

**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 called to order on **Tuesday, December 6, 2011** at 4:30 pm by Commissioner Brooks at the Community Center.

Present were Commissioners: Brooks, Burnham, Edwards and Rafferty.

Absent was Commissioners: Herrick

Present were Randy A. Wyrofsky, Interim CEO/Manager and Nina Schmid, Assistant Manager.

Ten members of the public were present.

Commissioner Brooks opened the meeting and declared a quorum present.

Minutes of the meeting held on October 24, 2011 were tabled.

Minutes of the meeting held on November 15, 2011 were approved.

Moved by Commissioner Edwards

Seconded by Commissioner Burnham

Ayes: all

Nays: none

A list of outstanding obligations of the District were reviewed and discussed. A resolution was made to pay the outstanding obligation of: **\$68,649.73** as represented in vouchers **#1919 through #1949** dated December 6, 2011 by:

Moved by Commissioner Edwards

Seconded by Commissioner Rafferty

Ayes: all

Nays: none

Commissioner Brooks questioned the forklift repair. Commissioner Rafferty inquired about the payment to Bank of America for the Heath vehicle damage – Ms. Schmid verified the claim. Commissioner Rafferty questioned the Cushman Financial Package bill – Ms. Schmid replied that Mr. Cushman had printed a picture of the ferry on Ferry District checks. Commissioner Brooks verified that the new computers had been received – Mr. Wyrofsky replied that they had but had not been installed.

**Correspondence**

- a. The Commissioners reviewed requests for year-round resident passes from Kelly Ramsey, Nate Malinowski and Alex Williams. Alex Williams' request was approved. Kelly Ramsey's and Nate Malinowski's requests were approved effective January 1, 2012.
- b. The Board acknowledged receiving Mark Easter's retirement letter.

**Old Business**

- a. Mr. Wyrofsky read the legal notice for the Public Hearing for Rental Properties. At this time, Commissioner Brooks opened the meeting to public comment. Commissioner Brooks presented a letter sent to him by Patty Faulkner in which she

expressed concern about the declining year-round population, praised Captain Jesse Marshall for holding the boat for her, and stated that she believes now is not the correct time to increase rates on rental property by such a drastic amount. Commissioner Brooks requested that a letter be sent to Mrs. Faulkner thanking her for her concern and that the issue will be addressed. Harold Cook requested to speak at this time but was asked to wait by Commissioner Brooks – Mr. Cook complied. Commissioner Brooks informed those present that he had been contacted by four (4) different contractors about the rental rate increases. While the increases put everyone on an equal playing ground, there are not many places in which the rent would increase this drastically. Harold Cook addressed the Board – he stated that he believes this is the wrong time to raise rent, that the increase is ridiculous and that there is no volume in business right now with the state of the economy. He states that it is especially difficult for contractors like him who rent property whereas BD and Z&S do not have this overhead. Mr. Cook stated that Harry Parker came into his shop a couple of weeks ago to look at the second floor – Mr. Parker told Mr. Cook that he was looking at the space so that it may be turned into apartments. Tom Ravino stated that since he began renting the gas shop, he has spent over \$6,700.00 of his own money replacing the roof, soffits and windows so that the property is usable. Mr. Ravino would like the Board to take this in to consideration when making his rent increase. Commissioner Brooks asked Mr. Ravino if the Ferry District paid anything – Mr. Ravino replied that the Ferry District had only paid Connected Systems (Zelek) to bring power into the building. Mr. Ravino is shocked at the increase due to all of the work that he has done at his own expense. Commissioner Brooks then verified that Mr. Ravino sublets another Ferry District property. Harold Cook stated that he had spent over \$45,000.00 of his own money to put the building together since he began leasing his property and that all renters have spent their own money to improve their rental property also. Bill Faulkner stated that he was the first renter of Ferry District property over 40 years ago and that most of the rental properties are now “shop ready” but were not when the tenants began renting – he asked that the Board take this in to consideration when deciding on rent increases. He understands that the Ferry District needs money but so does everyone else – he suggested a smaller increase over a longer period of time as a possible solution. Mr. Faulkner continued that he believes that Connecticut contractors will move in to Ferry District rentals if current renters cannot afford the proposed increases – the Connecticut contractors will make money here and take it back to Connecticut to spend instead of investing it into local businesses – similar to what happened to the lobstermen. Mr. Faulkner sees the Ferry as the backbone to the island. Bruce Hubert agreed with the other renters and understands that everyone needs money right now. Mr. Hubert likes the idea of a lease but he sees his lease as vague and is unwilling to sign it. He expressed the following problems and concerns with the proposed lease – he is not allowed to have hazardous materials on the property (gas, paint, paint thinner, etc. are necessary for his business), he is only allowed three (3) parking spots but he has five (5) vehicles, for how much property is he responsible to mow and remove snow, and how should the public bathroom on his rental property be managed and supplied. No one from the Ferry District has explained these aspects about the new lease to Mr. Hubert. Mr. Hubert is willing to pay the rent increase but will not sign the new lease. Mr. Faulkner discussed his request for a garage door which the Ferry District refused to pay to have installed. He also informed the Board that he had maintained the road to his property while he had a backhoe but since he has no backhoe now the

