04/02/2011 No Change

273 Leisure Lane - Re-vegetation Issues

Executive Committee / Wayne

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.

10/23/2010 The re-vegetation of zone 2 is complete with the exception of 25 feet around the foundation. This is required and will be completed once the construction of the home is finished. I am still holding \$1,344.46 in addition to the \$5,000 fine and the \$5,000 escrow that was paid earlier. The \$1,344 is in the liability account to be paid after the final 25 feet are re-vegetated. Wayne spoke with Mr. Zea on Friday October 24th and was told that Mr. Zea had hoped to get a building permit this fall so that construction on the house could begin early but he was unable to. This will be done in the spring.

12/04/2010 No Change

01/29/2011 No Change

04/02/2011 No Change

273 Leisure Lane Set-Back Violation

Executive Committee / Wayne

Prior to 09/18/2010, see September 18, 2010 meeting minutes.

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.

10/23/2010 No Change
12/04/2010 No Change
01/29/2011 No Change
04/02/2011 No Change

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

Executive Committee / Wayne

Prior to 09/18/2010, see September 18, 2010 meeting minutes.

09/18/2010 Mr. Zea has confirmed that he is getting his finances organized and will be paying the ferry fee soon.
10/23/2010 When speaking with Mr. Zea on Friday October 22, Wayne was told that he should be able to pay at least some of the outstanding ferry debt in a couple of weeks.
12/04/2010 No Change – I will be contacting Mr. Zea prior to the meeting to get the latest information. I have left messages for Mr. Zea but have not received a return call. I will report if he calls before the meeting.
01/29/2011 No Change

04/02/2011 At the request of the ExCom, I checked with our attorney about placing liens on Mr. & Mrs. Zea's properties on the Island to protect the Island in the event that the properties at 273 Leisure Lane and Ivy Circle were sold. He stated that the note to the Town is only signed by Alison. The debt is personal. To get the ball rolling we would need to formally make demand on her giving her "X" number of days to pay the note in full. Assuming that she did not pay the note balance, we could then file a collection lawsuit against Alison and seek a prejudgment attachment in Maine Superior Court. Under the Note the Town is entitled to recover legal costs. A motion was made by Mr. Kuiken and seconded by Mr. Thomas to advise our attorney to formally make demand on the note with a due date of May 13th 2011. The motion passed with 7 votes in favor, 0 opposed. The ExCom felt that this date would give Mrs. Zea time to get the Island property appraised for additional financing.

Beach Nine

Wayne

Prior to 09/18/2010, see September 18, 2010 meeting minutes.

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.
10/23/2010 The ExCom adjourned to Executive Session to discuss the legal aspects of the encroachment onto the public area of Beach 9 and the claim of "Adverse Possession" filed by the Leonard family. Following the Executive Session, a motion was made by John Nun and seconded by Mark Thomas to recommend to Frye Island Incorporated that an easement be granted to the Leonard family for the existing portion of the septic system and the parking area that was on Frye Island Inc property but to grant no concessions on the beach area. Furthermore, any future rebuild of the septic or parking area had to be in the same exact footprint of the existing system or on Leonard property, there could be no further encroachment onto FII property allowed. The motion passed with 6 in favor. Mr. Kuiken abstained. Wayne was instructed to notify the attorney of this position and to have the boulders removed by the time the Island closed.
12/04/2010 The boulders have been removed, we have not heard anymore from Mrs. Leonard's attorney at this time
01/29/2011 No Change
04/02/2011 The Town received a letter from the Town attorney stating that Mrs. Leonard would accept the last offer that the ExCom made. The legal aspects of the issue and the potential for litigation were discussed in Executive Session. Following Executive Session, a motion was made by Mr. Thomas and seconded by Mr. Donohue to agree to the final offer with the understanding that the boulders were already removed and would not be replaced. Instead, a sign could be placed on the beach

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.

