

**MINUTES OF THE ANNUAL TOWN MEETING
OCTOBER 8, 2011**

The meeting was held at the Frye Island Community Center on High Point Drive

During the registration process **144** Board of Island Trustee voting packets and **52** Town of Frye Island voting packets were issued.

Laura Crosby and H. Chip McCarty were sworn in as ballot clerks by Lisa Kerrigan, Deputy Town Clerk

The Town Meeting was called to order at 9:20 AM by Wayne Fournier, Town Clerk. The start of the meeting was delayed to allow everyone to register.

Article 1: To vote by written ballot to choose a moderator to preside at said meeting.

A motion was made by John Nun to nominate Richard Norris as Moderator.

There were no other nominations.

The Clerk called for a minimum of three ballots for Mr. Norris. There were nine (9) votes cast for Mr. Norris

Mr. Norris was sworn in as Moderator by Lisa Kerrigan, Deputy Town Clerk.

A motion was made by Wini Rogers and seconded by Rebecca Limauro to adopt the following procedures for the meeting:

1. To utilize the Maine Moderator's Manual in the conduct of business,
2. To follow the guidelines established by MMA for Town Meetings & Elections,
3. To incorporate the vote of the Board of Island Trustees (BIT) into the Town Meeting flow of business when appropriate,
4. To limit the discussion of any person to no more than 3 minutes per issue and
5. To allow Board members and Town officials to speak at the meeting.

The motion passed unanimously.

Article 2: To vote by written ballot to elect one person to a three year term to the Board of Selectmen

Names in Nomination
Brian Walker
Betsy Gleysteen

There were no nominations from the floor.

Results of the written vote:

Mr. Walker received 28 votes and Ms. Gleysteen received 23 votes. Mr. Walker was elected to a three year term.

The Town Meeting was placed in Recess - the BIT Meeting was called to order

Article 3: To vote by written ballot to elect two candidates to three year terms on the Board of Island Trustees Executive Committee

Names in Nomination
David Bond
Tim McCarthy

Results of the written vote:

Mr. Bond received 101 votes, Mr. McCarthy received 132 votes. In addition, there were 2 write in votes for Betsy Gleysteen and 1 write in vote for Ken Davies

Mr. Bond and Mr. McCarthy were elected to three year terms.

Article 4: To see if the Board of Island Trustees and the voters of the Town of Frye Island will vote to appropriate **\$100,531** from non-tax municipal revenues for Municipal Services; and raise and appropriate an additional **\$,775,216** from property taxes for Municipal Services, **\$1,302,339** for Non-Municipal Services, and **\$244248** for Designated Reserve Fund Contributions for 2011. The total to be raised by Property Taxes totals **\$2,321,803**.

A motion was made by Nancy Donio and seconded by Rebecca Limauro to place article 4 before the BIT voters.

Town Manager Wayne Fournier presented the proposed 2012 budget. There were questions that were answered by the Town Manager. Betsy Gleysteen presented comparisons between the Frye Island municipal budget and the budgets from surrounding towns. Even though the overall budget was less than 2011, the budget for municipal operations was approximately \$27,000 higher.

A motion was made by Betsy Gleysteen and seconded by Steve Aranyi to reduce the budget for municipal services to the 2011 level. Because the vote by raising placards was too close to call, the Moderator called for a written ballot. A yes vote would accept the amendment as presented; a no vote would reject the amendment. The results of the written vote on the amendment were:

64 Yes, 69 No, the amendment failed.

Following the failed amendment, Article 4 was placed before the BIT voters as it was presented on the Warrant and passed with 13 votes in opposition.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by John Crosby and seconded by Ed Charrette to place article 4 before the Town voters. There were no additional questions.

A discussion followed and Wayne explained that the Town voters did not have the option to amend the warrant article that was forwarded to them by the BIT voters. They had to either approve or disapprove the budget as approved by the BIT.

