

Islesboro Select Board
Regular Meeting
Town Office Meeting Room & via Zoom
Wednesday, April 23, 2025 @ 6:00 PM

☒ APPROVED

5/8/25

MINUTES

Members Present:

Chair Shey Conover, Melissa Burns, Peter Anderson, Stephen Pendleton

Members Present via Zoom: Vice Chair Lauren Bruce

Others Present:

Town Manager Janet Anderson, Fred Porter, Jordy Watson, Murt Durkee, Gabe Pendleton, Sandy Oliver, Janis Petzel, Bill Boardman, Ben Smith

Others Present via Zoom:

Dan Tutor, Josh Leach, Peter Willcox, Beth O'Mara, Peter Rothschild, Terry Sanderson, Vicki Conover.

Call to Order: Chair Shey Conover called the meeting to order at 6:00 PM, and a quorum was established.

Minutes of April 9, 2025, Regular Meeting.

MOTION BY P. Anderson, seconded by S. Pendleton, to approve the minutes of April 9, 2025 Regular Meeting, as written. No discussion. Roll Call. Motion passed, 5 yes, 0 no.

Minutes of April 16, 2025, Special Meeting.

MOTION BY M. Burns, seconded by S. Pendleton, to approve the minutes of April 16, 2025 Special Meeting, as written. No discussion. Roll Call. Motion passed, 5 yes, 0 no.

PUBLIC WORKS UPDATE

Jordy Watson reported that there's not much of an update for roadside cutting. Things are progressing in other areas. We had some water sample issues, with multiple trips to the mainland to solve that problem. We're beginning spring cleanup. Jordy and Tom both have vacation time that they will be using, which will slow down progress a bit. We will hopefully have a third person for summer help in June. We can get back to some roadside cutting then.

S. Conover asked J. Anderson if she was able to get in touch with Trevor. J. Anderson replied that Dave just heard back from him. She thinks it's the week of May 5th that he will do West Shore Drive.

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VISITOR COMMENTS/PETITIONS

None.

FERRY SERVICE UPDATE

Peter Willcox reported that the MCS was supposed to return on April 20th, but that hasn't happened. Peter will call tomorrow and try to get an update to report at the EFTF meeting tomorrow night.

ISLESBORO EMERGENCY FERRY TASK FORCE UPDATE

S. Conover reported that the EFTF meeting is tomorrow, April 24th at 4:30. All the relevant legislative bills have been printed, and we anticipate a "Ferry Day" Hearing as early as April 29th, but that hasn't been confirmed.

SEA LEVEL RISE UPDATE

S. Conover reported that Shri Verrill helped submit a Congressionally Directed Spending (CDS) grant request to potentially help fund construction for the Narrows. It is a long shot and a long process, but we'll keep our fingers crossed. We did hear that we were successful in receiving a Community Action Grant, which will fund Shri to be our project manager for another year. The next SLR Committee meeting will be May 8th.

MUNICIPAL BUILDING PROJECT UPDATE

L. Bruce reported that things are moving forward on all three projects. She plans to have an update on the Municipal Building renovations at the next meeting.

On Monday, the committee will meet with Ledgewood Construction folks, architect Mark Ouellette, and Beth O'Mara to discuss the timing of the Health Center's move into the new building.

Beth O'Mara added that the Health Center staff has a plan to make sure services are not interrupted during the move, most importantly, emergency response services. The trauma rooms in both buildings will remain open until they are fully moved over.

L. Bruce stated that things are moving very quickly now. Bravo to Pete Anderson for his work as the Town's Owner Representative—he's done a fantastic job. And to Steve Pendleton as well.

UP-ISLAND PUBLIC SAFETY GARAGE UPDATE

S. Pendleton reported that he is pushing to get a blank contract from Rod from Northport Builders. According to Mark Ouellette, they'll have something to me next week. He queried Janet and some others to see if we can utilize some kind of template that the Town has used before that we can put together with Rod's proposal and merge it in as

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part of a contract. He's requested that the Town provide payments every two weeks via direct deposit. We want to make sure those payments are aligned with deliverables.

Fred Porter asked about any funds that may be left over from the Health Center project. Will they go to the UIPSG, and then to the Municipal Building renovations? Also, what happened with the change order for the counters in the Health Center. Was money saved on that, or are there materials that could be handed down to the Fire Department or to Public Safety for the renovations?

J. Anderson replied that the counters were raised up, so there is nothing extra for materials. They were already installed, so it's going to cost us for the change order.

L. Bruce stated Ledgewood will complete their financial aspect of the Health Center soon. We think we'll see some savings. Any money left over remains as part of the overall project, and will be available for the UIPSG and the renovations.

