

**MINUTES OF THE SELECTMEN/EXECUTIVE
COMMITTEE MEETING
TOWN OF FRYE ISLAND
APRIL 4, 2009**

The meeting was conducted by teleconference.

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

SELECTMEN: John Nun, Mark Thomas, Jimmy Kuiken.

BIT EXECUTIVE COMMITTEE: Bruce Nisula, Joe Potts, Bob Miner, Dave Bond, John Nun, Mark Thomas, Jimmy Kuiken.

TOWN MANAGER: Wayne Fournier

TREASURER: Joe Potts

PUBLIC: Betsy Gleysteen, Tim Toomey.

PUBLIC HEARING

Leisure Lounge Liquor License.

There were no comments from the Public on the Application for the Liquor License. Tim Toomey asked why the hearing was held during a winter month rather than after the island opened. Wayne explained that there was significant time required to get the license and that, in order for the Leisure Lounge to have the license when the season opened it was necessary to start this early. He explained that the license was good for 1 year from the date of issue. Tim suggested that we start a different cycle, possibly 1 July – 30 Jun and hold the Public Hearing Memorial Day weekend. That would leave an unlicensed gap of approximately 40 days in one year but Wayne said he would look into what could be done.

PETITIONS FROM THE PUBLIC

Tim Toomey said that he had not received a letter from the Town in response to his two September 20, 2008 information requests. Wayne said he responded by email and that the same information was posted on the Town web site. Tim said he had received the email but did not understand the information provided. Mark Thomas said that the Town currently complies with the Public's Right To Know by providing the financial information on our Web page. Both Joe and Wayne confirmed the information is there. Mark went on to say that the

Town had no responsibility to analyze the data or present it in a specific format requested by an individual taxpayer. While Wayne has tried to go above and beyond in the past, we have no responsibility to continue to do any more than ensure the basic data is available.

Betsy Gleysteen asked if there was a Town policy on retention of email correspondence. Wayne said that all his emails were saved and stored with the Town backup. It is rare for any town decisions to be discussed in emails but, if that occurs, the decisions are formally approved or disapproved in subsequent public meeting. John Nun requested that members of the Board include the Town Manager as an addressee in all Town related email correspondence so that a record is kept.

Tim Toomey asked if there were any procedures for citizens to initiate Warrant articles. Joe Potts explained that there are procedures outlined in the Town Charter on the web site and that he would send an extract of that to Tim via email.

OLD BUSINESS

1. Project Updates (see Attachment A, Manager's Notes):

Bob Miner asked if there were outstanding ferry fees due from others than Harry Zea. Wayne said there were two, both incurred after island closure and he had no doubt they would be paid by island opening.

2. Vote on Renewal of Leisure Lounge Liquor License:

MOTION by John Nun to approve the application for the Leisure Lounge liquor license, Town Manager to sign and submit; second by Jimmy Kuiken – UNANIMOUS.

3. Discuss/Approve Un-scheduled Run Ferry Policy:

There was extensive discussion on the fee that should be charged for an unscheduled run. Some board members felt that the fee that was presented in the policy (\$75.00) was too low, that it would not discourage some persons from abusing the privilege, majority agreed with the proposed fee. Jimmy Kuiken recommended that Wayne change the words "an Islander" in the 2nd Definition to "a person". Betsy Gleysteen asked whether the fee included in this policy should be approved by the entire BIT; Board members agreed that the entire BIT should vote on the fee(s) in accordance with the charter at a future Town meeting.

MOTION by Mark Thomas to approve the Un-scheduled Run Ferry Policy, as presented, with the fees remaining at current rates with the word change recommended above, second by Joe Potts - UNANIMOUS.

4. Discuss/approve the Complimentary Ferry Ticket Policy:

Wayne presented a revised version of the 2/17/07 Complimentary Ferry Ticket Policy. He had made an editorial change ("Pink" tickets to

“Complimentary” tickets), added a listing of [generally managerial level] that might receive complimentary tickets as a part of their benefit package, and a paragraph to provide complimentary tickets where frequent trips might be required to support on or off island recurring medical care.

