

**MINUTES OF THE SELECTMEN'S MEETING**  
**WITH THE BIT EXECUTIVE COMMITTEE PARTICIPATING**  
**TOWN OF FRYE ISLAND**  
**JULY 7, 2007**

The meeting was conducted at the Town Community Center Meeting Room.

The meeting was called to order at 09:00 AM by John Nun.

SELECTMEN: John Nun, Brian Walker, Grace Morin.

BIT EXECUTIVE COMMITTEE: Bruce Nisula, Joe Potts, Debbie Anthony (departed 1030), Bob Miner, John Nun, Brian Walker, Grace Morin.

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts

**PETITIONS FROM THE PUBLIC**

None

**OLD BUSINESS**

**Project Updates**

**Toomey Appeal Update:** Wayne reported that the suit against the Town by Mr. Toomey was dismissed on 19 June at the Cumberland County courthouse in Portland.

**Frye Island vs. State of Maine Update:** Wayne reported that the Superior Court Judge ruled against the Town on 28 June 2007. The Town has 21 days to appeal the ruling to the State of Maine Supreme Court.

MOTION by Nun to appeal the Superior Court decision, second by Morin – UNANIMOUS.

**Water System Upgrade:** Wayne asked John Crosby to look at how much the Town could do in-house. John reported that this past week there were a significant number of leaks due to higher pressure required to try to satisfy water demands; still had low or no pressure some locations. There was a discussion of how to phase in new lines without interrupting water service.

**Long Beach Marina Dredging:** Wayne reported that the dredging permit application has been submitted to DEP; that we plan to do the dredging after slip removal in the fall.

**East Pump House Proposal:** Wayne reported that the Planning Board has approved the application. DPW has started; excavation should commence 2<sup>nd</sup> week in July. Wayne has approved Crosby request to order the generator.

**Town 2006 Audit:**

Wayne reported that he had submitted the manager's MD&A to the auditors (copy to Board members) in their requested format and had used their preliminary numbers in the MD&A. Audit should be provided to the Town shortly.

**Pending Permits/Applications:**

Wayne stated that the town still has only two pending permits; 1- Marina dredging, noted above, and 2 – Permit to operate the Transfer Station. Soil sample data from the transfer station has been sent to DEP, no problems anticipated.

**Ferry E-Tickets:**

Wayne had a meeting with Gorham Savings Bank to discuss costs to implement e-tickets. Processing of credit card costs is fairly expensive; the cheapest approach seems to be using electronic funds transfers, much like a debit card except it would be directly between banks. The bank would hold back about \$7K; the annual cost would be on the order of \$250; this could be used for all town transactions, not just ferry e-ticketing. Wayne is also looking at local credit card processing, this could also be done for the Golf Club at about 2/3 of the current costs. Wayne has told Bob Russo to hold off on obtaining a scanner/reader until we know which direction we will go. Wayne would still like to do a trial run before the end of the season, maybe after high season when traffic is lighter. He is still looking at general town applicability vs only the ferry operation. Another related current issue, raised by John Crosby, is security of retained documents, including used ticket stubs. Joe Potts raised a concern over security of an e-ticket system; that we would have to ensure security for the town and the customers of the system.

**Winter Office:**

Joe Potts questioned why the Town needs a winter office; that we need to do an analysis that justifies and quantifies the requirements. There was a discussion of the services currently provided by the town; Joe questioned why the town is required to provide these services in the winter. Other Board members generally agreed that the Town could not discontinue services in the winter; that access to town records was sometimes necessary and that fiscal transactions must take place year-around. Action was again deferred.

**Polling Place Survey:**

Wayne was asked to ascertain whether it would be feasible for the Town to open a winter polling place in the same location as Raymond since it essentially only involves one day each winter. This could relieve the Town of some of the Polling Place requirements for the winter.

