

11/6/24

MINUTES

**Members Present:**

Chair Shey Conover, Melissa Burns, Peter Anderson, and Stephen Pendleton (Zoom)

**Members Absent:**

Vice Chair Lauren Bruce

**Others Present:**

Ken Smith, Terry Sanderson, Ed Bacon, Mike Clayton, Peter Willcox, Catherine Demchur-Merry, Yvette Reid, Terry Cowan, Kara Masters Siekman, Murt Durkee, Elana Kehoe, Paul Marr

**Others Present via Zoom:**

Maggy Willcox, Jim Mitchell, Anne Bertulli, Fred Porter

Call to Order: Chair Shey Conover called the meeting to order at 6:07 PM, due to the Hazard Mitigation Workshop going overtime, and a quorum was established.

**Minutes of October 9, 2024, Regular Meeting.**

**MOTION BY P. Anderson, seconded by M. Burns, to approve the minutes of October 9, 2024 Regular Meeting, as written. No discussion. Roll Call. Motion passed, 4 yes, 0 no. Unanimous.**

**VISITOR COMMENTS/PETITIONS**

None.

**MOTION BY P. Anderson, seconded by M. Burns, to take the Agenda out of order. No discussion. Roll Call. Motion passed, 4 yes, 0 no. Unanimous.**

**NEW BUSINESS**

1. Museum Committee Wishes to Form a 501c3 for Restoration Purposes.
  - Ken Smith stated the committee would like to have access to more funding. For the group to qualify for some of the major sources of funding, such as the Lighthouse Trust, they need to be a 501c3. If the \$10M bond issue that is before the voters now passes, Lighthouse Trust will likely be a recipient. The Lighthouse Trust will not accept any applications from non-501 entities. Although municipalities are non-profit, they are designated as 170 entities,

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with different criteria. We're trying to leverage as much money as we can, and the committee feels this is the best way for that to happen.

- S. Conover stated the Board has consulted with Town Counsel Kristin Collins, who asked for the mission statement and some of the projects. If we were to greenlight moving this forward, there is a process ahead of getting this established. For clarification, S. Conover asked if the committee is looking for ownership of the lighthouse to go to the 501c3, or if the 501c3 is programmatic for supporting infrastructure that would remain Town-owned. Ken answered that it's the latter.
- M. Burns stated that it would become a "Friends of the Lighthouse" type of organization.
- Ken stated the committee has had a lot of in-depth discussion about the pros and cons of this proposal. The attorney seems to think it's a good idea. He referred to the synopsis that was submitted to the Board.
- S. Conover stated that this committee has been incredibly active and proactive in identifying what needs to be done and being thoughtful about how to use resources outside of tax dollars to make sure we can keep up this important historical structure.
- Terry Sanderson stated that the \$10M bond issue is for lighthouses owned by municipalities and/or ones owned by charities.
- M. Burns clarified the bond issue. Currently, the Maine Lighthouse Trust only gives money to 501c3 entities. They have denied us in the past because we're a 701c. There is a measure on the ballot to expand it and open it to other entities. This proposal is a preventative step, in case that bond issue fails. Additionally, there are other federal and private groups that will only give funds to 501c3s.
- P. Anderson stated this sounds like a great idea. We do it with the library, and there's a lot of success there.
- S. Conover stated that the Town lawyer estimated the process to cost about \$1500. We budget to be able to use our lawyer's time to address community needs, so she would feel comfortable with this.

**MOTION BY P. Anderson, seconded by M. Burns, to accept the plan and support the Lighthouse Committee forming a 501c3. Discussion about whether to keep the committee as well. Further discussion needed by the committee as part of the process. Roll Call. Motion passed, 4 yes, 0 no. Unanimous.**

**MOTION BY S. Conover, seconded by M. Burns, to go back to the order of the Agenda. No discussion. Roll Call. Motion passed, 4 yes, 0 no. Unanimous.**