Discussion by Board members agreed with the editorial change. Board members recommended 1st sentence of paragraph 1 be amended to read: “Complimentary ferry travel will be provided to island workers not living on the island for the purpose of commuting.....” Board members recommended the 1st sentence of paragraph 4 be amended to change “crew shortages” to crew absenteeism”. The board discussed and decided that ferry tickets should not be given out for volunteer work. Board members agreed that complimentary ferry travel for personal use should not continue to be used for remuneration for any individuals [other than temporary ferry crew as described in paragraph 4] and that complimentary tickets should not be included in future benefits packages. Finally, the Board members agreed that Complimentary tickets for recurring medical care should be approved by the Executive Committee. All these recommendations were made in the spirit of removing any burden on the Ferry Enterprise to support payments that should properly be funded by other accounts. The Board asked Wayne to revise the policy in accordance with the above recommendations for approval at the 16 May meeting to be effective 1 July 09.

5. Discuss Ferry Revenue/Electronic Data System:

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. Wayne agreed to set up meetings during the period 13 – 14 May 09 if possible.

6. 2008 Golf Reserve Expenses:

MOTION by Joe Potts that a 2008 journal entry be made to (1) return \$1,409.64 to the Golf Equipment Reserve for unused authorizations as described in Table 1, and (2) correct the booking of expenses that should have been allocated to an approved project with monies from a Reserve Fund as described in Table 2:

Table 1. Return of Unused Money to Reserve

A. BoS authorization at 2/17/07 meeting – \$3,000 Utility Cart Purchase	
Transfer from Golf Equipment Reserve – Journal #243	
1,700.00	
Expense to purchase pickup truck – E68-3-75-05	-
1,750.00	

	Sub-total	-50.00
B. BoS authorization at 2/17/07 meeting – \$8,000 Hole #5 Tee Renovation		
Transfer from Golf Operations Reserve – Journal #496		
7,865.00		
Sum of three expenses for renovation – E68-9-xx-xx	-	
7,440.00		
Fourth expense for renovation – E68-3-xx-xx	-	
1,715.00		
	Sub-total	-1,290.00
C. BoS authorization at 5/17/08 meeting – \$10,000 Irrigation Lake Pump		
Transfer from Golf Equipment Reserve – Journal #243		
10,000.00		
Expenses for irrigation pump – E68-3-75-02	-	
7,250.36		
	Sub-total	2,749.64
	Total	1,409.64

Table 2. Correction of Expense Booking

A. BoS authorization at 2/16/08 meeting – \$15,000 Holes # 1&7 Tee Renovation		
Transfer from Golf Operations Reserve – Journal #TBD		
6,150.00		
Expenses for Sand – Change E73-2-35-45 to E67-1-35-45	-	
4,100.00		
Expenses for Loam – Change E73-2-35-49 to E67-1-35-49	-	
2,050.00		
	Total	0.00
B. Amount of above BoS authorization available for use in 2009		
8,850.00		

Second by Jimmy Kuiken – UNANIMOUS.

7. Payment to Raymond for EMS Calls and Dispatching Services:

Wayne questioned whether the Board had approved payment of \$10K for dispatching services in 2007 and 2008; he had not seen checks. Selectmen

approved the payment at Feb 09 meeting but did not remember signing a check warrant; Wayne will check with Calvin and get the check(s) out. There remains the billing of approximately \$15K for EMS runs. While the costs seem high compared to earlier years when calls were billed at \$200 each the Board agreed that the Town does owe something. Wayne and Chief Perrson will resolve the amount due when the island opens. Wayne will schedule a Town meeting on Memorial Weekend to obtain voter approval of paying the bill from the Undesignated Fund Balance. Public Hearing will be scheduled concurrent with the Board meeting on 16 May 09.

8. Cumberland County Dispatching Contract:

Wayne recommended that the Board approve contracting with Cumberland County for dispatching service. The cost will be \$7569.00 and the Town has budgeted \$10.9K. All the towns, including Raymond, in the area are going with the County. Chief Perrson and Chief Beaulieu are working procedures, better service is expected. The basis for the cost estimate is an approximate average of 800 persons population for the 6 months season.