Following the discussion Article 4 passed with 6 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 5: To see if the Voters of Frye Island will vote to establish semi-annual tax payments for 2012. The first payment of 1/2 the taxes owed to be due and payable on December 31st 2011 and the second half to be due and payable on June 30, 2012.

A motion was made by Nancy Donio and seconded by H. Chip McCarty to place article 5 before the BIT voters.

Mr. Fredericks asked if the first payment could be January 1st instead of December 31st to allow some options when filing taxes. There was no amendment to the Article offered and the Article as presented was called for vote.

Article 5 passed with 0 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Rebecca Limauro and seconded by Eric Gleysteen to place article 5 before the Town voters.

There was no further discussion and Article 5 passed with 0 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 6: To see if the Voters of Frye Island will vote to establish a 7% interest rate for all overdue taxes for the 2012 tax year.

A motion was made by Jackie Atkinson and seconded by Grace Morin to place article 6 before the BIT voters. Wayne explained that for the 2012 tax year this was the highest interest rate allowed.

There was no further discussion and Article 6 passed with 0 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Laura Crosby and seconded by Rebecca Limauro to place article 6 before the Town voters.

There was no further discussion and Article 6 passed with 0 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

A suggestion to consider Articles 7 through 10 together was made by the moderator. There were questions on articles 7 and 10 so it was decided to present them separately.

Article 7: To see if the Board of Island Trustees and the Voters of Frye Island will vote to authorize and direct the Selectmen and Treasurer, at their discretion, to sell by sealed bid or public auction and convey by quitclaim deed, any Real Estate acquired from tax sources by the Town, or to convey the property to the prior owner upon payment in full of all taxes, interest and charges incurred by the Town. The Selectmen reserve the right to reject any and all bids.

A motion was made by Jackie Atkinson and seconded by Grace Morin to place article 7 before the BIT voters.

Wayne was asked why the Town didn't sell any of the tax acquired property. Wayne explained that the Town had a policy not to sell any tax acquired property that was buildable because of the 750 septic system limit imposed by the Court. The present count of existing septic systems and the privately owned lots that could support a septic system was slightly larger than the limit. It is the Town's effort to preserve the expectations of the undeveloped property owners to be able to build someday.

There was no further discussion and Article 7 passed with 1 vote opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Ed Charrette and seconded by Grace Morin to place article 7 before the Town voters.

There was no further discussion and Article 7 passed with 0 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 8: To see if the Board of Island Trustees and the Voters of Frye Island will vote to authorize the Selectmen and the Treasurer, on behalf of the Town and any of the Town's departments, to accept gifts, real estate, donations, and other funds, including trust funds that may be given or left to the Town, and to grant the Selectmen the further authority to expend such sums of money as they deem necessary from these donations or for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

Article 9: To see if the Board of Island Trustees and the Voters of Frye Island will vote to authorize the Selectmen and the Treasurer to accept and expend, on behalf of the Town, any Federal or State funds received in the form of grants during its fiscal year.

A motion was made by Nancy Donio and seconded by Laura Davis to place articles 8 and 9 before the BIT voters.

There was no further discussion and Articles 8 & 9 passed with 0 votes opposed

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Laura Crosby and seconded by Frank Reali to place Articles 8 & 9 before the Town voters.

There was no additional discussion and Articles 8 and 9 passed with 0 votes opposed

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 10: To see if the Board of Island Trustees and the Voters of Frye Island will vote to authorize The Selectmen to expend such sums of money as they deem necessary from the Designated Reserve Funds for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

A motion was made by John Nun and seconded by Steve Kaplan to place Article 10 before the BIT voters.

James O'Connor questioned if there would be a conflict between Article 10 and Article 13 if they both passed. Wayne explained that there wouldn't be a conflict. Article 13 would just place some restrictions on the approval process. The moderator moved to address Article 13 before Article 10. Following the action taken on Article 13, the Moderator returned to Article 10.