10/23/2010 No Change

12/04/2010 No Change

01/29/2011 No Change

04/02/2011 The ExCom needs to decide if it wants to spend the money to re-seal and re-stripe the Basketball Court (\$2777) and the Lancaster Loop tennis courts (\$6078). It was decided to table this item until the next meeting so the ExCom could review both sites.

Purchase 3" water distribution pipe for Leisure Lane

Executive Committee

10/23/2010 We would like to purchase the pipe for Leisure Lane before the Island closes this year so that it will be available as soon as the Island opens next spring. We have a proposal for the pipe of approximately \$29,000 for enough 3' pipe to complete Birch Road to the intersection of Leisure Lane (near the Marina) and all of Leisure Lane, including the north end, to Sunset. Wayne reported that there was presently a shortfall of approximately \$5000 in the existing water line replacement account but approximately \$29,000 remaining in the reserve account. A motion was made by John Nun and seconded by Mark Thomas to move the remaining money in the reserve account to the expense account. Following the discussion, it was decided to move \$5000 to the existing operating account and to establish a phase 4 account and transfer the remaining \$24,000 to the phase 4 account. John Nun made that a motion seconded by Mark Thomas. The motion passed with 7 in favor.

12/04/2010 The piping for the next phase has been ordered and delivered to the Island. The supplier has agreed to accept ½ of the payment this year and the remainder next year after the new budget is in affect. The expense detail for phase 3 of the water line replacement shows a negative balance of -\$4,812.28. I request that we transfer an additional \$4,812.28 from phase 4 to phase 3 to balance this account. A motion was made by Mark Thomas and seconded by Jim Kuiken to transfer \$4,812.28 from phase 4 of the water line replacement project to phase three. Following a discussion and explanation, the motion passed unanimously.

01/29/2011 The piping was purchased and delivered to the Island before the Island closed. One half of the cost of the pipe (\$14,294.75) was paid in December 2010. The second half of the cost of the pipe remains outstanding. I ask the ExCom to approve transferring \$12,294.75 from the Water Reserve to the Water System Improvement operating account so that we can pay this invoice.

04/02/2011 The new water line is on site and we hope to be able to get some of the line installed on the north end of Leisure Lane before the Island opens. This could provide better traffic routing on the heavily populated Leisure Lane during the remainder of the installation process.

Checking account reconciliation

Wayne / Joe Potts

12/04/2010 We have found an accounting firm, Purdy Powers & Company that will assist the Town in the checking account reconciliation process.

01/29/2011 Dena McVane from Purdy Powers has been to the winter office a few times to work on the checking account reconciliation and plans to resume her effort the last week of January. She is through July, 2010 and hopes to be able to finish when she returns at the end of this month. She has reached the same conclusion that we did in that the difficulty in the reconciliation process is the timing involved with processing of the credit cards transactions. We have discussed a couple of possible internal changes to the way we process these transactions to make the reconciliations easier but will wait until she is finished before we develop any procedures. I spoke with Dena on Monday 01/24. She has completed the reconciliation through the end of 2010. She is going to

prepare an Excel spreadsheet identifying her findings and the adjustments needed.

04/02/2011 The reconciliation has been done. Dena and Joe Potts are working out the details of the journal entries to finalize the reconciliation for 2010. Following the posting, we will get the reconciliation up to date for 2011.

Funding for the Long Term Transportation Reserve

ExCom

12/04/2010 The Executive Committee held a discussion about the funding options for the Long Term Transportation Reserve. Mark Thomas presented the thought that 35% of the trips on the ferry are made by non-Islanders but the LTT Reserve is funded solely by Island property taxes. It was his thought that the ferry fees should be adjusted in some way so that the non-islanders contribute to the LTT Reserve as well. There was a considerable amount of discussion on the possible options. The Treasurer volunteered to develop a Model to evaluate changes in ferry ticket pricing to create possible methods to provide funding to the LTT reserve and to provide a way to give FI property owners a ferry ticket discount unique to them. The ExCom agreed that the Treasurer should develop the model and have the model available by the January 2011 meeting.