MOTION by John Nun to approve the Cumberland County Dispatching Contract and authorize the Town Manager to sign for the Town, second by Jimmy Kuiken – UNANIMOUS.

9. Disposition of Old Red Dump Truck:

Jeff Snow has offered \$5K for the old red dump truck.

MOTION by John Nun to approve sale of old red dump truck to Jeff Snow for \$5K, funds to be credited to the Equipment Reserve, second by Jimmy Kuiken – UNANIMOUS.

10. Other Old Business: None

NEW BUSINESS

1. Discuss Option to install Cable Conduit in Water Line Trench in Phase 2:

It was suggested to the Town Manager and the Board that there is an opportunity for cost and hassle savings if the Town were to need electronic cable service around the island in the future by installing conduit in the water line trenches down the roads. The cost would be on the order of \$5-6K for phase 2 this year between the ferry landing area and the DPW area. Costs to do the rest of the island perimeter were estimated at \$20K per mile or approximately \$30-50K. Jimmy Kuiken felt that it would be worth it to do so between the East Pump House and the Water Treatment facility. Joe Potts felt that it was too much to

commit to with no other plans in place. All Board members agreed that there was potential but no specific requirements could be identified that would justify spending that amount.

MOTION by Jimmy Kuiken to authorize up to \$6500 to install 2 inch conduit in the water trench for Phase 2 , second by John Nun – FAILED 2 : 1, Nun FOR.

2. Golf Operations Policy Handbook:

A revised Handbook was submitted for approval as a result of the 15 Feb Golf Committee meeting. Further changes including a definition of Charter Membership and a cleanup on definition of greens fees will be submitted later this year. The kitchen project has already been approved by the Board and two separate accounts have been set up to pay for the project; payments for individual expenses will be handled by the check warrant system as they occur.

MOTION by Bruce Nisula to approve the changes to the Handbook, as presented for approval, knowing there will be another version later this year, second by Joe Potts – UNANIMOUS.

MOTION by Bruce Nisula to retain the same golf fee structure as 2008, second by Jimmy Kuiken – UNANIMOUS.

3. Septic Service at the Ferry Trailer:

There were problems with the septic system at the ferry trailer this winter. The pump was replaced. A new pump chamber is probably needed. The leach system may have failed. The extent of failure will not be really known until the system [or parts of it] have been excavated.

MOTION by Mark Thomas to authorize expenditure of up to \$12K from the Ferry Capital Reserve to repair the Ferry Trailer septic system, as required, but no more, second by Jimmy Kuiken – UNANIMOUS.

4. Establish the Summer Board Meeting Schedule:

John Nun to provide a draft schedule to the Board members for approval at the 16 May meeting.

11. Other New Business: None

REVIEWS and REPORTS

1. Meeting Minutes:

MOTION by Nun to approve minutes of EXCOM meeting of 7 February 09, amended to indicate that Mark Thomas seconded adjournment; and minutes of

Special EXCOM meeting of 17 March 09, second by Jimmy Kuiken – UNANIMOUS.

John Nun to provide amended minutes to Joe Potts for posting to the Town web site.

2. Treasurers Report (See Attachment B):

Joe Potts provided an explanation of the report at Attachment B.

3. Golf Report:

Nothing to report beyond items elsewhere in the minutes.

4. Marina Report:

Nothing to Report

MOTION by John Nun to adjourn at 2:39 PM seconded by Jimmy Kuiken – UNANIMOUS.

Respectfully submitted,

John B. Nun
First Selectman

Attachment A: Manager's Report, April 04, 2009

Attachment B: Treasurer Report April 04, 2009

**Attachment A
Managers Report
April 04, 2009**

1. **David O'Grady Fee Complaint:** Mr. O'Grady has withdrawn his complaint.
2. **Derek Yates Fee Complaint:** The Court has determined that Mr. Yates complaint does not constitute an appeal but is a complaint that requires a legal opinion and will place the complaint on the non-jury court calendar. A trial date will be set sometime in July 2009. In the mean time, I have sent all relative material, requested by the Court to our attorney. He will in turn supply what he determines pertinent to the Court and to Mr. Yates.

