



MEETING MINUTES FOR THE SELECTMEN/EXECUTIVE COMMITTEE MEETING 10/23/2010

START	END	NEXT MEETING	NEXT TIME	MEETING LOCATION
0901		December 4, 2010	9:00AM	Administration Office

ATTENDANCE

EXECUTIVE COMMITTEE:

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

Town Manager: Wayne Fournier
Treasurer: Joe Potts

PETITIONS FROM THE PUBLIC

John Thomas from Starlit Software presented the results of the review of the eTicket system (See below). A copy of the report is attached.

Brian Riley had questions about the earned ride accounts for the employees. This issue was addressed later in the meeting. He also discussed the disrepair of the tennis courts again. He asked if some of the work could be done by the Frye Island Public Works crew but at present and for the next couple of years the crew will be working on the water line installation. It was suggested that he form a committee to work with the Recreation Commission to organize fund raisers to help finance the needed repairs.

OLD BUSINESS

	Business Item	BIC
	<u>Community Center Handicap Access</u>	Wayne
	Prior to 09/18/2010, see September 18, 2010 meeting minutes.	
	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	
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.	
	<u>Conceptual Plan for Willis Property – Transportation Committee</u>	Wayne/Transportation Committee
	Prior to 09/18/2010, see September 18, 2010 meeting minutes	
09/18/2010	The Transportation Committee met on September 11 th . 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.

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.

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.

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 \$1344.46 in addition to the \$5,000 fine and the \$5,000 escrow that was paid earlier. The \$1344 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.

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

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.

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.

Maine DOT Ferry Proposal

Wayne, John Crosby, Transportation Committee

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

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

10/23/2010 The report from the Naval Architect is available. And has been forwarded to the ExCom. Wayne reported that an updated report has been received by the Transportation Committee but the Committee has not had a chance to review and comment yet. Once that report is finalized Wayne will send it to the ExCom. There has been no additional information from the MEDOT.

Long Term Transportation Reserve

Closed

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

Mr. Kuiken would like to discuss the possibility of transferring some of the money in the Ferry Capital Reserve into the Long Term Transportation Reserve. It was decided to table this item until a later meeting.

09/18/2010 No Change

10/23/2010 No Change. The Ex Com should act on this item or close it. This will be addressed later but will be

removed from future agendas until then.

Use of Frye island Facilities (Beaches) by non-residents **Wayne / Marina Committee / Public Works**
Prior to 09/18/2010, see September 18, 2010 meeting minutes.

- 09/18/2010 Wayne met with Nancy Donio, Chair of the Beach Committee. She will be preparing her recommendations for the beach signage. This probably won't happen until next season.
- 10/23/2010 Nancy Donio has recommended new signs to reflect the Beach Ordinance and relocating the signs when installed to be more visible. Wayne will work with Public Works to address this recommendation.

Tree Cutting Violation

Closed

- 07/31/2010 The Code Enforcement Officer identified a tree cutting violation at 323 Leisure Lane. This was reviewed with the home owner and the DEP because of the proximity to a stream. A re-vegetation plan was discussed and approved by all parties. The Executive Committee must decide if a fine is appropriate. With the exception of one violation, the Town has not imposed fines for unintentional violations of this ordinance provided that the replanting occurs in a timely fashion. Dave Bond questioned whether the State law required a fine. Wayne was asked to get clarification of this issue. This item will be tabled until more information is available.
- 08/21/2010 No Change
- 09/18/2010 I spoke with the Town Attorney. Basically he said that imposing a fine is required and if the Town didn't impose a fine it is possible that the DEP could step in and impose a fine of their own. Wayne confirmed that the minimum fine is \$100.00 and the maximum fine is \$2,500.00. A motion was made by Mark Thomas and seconded by John Nun to impose a fine of \$100.00. During the discussion a number of the ExCom felt that the fine should be more. Bob Sutherland made a motion to amend the original motion to increase the fine to \$250.00. Dave Bond seconded the motion to amend. The amendment was approved with 5 in favor. Mark Thomas was opposed. The amended motion to impose a \$250.00 fine was approved with 5 votes in favor and one (Mr. Thomas) opposed.
- 10/23/2010 The fine has been paid. This item is closed

