

**Minutes of the Meeting  
Of the  
Board of Commissioners  
Of the  
Fishers Island Ferry District**

A meeting of the Board of Commissioners of the Fishers Island Ferry District was held at the FI Community Center on **Tuesday, July 5, 2011.**

Present were Commissioners Brooks, duPont, Edwards, Rafferty and 16 members of the public.

Chairman Brooks announced Marien + Company would not be attending as planned.

Minutes of the meeting held on Tuesday, June 21, 2011 were reviewed and accepted as amended by adding the following to Item 3, Old Business: "Tom Doherty was asked to bring a draft budget to the June 30, 2011 meeting."

Moved by Commissioner Edwards

Seconded by Commissioner duPont;

4 Ayes; Commissioner Rafferty abstained because he was not at the meeting.

A listing of the outstanding obligations of the District was distributed to the Board for audit and discussion. At the conclusion of the discussion, the invoice for Doherty, Beals and Banks in the amount of \$407.00 was withheld with instructions to resubmit for the amount of \$237.00, as no engagement letter was signed. All invoices were declared to abide by the Procurement Policy. A resolution to pay the outstanding obligations of **\$20,291.30** as represented by vouchers **#1614 through #1636**, dated, July 5, 2011, was;

Moved by Commissioner Brooks,

Seconded by Commissioner Edwards;

Ayes: All

**Correspondence**

- a. Mariah Patterson called the Business Office June 30, 2011 to compliment Ticket Agent Bob Lavin for his extremely courteous and helpful manner in New London recently. The Board acknowledged Mrs. Patterson's call with thanks and agreed Bob Lavin should be made aware as well.
- b. Town of Southold's request to use the ferry, Town Fathers' Day, August 10, 2011: Chairman Brooks asked if the Ferry Board still wished to have Town Fathers' Day at the South Beach lot so the Town can view the conditions. Chippy duPont suggested the Town Board be brought down to the site before the formal meeting at the school.  
Resolution to approve the ferry use,  
Moved by Commissioner Burnham, Seconded by Commissioner Edwards;  
Ayes: All
- c. Year round pass approved for Justine Kibbe effective August 14, 2011.

**Old Business**

- a. A copy of the resolution dated June 30, 2011 to pay the fish ladder payment to ECCD was distributed to each commissioner. Chris Edwards asked what line item the money would be charged to. Chairman Brooks responded from the surplus fund.
- b. A chart with the final rental property rates rounded off was distributed. Chris Edwards asked that the Island resident lessees be highlighted and wanted to know if the rates include the extra parking spaces. It was mentioned Tom Doherty is working on the written leases, including that issue. Chris Rafferty mentioned he understood three spots would be allotted to appropriate leases then charges would be added for extra spaces .
- c. The paving bid for the parking area including the North side entryway into the parking lot was discussed. Chris Rafferty asked that the language regarding the right of the District to reject any and all bids in the best interests of the District be included. It was agreed to send the bid to Lamb&Barnosky for review, then advertise. Chairman Brooks wanted to insure that the timing of

this paving might coincide with when pavers are on the Island. Also, where will the funding come from? Chippy mentioned the job is bound to be expensive.

- d. South Beach Lot/Race Point Road – Tom Doherty’s draft letter to the Town regarding the condition of the South Beach Lot and dumping was reviewed. Chris Edwards asked if the Race Point road had been worked on. Nina Schmid responded that CCG had been working on it for a few days. Tom Doherty will inspect and report back. The letter was tabled for further review.
- e. Five Year Capital Plan – Tabled. Chris Edwards asked if the workforce plan would be included in the Five Year Plan and also asked to have the crew names included in the workforce plan.
- f. Voting Requirements – Chris Rafferty summarized the draft voting requirements as revised by Lamb&Barnosky. Chris Edwards asked if it was posted on the District website. Nina Schmid indicated that the Commissioners needed to approve it before it could be posted. The District, being a special district, has broad discretion to set voting rules, as cited in the Lamb&Barnosky opinion which was posted on the website. Categories of ownership and voting were described and approval by the Board was entertained subject to entity proof language at the next meeting, July 19, 2011.
- g. The first budget workshop was scheduled for Tuesday, July 12, 2011 at 5pm at FICC. It was requested Tom Doherty prepare a draft budget for 3 years prior showing proposed and actual numbers.
- h. Southold Town Management Letter – Chris Edwards asked it be added to the agenda so as not to lose sight of it.
- i. Winter Work List – It was requested that the list be updated continually with new projects, start dates and goals for completion and old projects with dates of completion.
- j. Nina Schmid reminded the board they had asked for job descriptions for the movie theater clerk and projectionist. She distributed copies of the description as written in the theater report posted on the Ferry website and suggested the human resources people write them, as they have written or revised all others. Bob Brooks agreed he would turn it over to Kardas Larson.