Nothing more will be done until the Island opens.

3. **Water System Upgrade:** The 4" line has been installed from Sunset Road, down High Point Drive to the intersection of Birch and Ridge Roads. All of the connections to the 2" circle feeders and the ¾" property feeds have been completed. The 4" main line has been successfully leak tested but it is next to impossible to test all of the connections. The next big test will be in the spring when we fill and start the system. The 4" line for the next phase has been purchased. The Board must decide whether to install a 2" conduit, for future communications purposes, in the trench while it is open for the water line installation.
4. **Marina Dredging:** The Town attempted to amend the dredging permit so we could increase the height and length of the jetties at the inlet to the Marina. This request was based on the supposition that increasing the jetties would minimize the number of times we would have to dredge. This amendment was denied. However, the Department of Environmental Protection (DEP) did grant us a 10 year permit allowing us to dredge as necessary without having to pursue additional permits during this time frame. It was the DEP's conclusion, after input from other agencies, that periodic dredging was less harmful to the environment than the jetties would be.
5. **Discretionary Ferry Funding Program:** We have recently learned that the gentleman at the MEDOT that was supposed to be helping us with the application is no longer with MEDOT and is probably not going to be replaced. In addition, Tom Allen, our representative in congress, was not re-elected so what we thought we had for support in this process is no longer there. To make matters worse, it seems that no one can find our original application so we don't know how far it got in the process or if it even got submitted.

John Crosby and Dave Bond are now working with Representative Pingree's office to resurrect / re-create our application and get it submitted.

6. **Lot 273:** The replanting plan has been approved by the DEP and Frye Island and has been recorded at the Registry of Deeds. Mr. Zea has acknowledged the approved plan and has committed to having it done by June 23, 2009.

Mr. Zea has stated that he and his attorney feel that the Code Officer was, in part, responsible for the placement of the foundation and plan to appeal this to the Superior Court. I have written a letter, at the Executive Committee's request, giving Mrs. Zea until June 1, 2009 to correct the setback violations. If not corrected by that date the Town has the option to refer the matter to the Superior Court. There has been no change.

The town attorney is working with Mr. Zea's attorney to resolve the issues.

7. **Ferry Fees:** First Coast Realty / Mr. & Mrs. Zea have an outstanding ferry debt dating to 2007. A meeting has been scheduled with Mr. Zea on May 23rd to negotiate acceptable payment terms. The time, place and Town representatives need to be determined. It was decided that this meeting would be held without having any attorneys present.
8. **Town Dump Truck:** Thanks to the efforts of John Crosby and Dave Bond, a like new 2006 Ford F750 dump truck was found in a private sale. The BoS / EC held a special meeting to approve the purchase of the truck pending an acceptable inspection of the vehicle by Dave Bond. The vehicle passed the inspection and the purchase was made. The original purchase price was in excess of \$60,000 and we were able to purchase the truck for \$42,000. The BoS voted to use money in the Equipment Reserve for this purchase.
9. **Police Vehicle:** Chief Beaulieu was able to find a 2005 Ford Explorer at Rowe Ford. The asking price totaled \$12,195. We were able to purchase the vehicle for \$11,000. In addition, Chief Beaulieu was able to sell the old Ford Crown Victoria for \$1400 and the Chevrolet Impala for \$2000. Some of this money will be needed to properly equip the new vehicle; the rest will be added to the newly created police reserve.
10. **Labor Department Inspection:** We have been granted an extension until May to complete the corrections required by the inspection. Most of the discrepancies are procedural and will be completed this winter and presented to the employees when we open in the spring.