There was no further discussion and Article 10 passed with 1 vote opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by John Nun and seconded by Grace Morin to place Article 10 before the Town voters

There was no further discussion and Article 10 passed with 0 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 11: To see if the Voters of Frye Island will vote to adopt the National Electrical Code, National Fire Protection Association standard #70, current edition, with the exceptions identified by the State of Maine Electrical Code which was presented on the warrant as exhibit A.

A motion was made by Ron Cedrone and seconded by Steve Kaplan to place Article 11 before the BIT voters.

John Crosby stated that in his opinion as a licensed electrician this was unnecessary because the State adopted the most current version of the National Electrical Code and the electricians licensed by the State had to comply with it.

A motion was made by Richard Flowerdew and seconded by John Crosby to postpone the adoption of the National Electrical Code indefinitely.

There was no additional discussion and the Article 11 and the motion to postpone the adoption of the National Electrical Code passed with 1 vote opposed.

Because the Board of Island Trustees postponed adoption of this ordinance, it was not passed through to the Town voters.

Article 12: To see if the Voters of the Town of Frye Island will vote to authorize an increase in the Town Expense budget to allow a contribution of \$25,000 per year to the Recreation Reserve for four consecutive years beginning in 2012, and authorize the expenditure of up to \$100,000 from the Recreation Reserve for the replacement of the existing two tennis courts near the Community Center. The Town Treasurer will be authorized to temporarily borrow funds from another Reserve Fund to allow the construction to begin as soon as possible so the new courts will be available by June 30, 2012.

A motion was made by David Bond and seconded by Michael Kaplan to place Article 12 before the BIT voters.

Nancy Donio questioned the need to “pay back” the Reserve and asked what Reserve would be used to loan the funds to the Recreation Reserve for the replacement of the courts and what the balance was in that account. Wayne explained that the funds would probably come from the Island Improvement Reserve and the balance was approximately \$320,000.

Nancy Donio made a motion to amend Article 12 to fund the replacement of the tennis courts at the Community Center from the Island Improvement Reserve without paying the money back to the Reserve. Tom Bishop seconded the motion.

There was no further discussion and the amendment to Article 12 passed with 0 votes opposed.

There was no further discussion and Article 12 with the amendment was called for vote.

Article 12, as amended, passed with 0 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Betsy Gleysteen and seconded by Ed Charrette to place Article 12, as amended, before the Town voters.

There was no additional discussion and Article 12 passed with 2 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 13: To see if the Voters of Frye Island will vote to amend the Town Charter, Article VII, by adding the following as a new “Section 9”:

Section 9. Approval Requirements. The approval requirements for 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, are as follows:

1. Any commitment of Unreserved Undesignated Fund Balance assets 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 Designated Reserve Fund Balance assets of \$100,000 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, unless the funds have already been approved by the Town Voters by specific Article on a prior Town Meeting Warrant.
3. Any commitment of Designated Reserve Fund Balance assets under \$100,000 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.
4. Approval of the regular Check Warrant will be the responsibility of a majority of the Board of Selectmen. A majority vote of the Executive Committee and the Board of Selectmen is the approval requirement for all other financial items included on their meeting agenda.

A motion was made by Pat Karpacz and seconded by H. Chip McCarty to place Article 13 before the BIT voters.

There was a considerable discussion if \$100,000 in paragraph 2 would be a high enough limit in an emergency situation.

A motion was made by David Bond and seconded by Sylvia O'Connor to amend paragraph 2 to read:

Any commitment of Designated Reserve Fund Balance assets of \$100,000 and over, *unless made necessary by an emergency or unforeseen event as declared by the Executive Committee*", requires first a majority vote of the Board of Island Trustees, and if approved by that body, a subsequent approval by a majority of the Town voters at a Regular or Special Town Meeting, unless the funds have already been approved by the Town voters by specific Article on a prior Town Meeting warrant.