MOTION BY P. Anderson, seconded by S. Pendleton, to take the agenda out of order to hear New Business. No discussion. Roll Call. Motion passed, 5 yes, 0 no.

NEW BUSINESS

1. Discuss Policy on "Immigration Enforcement," submitted by Ben Smith.
 - S. Conover stated that Ben Smith brought this issue to us at the last meeting. He sent materials, including a draft policy, which has been shared with our attorney, Kristin Collins, who didn't have any concerns about the language. She highlighted the major points to clearly outline the Town's minimum responsibilities under federal law.
 - Fred asked if we are required to put something in place. S. Conover replied that she doesn't think this policy is necessary, but there's been a request for us to put it in place.
 - Fred stated he would like the attorney to find out if this will hinder him in working with federal law enforcement agencies. If people who live on Islesboro have terrorizing complaints from out of state, he has to use the FBI to investigate. He sometimes has cases that go hand-in-hand with them, and they could involve border patrol for intel information. Would this hurt us working with federal agencies? Also, will this make us an asylum city (or a sanctuary city)? What price will we have to pay for that? If you're going to put policies on the police department, we should get a legal interpretation of that. This proposed policy is basically telling Fred not to work with law enforcement to some extent.
 - She stated she would be happy to get a legal opinion about questions and concerns. It would be helpful if Fred puts specific questions in writing. Fred said he will do this.
 - Fred proposed that if the Town is going to put something like that in place and the legal aspect comes back that this could potentially tie his hands, that the

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Select Board dissolves the police department, effective immediately. He doesn't think we need to put anything like this in place.

- Lauren stated that the attorney was essentially saying that this does not go against anything. It is a separate issue, exclusively about ICE and immigration, and it's not tying Fred's hands with regard to any other relationship he has with the federal government or with law enforcement.
- Fred replied that sometimes these things can walk hand-in-hand. If they find that the town is refusing to work in this immigration thing, is this going to come back and bite us? Do we get considered an asylum city? If evidence is thrown out because he went against a policy, that concerns Fred.
- Steve read from the attorney's email. In the last sentence, it states there is a risk that something like this draws attention to the community in a way that may be perceived by ICE that Islesboro is a community that might be trying to harbor illegal immigrants (a sanctuary city).
- Fred stated that one of his concerns is that if he's trying to work with one of these agencies on a case that involves someone from Islesboro that's unrelated to immigration, but they interpret us as a sanctuary city, what are his options?
- Lauren asked Fred to write up a possible scenario that he thinks will present potential conflict of interest.
- Fred asked if the policy is interpreted by the government that we're a sanctuary city, will that hurt his ability and trust system with the federal agencies? Could that potentially affect us in any federal grants, such as FEMA?
- Fred added that other police departments in the state have backed out of working with ICE. Wells just wanted to get the training for their officers.
- Gabe Pendleton stated that Fred is right to be concerned about these things. The tension that exists is that this policy is essentially directing Fred to do what he already does. Fred operates by the law. In the context of the broader conversation we're having in the country, there are others who are operating outside of what the law is, and this policy is trying to reaffirm what Fred already does. Fred's point that maybe this isn't necessary is possible. Maybe this is something that the Town wants to put forward to say, this is what the Town believes is right. Does that make us a target? Maybe, but what does that say about us, that we're having the conversation about the Town of Islesboro, who is directing law enforcement, who already follows the law, to follow the law, and we have to worry about whether that makes us a target from the federal government for grants and anything else. The other side of that is, we might end up with officials pushing Fred to do things that are unconstitutional, or have minimal justification or authority to do something like that. The idea of having a policy like this in place to try to spell out what we think Fred should be doing, what Fred is already doing, generally is good. Yet, the town still might be subject to some sort of retribution by the federal government.