11. **Dispatch Services:** Cumberland County will provide all of the dispatching services for the Island. The procedures are being worked out now.
12. **Golf Course Club House addition:** The plans and application were submitted to the Code Enforcement Officer and the building permit has been issued. In addition, we have received a new waste water system design from Main-Land Development. The new system is not required as part of the expansion because the construction only affects the kitchen facilities but will be required should the existing system fail.
13. **Break-Ins:** I have attached Chief Beaulieu's last report:

As most of you have heard, there have been several burglaries on Frye Island during the month of January. As you can imagine, this has been a very hectic winter season dealing with several crime scenes, witnesses, evidence, weather and, of course, suspects. I would like to tell you as much as I can without compromising this very sensitive ongoing investigation.

This I can share with you. The burglaries were discovered by an alert contractor by the name of Paul Kolodji. Paul came ashore on the island as he normally goes about his business. When he arrived near one of his job sites he noticed a home that had obviously been burglarized.

I became aware of the burglaries, later in the day, when I received a call from a Frye Island Police Officer, Rick Brooks, as he had heard about the burglaries from a third party. Shortly after, I had a conversation with island resident, Dave Bond, and he agreed to meet me on the island early the next morning to check out the situation.

Once on the island it became increasingly clear that this was not a few random burglaries, but a coordinated effort to burglarize as many homes as possible. During our initial inspection of the island, we identified over forty homes that had been burglarized. Island officials were immediately notified of the situation and informed that an investigation had begun by the Frye Island Police Department. At this time, members of the Frye Island Public Works Department were instructed by Wayne Fournier to immediately secure all homes affected and to check all homes on the island for any other criminal activity. This was preformed by the Public Works crew within forty eight hours of the initial report of the first burglary. As a result of their efforts approximately ten more burglaries were identified in the immediate area of the original forty, more in the initial area were to be found at a later time.

Shortly into my investigation, I identified several items within a number of homes that were of particular interest to me for fingerprint analysis or DNA swabbing. I contacted the Cumberland County Sheriff Office and requested

an evidence technician come to the island to process the items for prints and DNA analysis. Approximately nineteen samples were identified, processed, and delivered to the State Police Crime Lab in Augusta, Maine.

During the next phase of the investigation several individuals were interviewed, interrogated, and in some cases, accused of these crimes on the island. As a result of this portion of the investigation involving several associates, friends and admitted enemies, a suspect has been identified. I attempted along with members of the Frye Island Police Department and the Cumberland County Sheriff Office to interview this suspect. He did not arrive at the designated time and place for the interview.

We continued to investigate this suspect and found through criminal records checks that the suspect is a convicted felon, as well as a convicted sex offender. In short, one can assume the status of a career criminal. The good news is that a convicted sex offender has to submit to DNA analysis upon conviction. This is on file nationally, more on that later.

Once one is convicted and declared a sex offender one has to declare his permanent residence to his probation officer. In this case, the permanent residence declared is in another county more than two hours away. Unfortunately for the suspect, it can be proven, by way of this investigation, that he has been living with various associates in the Cumberland County area. This is a violation of his registered sex offender status.

I called the suspect's probation officer and informed him of this violation. After a brief investigation by the suspect's probation officer, it was determined that the suspect was indeed not living at the address declared. As a result of this sex offender registry violation, the suspect's probation was revoked and a warrant of arrest was ordered for the suspect. As of this writing, the suspect is in jail awaiting a hearing, as he faces more than eighteen months in jail.

While the suspect is incarcerated, the Frye Island Police Department has enough time to have the DNA analyzed and compared to the suspects involved. I am cautiously optimistic that the dots will be connected to the suspect, from evidence obtained from the crime scenes on the island.

I want to thank everybody for their patience during this very difficult time. I only had so many hours in a day to deal with all of this. I decided to put my efforts into identifying the person(s) involved before making personal notifications of the burglary victims. I know notifications were being made via the town officials, but I still felt the need, as your Police Chief, to contact you personally. I want to extend personal thanks to a couple of island residents, Dave Bond and Thomas "Cappy" Capobianco, for going above and beyond, as they usually do, for their efforts in dealing with this situation during very difficult weather conditions.

I will keep you informed as this investigation continues.