#### **New Business**

- a. Marcia Marien: New Financial Setup – Chairman Brooks indicated a special meeting would be set up on a 24 hour emergency meeting basis for Marien to present findings regarding the ATM discovery process. Chairman Brooks expected there would be a meeting no later than Friday, July 7, 2011 and he would notify everyone.
  - b. Answering of District Phones – Chris Edwards again requested the telephones in New London and throughout the District be answered in a more customer friendly manner. Chippy duPont suggested Mark be asked to instruct the crew to identify themselves and be a little more courteous. Chris Edwards said that was fine if it happens, but he has been asking for over a year to implement the change. The phones will be answered in this manner henceforth: “Fishers Island Ferry District, John speaking , How may I help you?”.
  - c. Employee Ferry Travel – Chris Edwards asked this question as a result of the audit presentation. Chairman Brooks read the summary of current usage written by Tom Doherty as he understands it and that have been discussed at previous meetings. Bob Brooks stated he understood full time employees get non-revenue travel benefits, but was unaware of spouse, part-timers, etc. Chippy duPont and David Burnham agreed. Nina Schmid stated it was clearly part of her benefit package at the time she was hired. Bob Brooks stated he thought he had read a written policy stating same in the 1984 policy manual. After discussion, the Board decided the policy will be: “All full time employees and vehicles are allowed to ride the ferry free of charge back and forth for personal use”.
- Motion made by Chairman Brooks,  
Seconded by Commissioner Edwards,  
Ayes: All
- Chris Rafferty asked that a tracking system for non-revenue, employee travel be set up if it isn’t already. Nina Schmid responded there is a system set up and will check to see if reports can be pulled.

#### **Public Comment Session**

Mr. Pendergrast made note of the fact the Commissioners said they would “ask Tom or had asked Tom” a number of questions and why Tom wasn’t there. It was explained that four months ago his family bought him Red Sox tickets for his birthday on July 5 and he told the Commissioners Nina Schmid would be running the meeting. Chris Edwards stated he is normally at these meetings.

Mr. Phelps asked why the meeting was held in the small conference room which was inadequate for the number of people in attendance. Chairman Brooks answered normally there are only 6-7 attendees and from now on the larger room would be used. Chris Edwards mentioned it is a big improvement from the Ferry Business Office.

Mr. Bill McCance asked under what rules the District operates? He was very surprised the Board was discussing voting regulations and almost approving them without a chance for the public to review and comment? He stated voting is the most important right one has and where does it state the protocol for such a procedure? Where would he find a posted agenda? There should be a published agenda and a waiting period. He also said not being transparent with this issue could possibly nullify a whole election.

Chairman Brooks said point well taken. Agendas are being posted at least the Friday before a meeting on the community bulletin board. Chippy duPont said this issue has been studied for almost two years and on multiple agendas with many revisions posted on the internet and website and is now coming to a close. Mr. McCance asked again what the published rules the Board is governed by and operates under?

Chris Rafferty responded that District counsel’s opinion, which has been posted for more than a month, states because the District is a special district, the Board determines what the voting rules are. The District has excellent counsel and is more than open to comment from the public.

Mr. Orr said this type of decision can create a firestorm. Would it be legal to allow two persons to vote based on their ownership of the same property? Chris Rafferty referred to the legal opinion which states those who pay more taxes get more votes and would the public prefer that? Is that fair? Mr. Orr said he understands the District has a lot of latitude, but this is disenfranchisement of the right to vote. They discussed at length and Chris Rafferty said there is a counter-argument to every argument. Mr. Orr was thanked for his thoughts.

Meredith Rugg asked if A and B own a property and B and C own a property, are both properties entitled to vote? Chris Rafferty stated that as long as there is a separate owner from a separate property, you could have that person vote. Chippy duPont stated it should be separately titled in another name. Chippy explained the multiple LLC scenario. Mrs. Rugg stated if she and her husband two properties who gets to vote? Lucinda Herrick responded Peter would vote on one and Meredith on the other. A person can vote on behalf of a separate entity if the names are different.

Mrs Rugg: She attended the audit presentation on July 1, 2011. It was stated then that the airport does not own the airport so how could the District sell it if it doesn’t own it? It manages the airport. Chippy duPont answered that the District can only transfer the right to use the property, but a permissive referendum is necessary for any transfer of title to take place.