**Fee Complaints from Paul Murphy Lot #1724 and David O'Grady Lot # 1112:**

Wayne reported that the complaints are in the hands of the Town attorneys for appropriate action.

**Parking in Office Store Area:**

Town DPW has improved the small parking area(s) by the split on Sunset Road for parking of town employees. John Crosby suggested that DPW could improve additional space off of Recreation Lane, above the Smoky Bear sign for additional parking to relieve pressure on the main parking area for the Town office, store and post office. Wayne will ask contractors and town people who have been using the main parking area for extended parking to park elsewhere, preferably on the lots where they are working or living.

**Transportation Committee Meeting:**

Wayne, Brian Nisula and John Crosby met with the naval architect consultant. He was not well qualified to look at the gantries but he did provide a list of things to look at on the ferries to include current condition, enlargement possibilities, replacement options, etc. It has been provided to the Transportation Committee for response. His cost will be \$1200. Ed Charrette asked if one of the options included amphibious vehicle(s); the response was that those should be among the options.

**Island Use Vehicles:**

There was a continuation of discussions from last Board meeting. MOTION by Nun to allow those specific utility vehicles (separately defined within the Off-Road Vehicle class by the Maine Bureau of Motor Vehicles), previously registered as golf carts by the Town of Frye Island, to be operated on Town roads in accordance with the provisions of MSRA Title 12 and other town ordinances regulating golf cart operation. Utility vehicles will be registered as ATVs with the Maine Department of Inland Fisheries and Wildlife. Drivers will be licensed. Passengers will only be allowed in manufacturer installed seats. Second by Walker – UNANIMOUS.

**Other Old Business:**

Wayne reported that he and Joe Potts are attempting to get the Bingo business license under the auspices of the not-for-profit Frye Islanders Corporation. Joe is working to get the corporation reinstated to make that happen.

Wayne reported that he is again looking into the police presence on the island.

There was a discussion on lack of enforcement of island ordinances and FII covenants. Joe Potts said that the covenants were a civil issue and could not be enforced by FII. Nun asked that the Planning Board (Steve Kaplan only PB member present) look at the FII covenants and recommend if any or all should be in the Town Ordinances. Nun also asked that the Planning Board look at the current ordinances for lack of or inconsistent enforcement and make appropriate recommendations.

## **NEW BUSINESS**

### **Water Hook-up Fees for Leisure Living Properties:**

Wayne reported that one or more island residents hold contracts with Leisure Living that indicate that they paid Leisure Living for water hookups at the time they bought their lots. At issue is the liability of the Town to honor those. Wayne has passed the issue to Town attorneys for resolution of legal requirements; a response is expected before next meeting. Board resolution is deferred.

### **Orszag Abatement:**

The BOS signed a tax abatement adjustment which was made to correct errors in the basis of assessment of Orszag residence. Adjustment resulted in reduction.

### **Treasurer Policies – Disbursement Procedures:**

Carl Hommel and Joe Potts had each submitted disbursement policies for school tax and payroll warrants IAW Maine Treasurer's Manual. They were essentially identical except that Potts policies had the blanks filled in.

MOTION by Nun to approve Treasurer's Policies for the period 1 July 2007 to 30 June 2008 submitted by Joe Potts, second by Walker – UNANIMOUS.

### **SAD-6 Special Referendum and Warrant:**

Wayne reported that the SAD-6 Special Referendum (voted down in June 2007 by SAD-6 voters) Warrant will come up for vote 24 July 2007 at the Community Center.

### **Fireworks Display:**

Wayne reported that the fireworks display fund contributions were still short by \$1,290 of the required \$5,500. The Town is committed to pay at this point. Source of funds to cover the shortfall is unknown but additional contributions may be forthcoming.

### **Possible Violation of Shoreland Zoning Ordinance (273 Leisure Lane):**

Wayne reported that Paul White is in the process of developing a Consent Agreement with the owners of lot 273 relative to possible excessive cutting of trees.