**Attachment B
Treasurer Report
04 April 2009**

- 1. Reserve Project Accounting.** The Chart of Accounts has been revised to better track and to improved information to management for Reserve Fund Projects. Each Town department now has an associated department number for projects, plus two extra project departments. We will no longer be moving money from Reserves to Checking when project is approved; money will be moved at the time project starts. The following lists current Department / Divisions:

Dept / Div	Heading	Fund
60	Capital-Administration	1
--1	Rescue Boat Support	
61	Capital-Public Works	1
--1	New Dump Truck	
62	Capital-Public Safety	1
--1	Police Car Replacement	
63	Capital-Recreation	1
--1	Temp-Rec	
65	Capital-General Fund 1	1
--1	Temp-Gen1	
66	Capital-Ferry System	3
--1	Barcode Rev System	
--2	Cape Parking Lot	
67	Capital-Golf Club	3
--1	Tee Boxes 1&7 Reno	
68	Capital-Yacht Club	3
--1	Temp-YC	
69	Capital-General Fund 3	3
--1	Temp-Gen3	

The following is an example from the March 2009 Financial Report:

Account	Budget Net	Curr Mnth Net	Curr Mnth Budget*	YTD Net	YTD Budget*	YTD Diff*	Uncollected Balance
61 - Capital-Public Works	42,000	42,000	42,000	42,000	42,000	0	0
1 - New Dump Truck	42,000	42,000	42,000	42,000	42,000	0	0
75 - Capital Expenses	42,000	42,000	42,000	42,000	42,000	0	0
62 - Capital-Public Safety	12,000	0	0	9,600	9,600	2,400	2,400
1 - Police Car Replacement	12,000	0	0	9,600	9,600	2,400	2,400
75 - Capital Expenses	12,000	0	0	9,600	9,600	2,400	2,400
67 - Golf Club	15,000	0	0	0	0	15,000	15,000
1 - Tee Boxes 1&7 Renno	15,000	0	0	0	0	15,000	15,000
35 - Supplies	15,000	0	0	0	0	15,000	15,000

2. **GSB Interest Rates.** The interest rates at Gorham Savings Bank have dropped significantly in the past few months. The checking account is only getting 0.25% on all monies over \$33,000. The savings account is getting 1.20%. Both rates are subject to change based on how GSB views the economic condition. We also have a \$400K CD at GSB earning 2.00%; monies coming from December 2008 tax revenues. The CD matures in April 2009, and will be returned to the savings account to cover future operation expenses.
3. **Cash Management.** Because of the trivial interest rate in the GSB checking account, an improved cash management has been implemented. The level of cash held in the checking account will of the magnitude of the expected monthly expenses. Other short term cash will be held in the GSB savings account or in short term CDs (e.g. 90 day term). Longer term cash requirements will be held in the Merrill Lynch investment account in CDs with longer maturing terms (e.g., 6-60 months).
4. **Floating Rate CD.** The current U.S. economic condition is keeping the CD rates lower than we have seen in the past few years. A \$100K investment in a five-year floating-rate CD at Bank of America was acquired in March 2009. The principal in the CD is FDIC insured. The interest earned is determined by the earnings of the S&P 500 index. With the S&P 500 index at a very low value in March, the anticipated earnings for this CD could be in the 37-40% range at the end of five years. There is no plan to purchase any additional floating-rate CDs.
5. **CD Ladder.** The CD investments at Merrill Lynch cover a six year period. There is a \$99K CD maturing in the fall of 2009. The next five years (2010 to 2014) have the following CD values maturing: \$395K, \$195K, \$292K, \$194K and \$138K.

6. Bank Reconciliation. I have been doing the reconciliation of the GSB savings account and the Merrill Lynch investment account. Both of these accounts have been reconciling to the penny, i.e. Trio account balance exactly equal to the financial institution monthly statement.

The reconciliation of the GSB checking account is handled by Calvin. The year end 2008 reconciliation was only off by \$83. The last report that I have received from Calvin indicates that the January 2009 reconciliation is off by \$1,581. The established objective is to have the reconciliation completed by the middle of the following month.