Water Connection Fee

Closed

- 07/30/2010 Mark Thomas questioned the water connection fee. Wayne was asked to look into the cost of these connections.
- 08/21/2010 Tabled
- 09/18/2010 Wayne explained the \$4000 water fee was based on the original estimate of \$3,000,000 to replace the water distribution system. Mr. Thomas argued that the study performed by Camp, Dresser & McKee indicated that the distribution piping would need to be replaced even without further Island expansion. Mr. Nisula reminded the ExCom that Maine statutes permitted municipalities to establish rates and fees for providing potable water. Mr. Thomas made a motion to reduce the water fee to \$500.00. There was no second and the motion failed. A motion was made by Mr. Nisula to reduce the water fee from \$4,000.00 to \$2,500.00. The motion was seconded by Mr. Bond. The motion was passed with 4 in favor and 2 opposed. \$500.00 will be applied to the operation budget and \$2000.00 will be applied to the Water Reserve.
- 10/23/2010 The change in this fee has been made and the CEO informed. This item is closed.

Health Insurance Rates

Wayne / Executive Committee

- 07/31/2010 Wayne reported that he had a brief discussion with the representative from the Maine Municipal Employee Health Trust (MMEHT) and was informed that the health insurance rates for next year would increase 12% and the dental rates were increasing 5%. Wayne is going to schedule a meeting with the representative to discuss available options.

08/21/2010 No Change
 09/18/2010 No Change, Wayne is still trying to get additional quotes on supplying medical insurance.
 10/23/2010 Wayne has looked into this, as have a number of other municipalities, and the cost and benefits offered by the MMEHT are competitive with all other plans available. However, there are options available that should be discussed with the possibility of modifying the personnel policy. A summary of the MMEHT plan is attached. This issue will be addressed at a later meeting.

Tennis Courts

John Crosby / Wayne

07/31/2010 Brian Riley spoke on the disrepair of the tennis courts at the Community Center and the fact that the courts at Lancaster Loop were oriented east - west which makes it very difficult for the better players to use these courts because of the sun. Apparently, the courts were originally oriented north-south but at some point were changed. The Committee asked Wayne and John to review the courts and the available options and report to the Committee.

08/21/2010 Vermont Tennis was contacted to review and evaluate our tennis courts. It was their opinion that it would not be cost effective to re-orient the courts at Lancaster Loop. They felt that they should be resealed and re-striped, but left as they are. In their opinion these courts would be fine for the majority of the people. Their proposal to seal and stripe these courts is \$5,047 plus \$3,300 to remove and reset the fence on the Highpoint Drive side.. The courts at the Community Center are a different story. They need to be dug out and replaced. We have a price from Frank Snow to rebuild these courts for \$77,870. This proposal does not include the sealing and striping. Vermont Tennis has provided a quote of to do the sealing and striping for \$6078. They will be providing a quote to replace the courts as well. The old courts at the Recreation Area were checked and it was determined that those courts would not be worth trying to resurrect. The Recreation Commission has suggested converting those courts into a volleyball / bocce / horseshoe area. I have asked Ken Thurston for a proposal to clear that area. In addition, the basketball court should be resealed and repainted. Vermont Tennis will include this for \$2777 if they are on Island to do the other work. The ExCom asked if it would be wiser to build new courts at a different location, possibly the old recreation area or the golf course. A possible use for the Community Center courts could be for skate boarding. Wayne was asked to have the Recreation Commission develop a long term plan for recreational facilities.