Mrs. Shillo stated she thinks the District is charged with taking care of it. Mrs. Rugg stated it is more about transfer of usage rights not transfer of ownership. Chippy duPont said it is more for the protection of the District.

Lucinda Herrick asked how many employees actually come from New London to Fishers Island. It was stated by Chippy, Chris Edwards, Nina and Bob Brooks that not many come here. Some come to play in church golf tournaments, take their family to the beach, etc., but it is not a regular event.

Harry Parker stated he understands the audit process is not complete. Would it be possible for the Board to describe what the procedure will be to respond to the disturbing issues raised in the audit?

Chairman Brooks stated that presentation was almost a final draft and could not comment on the audit right now. Mr. Parker said, he was asking about subsequent process, not the audit itself. Chairman Brooks stated the Board knows they have to act because the HR report and the audit report come together and support each other.

The Board members know they have to act and make some hard decisions pretty soon. They will not be taking months to make these decisions and the decisions will come down extremely soon, hopefully in the next 60 days or less, if not sooner.

Someone asked if a draft copy of the audit report is available. Copies will be made available at the next meeting.

Deb Shillo mentioned there is not control in a number of issues.

Harry Parker stated that as a citizen he feels the “culture tone” issue is the most serious comment, although there are others. As a user of the ferry, he thinks everyone should remember what friendly, positive service we all receive from the ferry crews and have received through the years. We know how people respond to the Christmas Fund and how helpful the crews are about putting your car on for you or whatever might be the situation. He would hate to have that “tone” issue be read as dissatisfaction on the part of patrons, etc. He thinks people are concerned about the ferry, but have no serious issues with the crew.

Chairman Brooks agreed and said the Commissioners believe the crews do their best to get the cars on the ferry on time, etc. As far as the Christmas Fund, the Board cannot sit with something that’s out there that may affect it and say it doesn’t exist, which could come back next year and really be a problem, like some things have in the past. The Board will not let this happen.

As far as the report itself and what was put out there, they mentioned everything from controlling of tickets to freight. There are some big issues. Harry Parker said tone is more subjective and that he was very concerned about control issues. He said he understood the point being made was that employees don’t feel comfortable criticizing management and some form of vertical communication should be instilled and it read like an indictment of our people. Chris Edwards asked if he meant the audit report or the HR report? He meant the audit report and the tone sounded as though no one trusts each other and everyone is at odds. He thinks the Board should be very proud of the service given by employees. He feels he is always given a fair, polite response and if an employee should ever see the report he would hate to think they might feel it is referring a their lack of service, etc.

Chairman Brooks stated he understands the comments in the report are directed to problems with management, not our employees and the board is not taking those comments lightly and they will be addressed. Mr. Parker said it is important not to let it bleed out that the District has a problem with its employees. He understands the criticisms of the ferry have been logistics, controls, costs, not that the people have been lousy. Chairman Brooks said absolutely; it is not the people. Parker stated the people of Fishers Island like the crews.

Chris Rafferty stated this is a differentiation between customer service and internal controls and the ferry needs to be run like a business. He is especially pleased everyone is happy with our customer service.

Chairman Brooks reiterated the Board is taking that report seriously and will start implementing, but he could not disclose at this time exactly how that would occur.

Susie Parsons mentioned we should have Paul Foley teach everyone how to answer the phone in New London. He is very good.

Mr. Phelps asked if minutes are kept of all meetings and he would like to see the minutes for the July 1 audit presentation. Also, at what point is the public allowed to comment on the minutes? Chairman Brooks explained comments on the minutes would become part of the next minutes and minutes are available in approximately one week from the date of the meeting.

Leonard Orr asked that important documents be copied and distributed to the public at meetings and could the meetings please be in the larger room.

Deb Shillo asked if the budget workshop on July 12, 2011 will be public? Yes, but no public comment is allowed during a workshop. She also asked if the same detail and backup from the previous budget prep years will be utilized for this one.

Sarah Mclean mentioned public meetings should be conducted under the auspices of the Sunshine Laws and that would include the Ferry District.

Chairman Brooks thanked everyone for their substantial comments and adjourned in to executive session at 5:55pm on a motion made Commissioner Rafferty and seconded by Commissioner Edwards.

Out of executive session on a motion by: Commissioner Edwards seconded by: Commissioner duPont  
At 6:35 PM.

Adjournment - 6:40 pm. Moved by Cmr. Rafferty; Seconded by Cmr. Brooks, Ayes all.

Next meeting - Wednesday, July 12, 2011 Fishers Island Community Center.

Submitted by,

Nina J. Schmid  
Assistant Manager