road is no longer being maintained. Commissioner Burnham stated that he had recused himself about the topic of leases as he is a renter of Ferry District property but had only requested that any rent increases be done at the end of the year as opposed to mid-season. Commissioner Burnham said that he does not believe that the Ferry District should generate revenue from rental property as it is a tax district and should support the year-round community of Fishers Island – he agrees that rent should be equal across the board and that some increase is warranted. Bob Evans agreed with Commissioner Burnham and stated that the Ferry District is in the ferry business not rental business and that the market rent should cost the district no money but that it should create no profit either. Mr. Evans understands that the newly Town imposed property taxes have to be passed along to renters but believes that any surplus from rent should go back in to maintaining the rental properties. Harold Cook reminded the Board that his rental property has only electricity and no bathroom or water. Bill Faulkner stated that his property has no water either. Bruce Hubert stated that according to the proposed leases, the renter is responsible for everything inside the building – does this include a furnace, roof, etc. Mr. Hubert is unable to use all the space that he rents due to leaks in his roof. Commissioner Brooks agreed that he does not think the renter should be responsible for the furnace or roof. Commissioner Rafferty asked Mr. Wyrofsky if the Ferry District has made money on rental properties – Mr. Wyrofsky stated that historically there was no allocation of costs in the past. Commissioner Rafferty asked if there was a record of costs being kept now – Mr. Wyrofsky replied that there has been no change in allocations as of yet. Commissioner Brooks stated that in the past, the Ferry District had spent more on properties than was received in rent. Commissioner Brooks closed the public hearing of the meeting at this time. He stated that there is no where for island contractors to go and that he proposed increase is not right but that there needs to be some sort of increase. Commissioner Brooks proposed a 20% increase every year for the next five (5) years. Commissioner Brooks stated that rents should have been increased periodically in the past but were not – hence the need for such a large increase. He said that revenue needs to be created from other areas such a tickets, charters, etc instead of such a drastic rent increase. Commissioner Edwards asked on what the 20% increase was based – Commissioner Brooks replied that this amount of increase would get the renters to the same increase as proposed in the current leases but over a five year period so that everyone would be on a level playing field. Commissioner Burnham suggested that the tenants make a list of special conditions about their property. Commissioners Burnham and Edwards agree that the original purpose in redoing the rental agreements was to equalize rental fees among renters and that this is still the Board’s goal. Commissioner Burnham agrees with the 20% increase but that it should not be implemented across the board – conditions of rental property should be taken into consideration (i.e. – properties with water or electricity, etc). He similarly suggested that the renter could pay an increase or make the needed improvements to their rental space. Commissioner Edwards stated that he was not ready to vote at this time. Commissioner Rafferty agreed and stated that the Board had originally decided to restructure the lease for the following reasons: 1 – the properties were not paying for themselves and 2 – to equalize rent on all properties. He wants to make sure that the new rental agreements maintain the integrity of the Board’s goal in redoing the rental agreements. Commissioner Brooks suggested that maybe the proposed rental rates are too high – Mr. Wyrofsky responded that the rates were determined according to the appraisal determined at fair market value.