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- Fred stated he would prefer to put operational guidelines within our policy book, such as an algorithm that says, if there's an immigration issue, we will stop for the duration of the business at hand, such as a traffic stop. We're only supposed to stop them as long as it takes to do the business. If a hit comes up on the radio with an immigration issue, we have guidelines to call someone else, because we are not in a capacity to handle this, we don't have holding facilities, and if they can't be there within a reasonable amount of time, we're going to have to let this individual go.
- M. Burns stated that about three years ago, we had the FBI, Waldo County, and another agency all disembarked on our island. She asked Fred if he was asked to help. Fred answered that he was on the phone with dispatch telling them what I knew. They didn't ask him to detain anyone. Melissa stated that we are small enough that they bring their own people. This proposed policy is something that should be brought to Waldo County. In the grand scheme, they are going to bypass our local officer. This is strategically based on what we saw three years ago.
- Ben Smith asked Fred how often he deals with federal agents on Islesboro. Fred replied that it's not often. He usually deals with them on the phone. We have a partnership where Fred will send them information on someone from their area and they will investigate. Usually it's an internet crime, and they take care of that because they have jurisdiction. It gives Fred capabilities to see his victim through, and they assist. If they call Fred when trying to put a federal warrant on someone and ask him to let them know if that person leaves the island, Fred will assist them. But he won't assist with tracking down immigration issues.
- Ben stated that he tried to make the wording in the proposed policy as specific as possible so that it could then be transferred into an SOP document. There's specific wording about what is called an ICE detainer. What they do is call local law enforcement and ask them to hold someone, and it has been found in numerous federal courts to be completely against the law. We have specific wording in this document to ask that we not do that as a town.
- Fred explained that if another agency contacts him and asks him to check on someone who is under investigation, he will say that he'll go see him, but unless there's a warrant, he won't hold him.
- Ben stated he sees no issue in codifying what Fred is already doing. It seems like a win-win. The wording of this is specific to immigration agents. It has nothing to do with the FBI.
- Ben added that Maine is being targeted as a whole by this administration. A cursory Google search shows that there are between 200 and 560 sanctuary municipalities across America and up to 13 states with sanctuary laws. He doesn't think this is going to single us out.
- Fred stated we already have a spotlight on us, because everything is hypersensitive about Maine. Do we really want a policy that the Town is

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telling the police department how to run law enforcement, or do we want to do operational guidelines that follow what Ben is trying to achieve?

- Ben added that he is planning to take this to Waldo County, and has been talking with Cate Blackford, as Bangor is putting these things in place as well. There are lots of municipalities around Maine that are taking these steps because people are concerned. It's a fight worth having.
- S. Conover asked if this is a template that other communities have put in place, or if other towns have used this language to create a policy. Ben answered that Cate Blackford has forwarded what Bangor is working on right now, and it's very similar. He will happily forward it to the Select Board.
- Janice Petzel asked if there is a way that our police department could be pressured into being deputized to perform arrests on behalf of ICE. Fred answered that they would be forcing us to go against our policies and law.
- Ben clarified that Janice is referring to the section in the document, a 287G agreement, similar to what the Wells department was getting involved in.
- Fred stated that, if he were going to do that, he would bring it up to Janet. Any time there's a policy change, Janet is always contacted first.
- M. Burns added that they can't pressure him into it, and they can't make a new law that says he has to do it. Typically, they will incentivize a PD by paying for training and equipment. Underfunded police departments that communities don't support are more apt to participate.
- Fred stated for the record, "I have no desire to be involved in that. As a matter of fact, if they come up to me and try to force me into retaining an immigrant, I will take my badge off. I will take my gun off. I'll slide that cruiser over to the side of the road and I'm going home. If they want to detain me at that point, they can come detain me."
- Fred added that he thinks this is going to hurt the town down the road. He likes most of the talking points and doesn't have a problem with what Ben is trying to do. Fred has a problem with this police department being used, whether it's by the federal government or by groups in the town to involve us in any political situations. What's going on right now is a political situation that has some harsh realities for the people they're dealing with and also the governments that don't get involved. He doesn't want to see anything to the Town of Islesboro. He doesn't care what Bangor does.
- Beth O'Mara stated she knows and respects Fred, and trusts what he's saying. She doesn't think he needs a directive to not get involved with ICE in a way that would not respect a person's individual liberty. But Fred isn't the only police person who works here. She asked how our current policy or a suggested standard operating procedure or language would protect Fred and immigrants from having civil liberties violated.
- Fred stated that he can't guarantee anything on the state or county level. For Islesboro, he's willing to write procedure and have the AG's office look at it, and town's attorney could look at it as well. We can put guidelines in place so

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if we do have another Islesboro officer, they'll have to contact Fred in a situation like this. He is always available by phone.