01/29/2011 The Treasurer has forwarded a model to all of the ExCom members for review and comment. This will be discussed further at this meeting

04/02/2011 No Change

Appoint new Representative to the Board of RSU 6

ExCom

01/29/2011 Oleg Svetlichny has resigned his position on the RSU School Board. The ExCom will have to appoint a replacement until a new representative can be elected at the next Town Meeting.

04/02/2011 An ad has been included in the winter fins for a replacement to fill the position until the next scheduled Town meeting when a new representative can be elected. Mr. Kuiken asked about the ramifications if we were not able to get a representative. In truth, there is not much of a loss as we only have 1 vote of 999 in the weighted voting system in effect. However, it was decided to continue to seek a replacement.

NEW BUSINESS

Approve the Golf Policy Handbook and Rate Structure

ExCom

04/02/2011 A motion was made by Mr. Kuiken and seconded by Mr. Nun to approve the Golf Policy Handbook and the new rate structure for 2011. The motion passed with 7 votes in favor and 0 opposed.

Approve the Purchase of a 1997 Service Truck from the City of Topsfield MA.

ExCom

04/02/2011 A motion was made by Mr. Nun and seconded by Mr. Thomas to approve the purchase of a 1997 Service Vehicle from the Topsfield Mass. Public Works Dept. for the trade-in value of \$1900. There was discussion on how to fund the purchase. Following the discussion, it was agreed to fund the purchase from the Equipment Reserve with any money received from the disposition of the 1994 Chevy pick-up to be returned to the Equipment Reserve. The motion passed with 7 votes in favor and 0 opposed.

Approve the Liquor License Application for the Golf Course

ExCom

04/02/2011 A motion was made by Mr. Kuiken and seconded by Mr. Nin to approve the Liquor License application for the Leisure Lounge at the Frye Island Golf Course. The public hearing can be waived in accordance with §653 *Hearings; bureau review; appeal*. The motion passed with 7 votes in favor and 0 opposed.

Store Lease

ExCom

04/02/2011 I have heard that Jean Russo is considering selling the store / café and is planning to show the facility to someone as soon as she can get to the Island this spring. The current lease runs to December 31, 2012. This is for information. As the Landlord, the ExCom must provide written consent before the lease can be re-assigned or the operation sub-let to another. This will be tabled until more information is available.

Increase the credit limit on the Town Managers Credit Card**ExCom**

04/02/2011 A motion was made by Mr. Thomas and seconded by Mr. Donohue to increase the credit limit on the current Town Managers credit card from \$2000 to \$10,000. The primary need for the increase is to accommodate purchase of new scanners for the e-ticket system. The motion passed with 7 votes in favor and 0 votes opposed.

Review proposal to sandblast and paint the pool**Admin**

04/02/2011 We have received a proposal to clean / sandblast and coat the pool surfaces with an approved coating in accordance with all requirements for the price of \$7,800.00. A motion was made by Mr. Kuiken and seconded by Mr. Thomas to appropriate up to \$7,800.00 from the Island Improvement Reserve for this project. Mr. Kuiken recommended that we review / revise the bid requirements of the purchasing policy. Mr. Thomas requested we get an additional quote for the job. Wayne informed the ExCom that he would try to find the original policy and examples of the bidding processes used by other municipalities. Wayne also mentioned that the decking around the pool was in disrepair and it was suspected that there were leaks in the underground piping to and from the pool. Wayne will see that we get an additional proposal before any work is done. Following the discussion, the motion passed with 7 votes in favor and 0 opposed.

Review abatement application from Paul Flahive – 303 Leisure Lane**Board of Assessors**

04/02/2011 Mr. Flahive requested an abatement of \$12,000 each on the undeveloped properties at 303 Leisure Lane currently in his wife’s name, and 304 Leisure Lane in he and his wife’s name jointly. The request is based on the “unprincipled” tax increase to undeveloped property following last years review and adjustment to the factors applied to the assessed value of undeveloped property. A motion was made by Mr. Nun and seconded by Mr. Kuiken to deny the abatement request of Mr. Flahive. The Board of Assessors voted to pass the motion to deny with 3 votes in favor and 0 opposed.