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## **FERRY SERVICE UPDATE**

Peter Willcox reported that e-bikes are no longer considered motorcycles. Commissioner Bruce Van Note has changed the rate, and they are now somewhere between motorcycles and bicycles. Captains now have full discretion whether to do the two eliminated runs (10:30 & 11:00, and 2:30 & 3:00) in the winter. Generally, if a captain sees about 15 cars in line, they'll do another run. For instance, if the captain sees 20 cars still in line when leaving at 2:00, he'll come back at 3:00, but that's up to him. In the last couple of days, we've had at least one passenger being left on the quayside, creating all kinds of bad feelings on Facebook. Peter wrote to the crew manager, Derek Dostie, and to Ferry Service Director Bill Geary, to say that this is not a good view for the ferry crew. Peter feels that in general, the crews have been supportive of the island and try to do a good job, but this one (or two) instance is not good. He expects to hear back. A big issue is the proposal for the ferry to sleep in Lincolnville. They want to close the crew house. Peter published the salaries in the last Islesboro Island News so people can know what we're paying. The state pays half of the cost of running the ferry, and fares pay the other half. Some of the people they've hired haven't been responsible living in the crew house. Captains generally don't live there. The crew house has become an unsafe place, especially for women. The ferry service wants to close it. It's another issue whether the ferry should sleep in Lincolnville. Peter's concern about a lack of a breakwater there was brought up at the last meeting and wasn't contradicted by anyone. If the ferry is going to live in Lincolnville, it needs a serious breakwater to the south. Both captains agree. In conversations with Fred Porter, he expressed that it's a good safety backup for him to get someone to shore if needed. It's not in our best interest for the ferry to live in Lincolnville. The Tariff states that crew members are supposed to live near the ferry. If the ferry is in Lincolnville, crew members could be farther away, and it could be an hour before they're ready to move the ferry out. That issue hasn't been decided yet. If Islesboro and North Haven make enough noise, we might get this situation looked at.

- S. Pendleton asked for clarification on which side the person was left at, and if it left early. P. Willcox replied that he thinks it was Lincolnville. The ferry left at 1:01, but the person was running down the dock with bags in his hands, and the crew was laughing as they raised the gate. People are upset about it.
- S. Pendleton stated that nobody who's ever been on a boat would think that overnighing the ferry on that side with prevailing southern winds would think that's a good idea. How are we putting together an argument to counter that?
- Peter replied that he thinks this evolved because of the need to close the crew house, which is a serious need, due to lack of supervision.
- Elana Kehoe asked for clarification. They want to close the crew house because it's not safe for female crew members to stay there with male crew members? Peter replied that it's probably not safe for anyone, but that's been expressed by some of the females who work there. The Ferry Service is worried about it becoming a lawsuit, so they just want to close the crew house.
- Elana stated she's fine with protecting women, but not for us having to pay because the crew members are not having respect for their own shipmates.

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- Peter stated there are examples of crew members being so drunk the next morning they couldn't report for work, and other drunken incidents.
- Peter wondered about crewing the boat on the island, and discussed it with an Able-Bodied Seaman (AB) who lives on the island. In his estimation, 70% of the people on the island who might be interested in applying for that job are not interested in taking the drug test. That is a huge problem everywhere. Although marijuana is becoming legal in more states, the Coast Guard still has a regulation against it. Getting the Coast Guard to change this is very difficult.
- S. Conover thanked Peter. She thinks he handled the public concerns about the boat leaving very well, in making sure it was communicated to the folks that have the ability to provide feedback and make meaningful change.
- Murt Durkee stated fire stations that have housing for male and female crew members don't seem to have this problem. It's a matter of supervision. But they're all adults; they shouldn't need a babysitter.
- S. Conover feels that it's an employment issue. If you don't behave yourself, you shouldn't keep your job.
- S. Conover stated that the traction that makes the most sense is the weather and protection of the harbor, and emphasizing why it doesn't make sense to keep the ferry in Lincolnville. However they solve the problem of housing, what is the right role for us as a community to provide feedback in a way that helps them see that our points make sense, to keep the ferry on Islesboro, so they change what they need to in order to keep their crew responsible and safe.
- Peter reminded everyone that the MSFS is using an out of state employment agency to fill vacancies on the boats because they can't keep them running.
- Elana asked about emergency runs. Is the crew allowed to work when they are drunk? This seems like a Ferry Service and proper leadership issue. Peter thinks at the moment there is no regulation against drinking alcohol in the crew house. Mike Clayton believes there is a regulation against it.
- Kara stated we've lost superior female crew because of these issues.
- Elana expressed concern about the crew being drunk on an emergency run.
- S. Conover stated this brings up another larger issue, which is the Ferry Service's interest and willingness to provide emergency transport at all.
- S. Conover, to the issue of the ferry staying in Lincolnville, there may be some shared interest with North Haven in working together on messaging. What is the best way to work with reps on North Haven to come up with a strategy? Peter replied that he will get in touch with Jon Emerson, who is the North Haven rep.
- M. Burns asked if they want to move all the islands' ferries to the mainland, or just Islesboro. Peter replied that there are only three that live on the islands now. Vinalhaven has two boats, and one lives there at night. North Haven's and Islesboro's ferries stay at the islands overnight; we would propose keeping them.
- Murt stated that it's written somewhere, perhaps in the Tariff, that when these ferries were built, they were supposed to homeport at all the islands to provide emergency evacuation for the island. This may have been updated and scratched