A question was raised as to whether a Warrant Article to amend the charter could be amended at the Town meeting. Wayne said he would check this with the Legal Dept of MMA. If amending the charter amendment as presented on the warrant is not allowed it would void any action taken on the warrant article and could require a rewrite and a subsequent public hearing and vote.

Following additional discussion, the amendment to Article 13 was moved.

The amendment passed with 4 votes opposed.

Article 13 as amended passed with 7 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by Laura Crosby and seconded by Ed Charrette to place Article 13 before the Town voters.

There was no additional discussion and Article 13, as amended, passed with 2 votes opposed.

[On Tuesday morning October 11 Wayne discussed Article 13 with Michael Stultz from the Legal Department at Maine Municipal Association. It was his opinion that the article COULD NOT be amended at the Town Meeting. He suggested that there was a very specific process to be followed to amend a charter and amending the warrant article after completing that process would invalidate the process. He further suggested that the best approach now would be to re-write the warrant article and repeat the approval process.]

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 14: To see if the Voters of Frye Island will vote to adopt the "ORDINANCE FOR THE USE OR EXPLOSION OF FIREWORKS IN THE TOWN OF FRYE ISLAND, MAINE. " The ordinance provides penalties for violations. This ordinance was presented on the warrant as exhibit B.

A motion was made by Nancy Donio and seconded by Steve Kaplan to place Article 14 before the BIT voters.

Wayne explained that the State of Maine had recently passed legislation allowing the sale, possession and use of fireworks and it was now the responsibility of the municipal governments to regulate and / or ban them as determined by the individual municipalities.

Because of the annoyance factor and more importantly, the very serious fire safety hazard, the Town has proposed this ordinance.

There was no additional discussion and Article 14 passed with 1 vote opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened

A motion was made by John Crosby and seconded by David Treacy to place Article 14 before the Town voters.

There was no additional discussion and Article 14 passed with 0 votes opposed.

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 15: To see if the Voters of Frye Island will vote to amend the “Use of Golf Cart” ordinance by adding Article G, *Allowing an unlicensed operator to use / drive a golf cart on public roads within the Town of Frye Island* to §105-4 Unsafe use of Golf Carts prohibited. This ordinance was presented on the warrant as exhibit C.

A motion was made by Steve Kaplan and seconded by Jackie Atkinson to place Article 15 before the BIT voters.

Wayne explained that passage of this article would allow police officers to ticket adults that allow unlicensed operators to drive golf carts on Frye Island roads instead of ticketing younger operators.

There was no additional discussion and Article 15 passed with 3 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened.

A motion was made by Mike Kaplan and seconded by Steve Amero to place Article 15 before the Town voters.

There was no additional discussion and Article 15 passed with 1 vote opposed

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 16: To see if the Voters of Frye Island will vote to adopt “THE TOWN OF FRYE ISLAND WATERING BAN ORDINANCE”. This ordinance was presented on the warrant as exhibit D.

A motion was made by Steve Kaplan and seconded by Chip McCarty to place Article 16 before the BIT voters.

Wayne explained that this would only be used in emergency situations. It was also explained by members of the audience that every town with a public water system had a similar ordinance. A number of people spoke in opposition to the ordinance

Following the discussion, Article 16 passed with 13 votes opposed.

The BIT Meeting was placed in recess - the Town Meeting was reconvened.

A motion was made by Grace Morin and seconded by Laura Crosby to place Article 16 before the Town voters.

There was no additional discussion and Article 16 passed with 4 vote opposed

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 17: To see if the Voters of Frye Island will vote to appropriate up to \$30,000 from the Long Term Transportation Reserve to have the final engineering design prepared for the Town owned property on the mainland (The former Willis property).

A motion was made by Nancy Donio and seconded by Steve Kaplan to place Article 17 before the BIT voters.

Wayne explained that before anything could be done with the property we would require approvals from the Town of Raymond and from the Department of Environmental Protection; and before that could happen we would need the engineering design. The design would include the plan for the complete conceptual plan but when and if any construction actually took place it could be phased at the discretion of the Town. There were a number of people at the meeting that felt nothing should be done at this time.