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

10/23/2010 No Change

2011 Budget

Closed

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

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

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

It was decided not to add additional calcium applications to the budget but to work them into the budget if necessary next season. The needs of the transfer station were discussed and the fact that the compactor truck was a 1992. Mr. Potts suggested that an amount should be calculated and added to the budget as a contribution to the Capital Reserve and earmarked for the replacement of the compactor truck. The estimated tax rate was calculated without the addition of the new

assessed values. It was thought this could be done if the new values were included without adding to the estimated tax rate. It was decided to hold a meeting next Saturday, 09/25/2010, to approve the warrant for the Town Meeting.

10/23/2010 The Budget, as proposed, was approved at the Town Meeting on 10/09/2010. This item is closed.

NEW BUSINESS

Administration Copier

Wayne

10/23/2010 The copier that was purchased in 2006 has over a million copies and is extremely difficult to keep working properly. A new copier costs \$8700. I request that we appropriate up to \$9000 from the Capital Reserve to purchase a new copier. The money won't be spent until we move back to the Island in the spring. I have budgeted \$2000 per year and will continue to do so to reimburse the reserve. A motion was made by John Nun and seconded by Mark Thomas to appropriate up to \$9000 from the Capital Reserve for the purchase of a new copier for the office. The motion passed with 7 in favor. This item is closed.

Cumberland County Charter

For Information – No action Required

10/23/2010 Cumberland County has prepared a first ever charter that is on the referendum ballot for the November election. This item is closed.

Winter Meeting schedule

Closed

12/23/2010 The following winter meeting schedule was established:

- December 4, 2010
- January 29, 2011
- April 2, 2011
- May 14, 2011

This item is closed

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.

OTHER NEW BUSINESS

General Assistance Ordinance – Appendices A-C, 2010-2011

Closed

10/23/2010 Wayne presented the appendices A-C, 2010-2011 which establish the maximum payments allowed. A motion was made by John Nun and seconded by Mark Thomas to approve the appendices. The motion was approved unanimously and the notification to the State was signed by Mark Thomas and John Nun. This item is closed.

Employee "Earned Ride" accounts.

Closed

10/20/2010 Brian Riley requested that some earned rides be carried forward to the next year for those employees that returned to work for the Island in the next year. Dave Bond made a motion to carry forward up to a maximum of 4 earned rides for those employees that were rehired for the next season. The motion was seconded by Jim Kuiken and approved with 7 votes in favor. Wayne

will revise the Employee Handbook to reflect this change. This item is closed.

Election of Officers for Selectmen and ExCom

Closed

10/23/2010

A motion was made by John Nun to elect Mark Thomas as First Selectman. It was discussed that the policy established last year called for the selectman in his / her third year to be the new first selectman. John Nun withdrew his motion and made a motion to elect Jim Kuiken as first selectman. Mark Thomas seconded the motion and Mr. Kuiken was elected the first selectman. Using the same policy concept, a motion was made by Bob Sutherland and seconded by Gary Donohue to elect Dave Bond as the Chair of the Executive Committee. Mr. Bond was elected with 7 votes in favor.

REPORTS

Meeting Minutes: A motion was made by John Nun and seconded by Mark Thomas to approve the minutes of 09/25/2010 Warrant Meeting and 10/09/2010 Town Meeting as presented. The motion passed with 7 voted in favor.

Treasurer's Report: The financial reports were distributed earlier. Wayne distributed the audited financial report for the 2009 year.

Golf Report: No report. Mark Thomas agreed to become the liaison for golf on the ExCom.

Marina Report: Dave Bond mentioned that the 10 year permit to dredge the entrance to the marina required that something be done within 2 years of the issuance of the permit which will be in February 2011. Because the water level is low we will be taking this opportunity to clean out the entrance to the marina this fall before we leave the Island. Wayne also mentioned that all of the docks have been removed.

EXECUTIVE SESSION

10/23/2010

A motion was made by Jim Kuiken and seconded John Nun to adjourn to Executive session to discuss legal issues regarding Beach 9 at 11:05 AM. Following the discussion, the Executive Committee returned to the regular meeting at 11:22AM.

ADJOURN

10/23/2010

A motion was made by Mark Thomas and seconded by John Nun to adjourn the regular meeting at 11:32AM.