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off. Peter thinks that's correct, but the Ferry Service also wants to give us \$300,000 to buy our own boat. This is not as good as a ferry, but Fred only uses it about 4 or 5 times a year after hours.

- P. Anderson stated that, regarding the recent bad press via social media, he feels the need to point out for the record that it is not a matter of just one or two instances, and it is not simply a matter of the town always finding something to complain about. There is a pattern here involving the current crew. A friend recently felt uncomfortable being parked where she was told to park. The employee was rather hostile towards her, and she ended up crying. At first Pete thought there may be a misunderstanding, but then he heard from another individual who had a similar experience with this same employee who caused damage to their vehicle and was hostile towards them the whole time. Then there was the post on Facebook about the crew member potentially laughing at someone. Pete relayed a personal experience of the boat leaving early. The defense is always that the ticket tells you to be there 15 minutes early. Pete's understanding is the purpose of that is to ensure the tickets are checked and you're in line—it's not a free pass for the captain to decide to leave 15 minutes early. A deckhand he spoke with said that when it's slow, the captain sometimes leaves a few minutes early, but admitted that he would be upset if he got stuck on that side. We spend a ton of money as taxpayers and users of this service. We sort of get taxed twice. To have even one employee causing the people who pay his salary that kind of anguish is flabbergasting. I hope Mr. Geary takes this to heart and can respond with a plan of action, including that his out-of-state employees are trained better. If there truly is a captain's discretion as to when leave, within 5 or 10 minutes, we need to make that public. Pete wants to make sure that this is not written off, and it is understood that this is a valid point of concern, it is repeated points of concern, and it would be nice to see some action taken.
- Peter Willcox confirmed that the boat is not supposed to leave before the hour. Sometimes, if there's no one in sight, they can leave one minute before. The schedule is tight, and it's easy to get behind. There's pressure to get the boat underway.
- P. Anderson referred to his years of working in customer service. If your hours say you're open until 11, you need to stay until 11. If a passenger says they're not comfortable being parked the way they're going, that should be respected. Pete would like that message passed along.
- Kara Masters Siekman seconded all of that. She stated she's witnessed rudeness to elders, and the crew unwilling to help an elder lady trying to get her luggage on and laughing at her, as well as more than one incident of rudeness with the previous crew.
- S. Conover stated that Peter Willcox has communicated these concerns to the captains and to the higher ups at the Ferry Service. As things unfold, we can hear feedback from them in a future update. We appreciate Peter being that communication channel. They gives full endorsement in coordinating with North Haven to develop a strategy.

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- M. Burns referred back to Murt's comment about what was previously written in the Tariff. It could have meant evacuation for large-scale incidents. This might be beneficial in our argument. We are in a time of climate change. We may have to evacuate people who have lost their homes in a weather event.
- Kara asked about our Town stand on female ferry crew members not feeling safe in the crew house? S. Conover replied that we need to make sure we're communicating this to the Ferry Service. It is unacceptable for anyone to experience sexual harassment in the workplace.
- Discussion about whether the issue is the rate of pay.
- P. Willcox stated the Matinicus boat, the Shay, is being run as a Subchapter T-Boat, under 100 tons, which the M.C. Smith and the new ferry are. To run a Subchapter T-Boat, you don't need a licensed engineer or licensed ABs. You need two or three deckhands and a licensed captain. They just need to pass a drug test. The state is volunteering to run them as larger vessels.
- S. Pendleton is concerned that every individual in that facility needs to be protected. However, he does not want in minutes that we've stated that two women have left specifically because of that. We need to focus on where the boat is going at night, from an island perspective. Peter replied that there was one woman who left specifically because of not wanting to live in the crew house anymore. Steve stated that if we are aware of that and we don't bring it to the state, that's on us. We need to be reporting these things. If we want the boat over here, we need that facility, and we need to know how to maintain the decorum.
- Kara stated that several inequities, including unsafe housing, caused one female employee to leave Islesboro, where she wanted to move up in her career. It's a systemic issue of inequity, sexism, and lack of safety for women. She feels the Town needs to make a statement in support of our longtime crew member.
- S. Conover stated she is not aware of the specifics of this, or of any prior communication to the state. It is important for them to be aware of concerns related to safety and equity to make sure they can keep people who are already employed safe and attract people to keep the boats running. It sounds like Peter is doing a good job of communicating concerns as he is aware of them. It will be informative to hear the response to the communications.
- Winter ferry schedule starts November 3<sup>rd</sup>. The captains now have the option to run the boats when needed. They don't need to call Rockland.