He stated that the Ferry District has a problem in that rates should have been increased in the past but were not so it is now necessary to implement such a drastic increase. Commissioner Brooks stated that rental properties were not costing the Ferry District any money at this time. Commissioner Brooks requested that Mr. Wyrofsky take a better look at the proposed rental agreement and report back to the Board with his suggestions. Commissioner Burnham would like this completed by the end of the year so that the new leases would take effect at the beginning of the New Year. He agreed to work with Mr. Wyrofsky to get the new leases completed by year's end – Commissioner Brooks and Bob Evans agreed to help Commissioner Burnham and Mr. Wyrofsky also.

- b. Permanent CEO/Manager Position Search – Commissioner Brooks informed those present that he had signed a contract with Robert Half to place the ad and begin the search. He requested that Mr. Wyrofsky and Ms. Schmid place the ad on the bulletin board at the Post Office on the island. Ms. Schmid requested a job description since someone had requested one from her – Commissioner Brooks will get that to Ms. Schmid.
- c. Financial System Overhaul Update – Mr. Wyrofsky informed the Board that he had a site visit with Marien & Co. last Thursday and will meet with them again on Friday. He sees two stages in the overhaul – 1 – utilize existing systems with software modifications by January 1, 2012 in which he suggests numbering tickets from now on and getting quotes to implement a scanning system for tickets to have good revenue recognition policies in place, and 2 – the second phase complete by March 1, 2012. Commissioner Brooks asked Mr. Wyrofsky if he could guarantee a non-disqualified report from the accountant for the year 2012 – Mr. Wyrofsky stated that he could.
- d. Revised Lock Change out Quotes on FI Office/Waiting Room – Two quotes were presented – one from Z&S Contracting for \$853.00 and the other from Harold Cook for \$755.00. The lowest bid which was from Harold Cook was accepted.  
Motion by Commissioner Rafferty  
Seconded by Commissioner Burnham  
Ayes: all  
Nays: none

### **New Business**

- a. Don Brown Longevity Increase – The Board approved Don Brown's five (5) year longevity increase of 3% effective December 18, 2011.  
Moved by Commissioner Rafferty  
Seconded by Commissioner Edwards  
Ayes: all  
Nays: none
- b. Meeting Schedule for 2012 – The Board discussed and agreed to keep the same meeting schedule – 4:30 pm on the first Tuesday of each month.
- c. The Board decided to table the issuance of new year-round resident cards.
- d. Commissioner's Fees – Ms. Schmid presented the Board with a list of how many meetings each Commissioner had attended in the past year. Commissioner Edwards verified that there is no pay for call-ins. Each Commissioner will review and let Ms. Schmid know.
- e. FFIT Theater Painting Proposal – Gordon Murphy addressed the Board about painting issues that need to be done at the theater – paint the ceiling, wash the walls and paint the trim in the lobby. Commissioner Burnham suggested that he Ferry

District supply the paint. The Board agreed to purchase no more than six gallons of paint.

Moved by Commissioner Burnham

Seconded by Commissioner Edwards

Ayes: all

Nays: none

The Board entered in to Executive Session at 5:30 pm to discuss personnel.

The Board returned from Executive Session at 6:25 pm.