Following the discussion Article 17 was called for a vote.

Article 17 passed with 17 votes opposed

The BIT Meeting was placed in recess - the Town Meeting was reconvened.

A motion was made by John Nun and seconded by John Crosby to place Article 17 before the Town voters

There was no additional discussion and Article 17 passed with 4 vote opposed

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 18: To see if the Voters of Frye Island will vote to appropriate up to \$10,000 from the undesignated surplus to cover unbudgeted expenses in the 2011 budget. This resulted from the much higher use of filters needed for the public water system.

A motion was made by Nancy Donio and seconded by Ron Cedrone to place Article 17 before the BIT voters.

Wayne explained that this was a contingency in case the actual expenditures exceeded the budget at years end. Wayne further explained that the Town had a "bottom line budget" meaning that savings in other departments could and would be used to overcome the unexpected and unbudgeted increases in the purchase of water system filters and fuel. Wayne indicated that with savings in other areas the projected overage had been reduced to approximately \$3000 and he hoped to have it down to \$0 by the end of the year but he couldn't guarantee it.

There was no additional discussion and Article 18 passed with 0 votes opposed

The BIT Meeting was placed in recess - the Town Meeting was reconvened.

A motion was made by Laura Crosby and seconded by Grace Morin to place Article 18 before the Town voters.

There was no additional discussion and Article 18 passed with 0 votes opposed

The Town Meeting was placed in Recess - the BIT Meeting was called to order.

Article 19: To see if the Voters of the Board of Island Trustees (BIT) will vote to adopt the following “Three Tier” ferry ticket pricing schedule: Presented on the warrant as exhibit E – Proposed 2012 Ferry Rates – Town of Frye Island

3 Tier Ticket Pricing System:

- There will be 3 ticket prices...Discount Price (Currently \$15), Office Price (\$22), and Street Price (\$35). (Special vehicles / Heavy Equipment will pay the appropriate rate as identified in the ferry rate schedule)
- Frye Island property owners with an EZ Ride account will pay the approved discount price for ferry passage. (Automobile ticket currently \$15)
- In addition, property owners with an EZ Ride account will be able to purchase discount tickets for their family and friends etc.
- Non - Property owners will be able to establish an EZ Ride account but ticket purchases will cost the “Office Rate”. (Automobile ticket currently \$22.00)
- All ferry tickets sold in the office will cost the “Office Rate” as identified in the approved Ferry Rate Schedule. (Current rate for a passenger car is \$22.00)
- All ferry tickets sold on the mainland will cost the “Street Rate” as identified on the approved Ferry Rate Schedule. (Current rate for a passenger car is \$35.00)

A motion was made by Dave Bond and seconded by H. Chip McCarty to place Article 19 before the BIT voters.

Wayne identified a typo in the body of the warrant that indicated the “office rate” to be \$22.00 when it should have been \$25.00 as it appears on the rate schedule. The rate schedule identifies all of the proposed rates for 2012 and will be considered for approval.

Wayne explained the three tier system and how some of the increase in the “office” and the “street” rates would contribute to the Long Term Transportation Reserve to ease some of the burden on the tax payers. There was a considerable amount of discussion on the eTicket / EZ Ride system. A number of people spoke in opposition to the rate schedule and the EZ Ride system but most of the objection centered on the increase ticket price for the tickets purchased in the office; especially when purchased by an Islander. Wayne did explain that the system did allow enough flexibility to accommodate all of the property owners.

Following the discussion, Article 19 was called for a vote. Article 19 passed as presented on the rate schedule with 12 votes opposed.

A motion to adjourn the Town Meeting was made by David Treacy and seconded by John Nun. The motion passed unanimously and the Town Meeting was adjourned at 1:05 PM.

Respectively submitted:

Wayne Fournier, Town Clerk