Review inquiry from Kathy Stevens**ExCom**

04/02/2011 Kathy Stevens’ uncle, Thomas Rockwell, owns 1249 Forest Circle and is considering selling this spring. The family is inquiring if the Town would be interested in purchasing the property. They are of the opinion that the Town presently owns the abutting properties; when in fact FII actually owns the abutting properties. The ExCom reaffirmed its position to not purchase real estate on the Island.

Review proposal to replace deck on the mainland ferry ramp**ExCom**

04/02/2011 We have received a report from Gagnon Engineering indicating the net strength of the ramp deck is suspect and should be replaced. We also have a proposal from Bancroft Engineering to supply the labor and materials to rebuild the deck. The total cost could be as much as \$39,026. If the existing support timbers are reusable, we can deduct \$15,400 from the \$39,026. This item was tabled at this time. We will be requesting additional proposals to complete the work which will probably be scheduled to be done in the fall after the Island closes.

Discuss letter from James Gordon - Re: 1627 Ridge Road**ExCom**

04/02/2011 The Town received a letter From Mr. Gordon expressing an interest in purchasing 1627 Ridge Road with Mr. Dick Demarco, splitting it, and adding it to their abutting properties. Mr. Gordon’s proposal was discussed but according to Frye Island policy approved on October 7th 2000 requires that tax acquired property be disposed of by public bid if and when the ExCom determines the property will be disposed. Wayne will send a letter to Mr. Gordon informing him of the policy.

Other New Business**Employee Handbook****Wayne / ExCom**

04/02/2011 Mr. Kuiken raised some questions about safety policies and employee policies and questioned if the Town would be prepared for an OSHA inspection. Wayne reported that the Maine Department of Labor had safety jurisdiction over municipalities in Maine and had conducted an unannounced safety inspection in 2009. They did discover some violations but none considered extremely serious and all were corrected. Wayne also reminded the ExCom that a fairly comprehensive Employee Handbook was approved by the ExCom in April of 2010. He agreed to forward a copy to the ExCom and to Joe for inclusion on the web-site. However, it would be a good idea to review the handbook periodically and Wayne will include this on the agenda for the next meeting.

Island Opening

Wayne

04/02/2011 Wayne mentioned that the outlook wasn't good for opening the Island on April 22nd. Reports were there was still up to 10" - 12" of ice on the lake and the crews needed 10 days to 2 weeks to get the Island open. Wayne will be headed to Maine next week and will consult with John Crosby and get a notice to the ExCom and to the web-site.

Meeting Minutes: A motion was made by Mr. Nun and seconded by Mr. Kuiken to approve the meeting minutes of the 01/29/2011 meeting and the 3/15/2011 Special meeting. The motion passed with 7 votes in favor and 0 opposed.

Treasurer's Report: There was no additional report from the Treasurer. The financial reports were distributed via e-mail prior to the meeting and will be posted on the Frye Island website.

Golf Report: No report

Marina Report: No Report

EXECUTIVE SESSION

A motion was made by Mr. Kuiken and seconded by Mr. Nun at 11:51 to recess the regular meeting and enter into Executive Session to discuss personnel issues and to discuss the potential litigation concerning the beach 9 property abutting 247 Leisure Lane in accordance with 1 MRSA Section 405 (6).

Wayne explained the pending complaint before the Maine Human Rights Commission and indicated that the Town attorney was involved in gathering the information requested by the Commission.

In addition, the ExCom discussed the possible options for the resolution of the adverse possession case on Beach 9. (See Beach Nine above.) At 12:34 Mr. Kuiken closed the Executive Session and returned to the regular meeting.

04/02/2011

04/02/2011 See Beach Nine item above

ADJOURN

A motion was made by Mr. Nun and seconded by Mr. Kuiken to adjourn the meeting at 12:39. The motion passed with 7 votes in favor and 0 opposed.