- f. Ferguson Museum – The Ferguson Museum requested to use the meeting room at the Ferry Terminal in New London on January 22, 2012. The Board approved the request.
- g. Connected Systems Bill – The Board reviewed and discussed a bill submitted to the Ferry District for work that was done at the Tremaine rental property. Commissioner Edwards asked who authorized the work – Mr. Tremaine did. Paul Giles stated that Mr. Tremaine had been informed that the expenditure would not be paid by the Ferry District – this occurred while Mr. Giles was a member of the Board. Ms. Schmid is to send a letter to Connected Systems stating that the Ferry District did not authorize the expenditure that the tenant did and that therefore Mr. Tremaine is responsible for the bill.
- h. Nina Schmid Reimbursement – Commissioner Rafferty inquired as to why Ms. Schmid felt the need to hire an attorney – she responded that anyone would hire legal council when having to meet with police investigators about such a matter. Commissioner Rafferty asked according to any contract or Ferry policy why Ms. Schmid thought that the Ferry District should pay her legal fees and travel expenses – Ms. Schmid replied that she had been told that she had to go and meet with investigators on Long Island. Ms. Schmid reminded the Board that they had paid for John Paradis’ legal expense in another situation when he had also been exonerated of any wrongdoing. Commissioner Rafferty expressed his feeling that this is a personal matter and private expense. Commissioner Burnham stated that part of the reason for Tom Doherty being fired was that he was in charge of the situation and Ms. Schmid was not. Commissioner Brooks stated that Mr. Doherty was not fired but was terminated. Paul Giles stated that a precedent had been set with John Paradis – Commissioner Brooks reminded Mr. Giles that this was not the time for public comment, but Mr. Giles continued despite Commissioner Brooks’ request that he wait until the Public Comment of the meeting. Mr. Giles stated that he would speak whether it was the time for public comment or not regardless. Commissioner Rafferty stated that he does not know all of the background of the other situation or whether it even does indeed set a precedent but that if the Board continues with this practice a precedent would be set. Commissioner Burnham made a motion to pay Ms. Schmid’s request. There was no second so the motion died.
- i. Fuel Oil Bid Process – Mr. Wyrofsky suggested using spot rates as he and Mark Easter had discussed. After some discussion, the Board agreed to let Mr. Wyrofsky use spot rates to fill the fuel oil needs for several months at which time they will revisit the subject.
- j. Sandblaster Bids – Two bids were received for sandblaster that the Ferry District is selling – one for \$902.00 from Dean Detlefson of Bethlehem, CT and one for

\$251.50 from Concrete Express of Salem, CT. The bid for \$902.00 was accepted.

- k. Magnet Student IDs – Commissioner Brooks instructed Mr. Wyrofsky to arrange for magnet students to receive new ID cards.
- l. John Morgan Resolution – Mr. Wyrofsky explained that the resolution had been approved by the Town and reminded the Board that it could set a precedent in the future for captains who sometimes work at the capacity of a deckhand. Commissioner Edwards asked if this had come as a result of the HR study – Mr. Wyrofsky responded no. After some discussion, the Board agreed to adopt the resolution in which John Morgan will be paid different rates depending on the position which he is filling.  
Moved by Commissioner Rafferty  
Seconded by Commissioner Burnham  
Ayes: all  
Nays: none
- m. North Ramp Repairs Update – Mr. Wyrofsky informed the Board that the bid notice had been sent out and that contractors would be meeting with Mark Easter tomorrow for a pre-bid meeting. Bids are due on December 16<sup>th</sup>.
- n. Munnatawket Dry Dock Bid Decision – Mr. Wyrofsky presented three (3) bids – from Synesco, Fairhaven MA Dock and Thames Shipyard. While the bid from Thames is \$15,000.00 more, Mr. Wyrofsky likes the idea of creating a working relationship with them as they are obviously the closest geographically in case an emergency repair was ever needed on a ferry. Mr. Wyrofsky informed the Board that there is room for negotiation once the bid is awarded. Commissioner Rafferty asked if the Ferry District could award the bid to Thames with such a large difference in bid price – Mr. Wyrofsky said yes due to circumstances of travel expenses because of the proximity in distance. Thames will allow ferry employees to help in repairs whenever possible to cut some costs – this would be possible due to the close proximity to the ferry terminal. The bid was awarded to Thames and Mr. Wyrofsky was given permission by the Board to negotiate.  
Moved by Commissioner Edwards  
Seconded by Commissioner Burnham  
Ayes: Brooks, Burnham, Edwards  
Nays: Rafferty
- o. Uniforms – Mr. Wyrofsky is working with Mark Easter on uniforms but feels that it may be difficult to adhere to the \$5,000.00 budget that they were allotted. It may come in closer to \$10,000.00.