### **SEA LEVEL RISE**

S. Conover reported that the next SLR Committee meeting is tomorrow, October 24<sup>th</sup> at 5:30. GZA Engineers have reached out to the DEP and the federal board to have a pre-application meeting to understand what the permitting concerns will be.

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**MUNICIPAL BUILDING PROJECT**

L. Bruce was absent. Mike Clayton asked about an update. P. Anderson stated that they have found someone to do the Up-Island Public Safety Garage, and are optimistic about it coming under budget. He recommended checking discussion in the minutes of September 25<sup>th</sup>, under new business. It's on the Town website.

**UPCOMING MEETINGS AND SUBCOMMITTEE REPORTS**

- General Election & Referendum: November 5<sup>th</sup>, 8am – 8pm, Town Office
- Lincolnville & Islesboro Select Boards Joint Meeting: November 7<sup>th</sup>, 5:30pm.
  - Invite Peter Willcox
- Planning Board: November 18<sup>th</sup>, 5:00pm.
- Energy Committee: November 12<sup>th</sup>, 5:15pm.

**TOWN MANAGER REPORT**

- Packet included Agenda for 10/23/24 and Minutes of 10/9/24 Select Board Regular Meeting.
- Committee Minutes
  - 7/18/24 Harbor Committee Minutes
  - 7/15/24 Housing Committee Minutes
  - 9/17/24 Energy Committee Minutes
- Correspondence
  - 10/12/24 email from Peter Willcox re: Ferry Advisory Board Meeting.
  - 10/10/24 Situation Report to the Ferry Advisory Board.
  - MDOT 2024 Strategic Update and Emphasis Areas Report
  - 9/30/24 Bar Harbor Wealth Management sub-accounting report.
  - 10/7/24 copy of the letter sent to the Lincolnville Select Board from Mackenzie Kersbergen re: the Lincolnville Ferry Terminal Project.
- Manager
  - October 11<sup>th</sup>, we sent out 21 45-day foreclosure notices, totaling \$49,770.
  - We have been awarded a Risk Pool Reduction Grant of \$3,000 for purchasing & installing security cameras for Town Office & Fire Station.
    - S. Pendleton stated someone should make note to include wiring for cameras in the new Up-Island facility.
- Warrant FY25 #9

**CORRESPONDENCE**

Addressed in Town Manager Report.

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**OLD BUSINESS**

1. None.

**APPROVE WARRANT: FY25 #9**

**MOTION BY M. Burns, seconded by P. Anderson, to approve Warrant FY25 #9 and come to Town Office tomorrow to sign it. Discussion: C. Reed will send email when it's ready. Roll Call. Motion passed, 4 yes, 0 no. Unanimous.**

**APPOINTMENTS:**

None.

**CHAIR COMMENTS**

S. Conover: New Zealand was amazing. They have a gigantic mussel industry. They harvest in a day what we do in a year. It's a beautiful country; the people were very nice. I appreciate everyone handling things while I was away.

**VICE-CHAIR COMMENTS**

L. Bruce: Absent. No comments.

**INDIVIDUAL SELECT BOARD MEMBER COMMENTS**

M. Burns: Congratulations to the Lighthouse Committee.

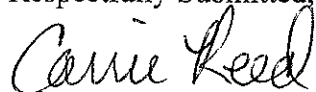
P. Anderson: Congratulations to the Lighthouse. It's nice to see so many people in town showing up for important things and getting involved.

Ken Smith added that the museum boathouse is now shingled and will be moved back onto its foundation. It's being paid for by insurance. The tower will be complete this week.

S. Pendleton: That's good news. Congratulations to the Lighthouse.

**MOTION BY S. Conover, seconded by M. Burns, to adjourn meeting at 7:06 PM. No discussion.**

Respectfully Submitted,



Carrie Reed  
Secretary