Joe Potts reported to Wayne that FII had received a citation from Paul White for illegal cutting of trees on an FII undeveloped lot. Joe's position is that the Town should go after the tree cutter, not the owner who obviously did not cut the trees and was in no position to stop the cutter.

No actions were taken by the Board.

#### **Town Board Appointments:**

MOTION by Nun to appoint Margarete Schnauck as alternate member of the Planning Board for a term of 1 year and John Schutz as alternate member of the Zoning Board of Appeals for a term of 1 year, second by Morin – UNANIMOUS.

#### **Possible Restrictions on Lawn Watering with Town Treated Water:**

Nun stated that the Town is at a crisis in availability of water to island residents. There are many complaints of low or no water pressure, especially on weekends but also on weekdays now that we are in high season. At the same time there are several reports of lawn watering during daylight hours that appear to be sprinklers on automatic timers that water daily even during and after rains. It also does not make sense to water lawns with treated water that is becoming quite expensive for the taxpayers. The town should consider an ordinance that would prohibit watering lawns with treated water. Pat Karpacz said that the Conservation Committee was against lawns, in general, on the island for several reasons.

MOTION by Nun allow watering of lawns from the town water supply system only during the hours of 10:00 PM to 05:00 AM and limit car washing to the hours of 10:00 AM to 02:00 PM, second by Morin – UNANIMOUS.

Enforcement will be an issue. Wayne to post notices in the FINS and Potts to post on town web site.

#### **MERC Tipping Fee Increase for 2007-2008:**

Wayne reported that the MERC tipping fees have increased \$1.22 per ton over last year, about 1.5%. They are still less than the fees of 2 years ago.

John Crosby reported that the town is losing some fees by town violators who covertly bring in specialty items (TVs, computers, batteries, hazardous materials, etc) to avoid the fees.

#### **Other New Business:**

Wayne will schedule a public briefing by CDM of their water system study after he and John Crosby have had some time to come up with possible implementation scenarios in order to answer questions likely to come up.

There was some Board confusion of future meeting schedule. Wayne to send out to Board members.

## **REVIEW and APPROVALS**

### **Meeting Minutes:**

MOTION by Nun to approve minutes of 16 June 2007 Board meeting, previously provided; seconded by Morin – UNANIMOUS.

### **Year to Date Financials:**

Wayne presented financials through June with detailed discussion of significant items. Overall, the numbers are in good shape compared to last year at the same time. Permit fees are down from last year at the same time (only 5 new building starts), however, renovation fees are up. Brush dump fees are at zero; contractors are taking brush off the island. There are some corrections that need to be applied due to interest allocations, management fee allocations, vehicle insurance allocations (Clark working this one). Insurance for vehicles is running higher than forecast. Resident ferry revenues are up about \$30K and non-resident down about \$12K. Ferry is predicted to run about \$10K profit but it is early and that could change.

The issue of permit fees for docks was raised. It appears that at least 2 persons have been charged a permit fee for new docks. Steve Kaplan said that the Planning Board had voted down a recommendation for dock permit fees a couple of years ago. Wayne to investigate.

### **Treasurer's Report:**

There was no Treasurer's report.

### **Congratulations; Job Well Done:**

Ernie Wrzesinski commended Wayne, John Crosby and the DPW and Ferry Crews, and the volunteers who pitched in when one ferry broke down and the other ferry was limping along. They all worked hard and fast to get the whole system back in operation in less than a day, something that might have taken several days in the past. It also helped that the ferry haul-out performed as it should. The EC concurs that this was truly a job well done, our thanks to all.

### **Congratulations to (New) Town of Chebeaque Island:**

Kathy Potts recommended the Town send a letter of congratulations to the new town of Chebeaque Island. Nun asked Kathy if she would please draft up a letter for the Selectmen to send.

MOTION to adjourn at 01:20 PM made by Nun, seconded by Walker – UNANIMOUS.

Respectfully submitted,  
John B. Nun