### **Public Comment**

Paul Giles stated that he believes that the Ferry District should pay for travel expenses and legal fees as requested by Ms. Schmid. He thinks that the Board set a precedent by paying for similar fees in the past for another employee.

The next meeting is scheduled for Tuesday, December 20, 2011 at 4:30 pm at the Community Center.

The meeting adjourned at 6:57 pm.

## RESOLUTION

December 6, 2011

At the December 6, 2011 meeting of the Fishers Island Ferry District Board of Commissioners, the following resolution was brought by the Board.

On a **MOTION** by Commissioner Rafferty,  
**SECONDED** by Commissioner Burnham;

Resolved, that the Board of Commissioners hereby accepts the quote from Harold's, Fishers Island, NY, in the amount of \$755.00 to replace three locksets in the Fishers Island Ferry District business office and waiting room, parts and labor included.

Ayes: All  
Nays: None

## RESOLUTION

December 6, 2012

At a regular meeting of the Fishers Island Ferry District Board of Commissioners, December 6, 2012, the following resolution was brought by the Board.

On a **MOTION** by Commissioner Brooks,  
**SECONDED** by Commissioner Edwards,

Resolved, that the Board of Commissioners hereby accepts the retirement notice of Captain Mark Easter, effective January 15, 2012.

Vote of the Commissioners:  
AYES: ALL  
NAYES: NONE

## RESOLUTION

December 6, 2011

At the December 6, 2011 meeting of the Fishers Island Ferry District Board of Commissioners, the following resolution was brought by the Board:

On a **MOTION** by Commissioner Rafferty;  
**SECONDED** by Commissioner Edwards.

RESOLVED, that, having completed the necessary 5 years active service, a longevity salary increase of 3% be awarded to Donald Brown effective December 18, 2011.

Vote of the Commissioners:  
AYES: All  
NAYES: None

## RESOLUTION

December 6, 2011

At the December 6, 2011 meeting of the Fishers Island Ferry District Board of Commissioners, the following resolution was brought by the Board.

On a **MOTION** by Commissioner Burnham;  
**SECONDED** by Commissioner Edwards.

Resolved, that the Board of Commissioners hereby agrees to purchase up to six gallons of paint for the interior painting of the Fishers Island Theater lobby, trim, ticket booth and ceiling by Friends of the Fishers Island Theater.

Ayes: All  
Nays: None

## RESOLUTION

December 6, 2011

At the December 6, 2011 monthly meeting of the Fishers Island Ferry District Board of Commissioners, the following resolution was brought by the Board:

**MOVED** by Commissioner Rafferty; **SECONDED** by Commissioners Burnham.

Be it **RESOLVED**, that John Edward Morgan will be paid at the rate of \$20.16/hour when working as a deckhand and \$23.03/hr when working as a captain, effective December 8, 2011.

Vote of the Board of Commissioners:  
Ayes: All  
Nays: None

## RESOLUTION

December 6, 2011

At the December 6, 2011 meeting of the Fishers Island Ferry District Board of Commissioners, the following resolution was brought by the Board.

On a **MOTION** by Commissioner Edwards, **SECONDED** by Commissioner Burnham

Resolved that the Board of Commissioners hereby accepts the bid of Thames Shipyard to furnish and deliver drydocking services for the M/V MUNNATAWKET as described in a legal notice dated October 21, 2011, for the amount of \$73,670.00 base bid.

Vote of the Commissioners:  
AYES: All  
NAYES: None