- Fred added that those people are here to protect the residents of Islesboro, too. Folks aren't always at liberty to know what law enforcement is working on. Other departments have been interested in the training that's been offered, not to detain people for ICE, but because it's valuable training overall.
- Beth asked for clarification that the written guideline Fred is proposing in lieu of this Town policy would prohibit any officer that works per diem or part-time for Islesboro from detaining an immigrant for ICE.
- Fred answered yes and clarified that a guideline tells them what to do in a situation, not that it bans them from doing a particular thing. What to do is contact a supervisor, contact Border Patrol, or contact the Sheriff's Department or State Police and say they are alone and need backup coverage. One of these other agencies can come and deal with it themselves.
- S. Pendleton summarized. We would like to get the questions that Fred had originally asked to have reviewed, and also the operational procedures that would be in parallel to that, and then we could research that along with what Ben has presented, and then come back with the legal answers from our attorneys and look at the operational things and how they complement or not with Ben's proposal, and have further discussion.
- S. Conover asked Fred if he's willing to draft those operational procedures so it could be reviewed in line with this discussion.
- Fred stated that he is in the process of talking with other Chiefs to find out what their direction is. He's trying to do something that's going to meet the objective of us not being in the middle of it.
- S. Pendleton added that this is a working document that should be updated as we move forward. What we need is a starting point, and Ben has done a good job in presenting a point of view. It raises counterpoints that we need to address. It will take several meetings, but the dialog has been excellent.
- S. Conover stated that Fred will email specific questions that he wants reviewed by the attorney. Fred answered that he doesn't have any questions. Fred will write some guidelines. He does not support the town putting a policy in place. The town can ask those other questions.
- S. Conover stated that we have heard Fred's concerns. If Fred is willing to draft some guidelines that we can take to the attorney, it will help tease out the line between addressing the concerns that have been brought forward on both sides, to provide protection for citizens and for the police department.
- P. Anderson stated he is not clear on the difference between a policy and guidelines, and why to do one over the other. He's curious about the pros and cons. This seems to lay out that our police department would have to behave in accordance with our Constitution. His concern is that the people that we're trying to prevent pushing Fred into a bad situation are not following that. It

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would be important for any town, whether it is in a guideline or in a policy, to establish that every employee is bound to follow the Constitution.

- Fred stated he hopes we don't get any fallback if a policy is put in place.
- P. Anderson stated that, since we already don't have state funding, what's left to lose? We might as well take a stand.
- Fred stated for the record, "I'd like to make the recommendation as of today that you find somebody else to work in your law enforcement agency, because I don't do this stuff, and I don't see any sense in it. And if you need me to resign from my whole job, I will... I will not be part of all these political things that are going on... I even went and got certified as a civil rights investigator through the Attorney General's office, looking out for peoples' rights... I'm not going to be a part of it." He left the meeting.
- S. Conover stated she is happy to have a follow-up conversation with Fred in the hopes that he can talk about developing a standard operating procedure in a way that he's comfortable with and revisit the issue. This is something that is clearly cared about on many sides from the community. She has not heard any disagreement in materially what we want to have happen. It's a matter of how we codify it in a way that makes everyone feel comfortable.
- M. Burns asked if putting a policy like this into effect would need to go to the Town for a vote. She thinks it should. S. Conover replied that it would require us adding it as an Ordinance to have it go to town vote. J. Anderson added that it would require a Public Hearing before a vote. It won't be at this Town Meeting.
- S. Conover stated that while we're not at that level, it's an important discussion, and hopefully we can get everybody back at the table so we can finish it in a way that feels responsive and allows us to move forward and feel like we are supported in the jobs that we have to do.
- L. Bruce suggested that a couple of people could work on this blending of the idea of the policy and procedures, rather than bringing it back to a larger discussion. Fred might be more comfortable with a private discussion that could be brought back to the Select Board later.
- S. Conover stated that she is happy to have a conversation with Fred. If it's a standard operating procedure for his department, he would need to be the one to draft that and bring it forward.
- Ben clarified that the original wording of the letter he sent had wording about all town employees, not just Fred. If we can make the wording as specific as possible, it will take out a lot of the emotion behind it. He doesn't want Fred or anyone to feel like a political pawn. It would be to safeguard Islesboro from lawsuits from people who have been detained for an unnecessary period of time, and to have a set of guidelines for following the Constitution, because there's an education point where a lot of people don't know what their rights are.
- Ben thanked the Board for their work.

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2. Draft 2025 “Islesboro Looking Ahead.”

- It is time to review the document. She stated she has not done anything with it yet.
- S. Pendleton volunteered to edit the draft. He will let Janet know when it's ready for review.

UPCOMING MEETINGS AND SUBCOMMITTEE REPORTS

- Planning Board: April 28th, 5:00pm.
- Sea Level Rise: May 8th, 4:30pm
- EFTF: April 24th, 4:30
- Town Meeting: May 17th

P. Anderson reported that the Harbor Committee requests to have us communicate with Attorney Collins for clarification on the legal boundaries of our town anchorages and surrounding waters as to where the Harbor Masters have authority. There have been issues with derelict floats and boats that appear to be just outside our realm of control. J. Anderson replied that they only have jurisdiction at Grindle Point and Seal Harbor.

P. Anderson stated that the Harbor Committee would also like to add language to the Harbor Ordinance regarding the transfer of moorings. They are working on contracting with a company to help with mooring monitoring. They would like to consult with Kristin Collins about the best way to word the ordinance change.

S. Conover suggested that the Harbor Masters Association probably has guidance on mooring authority and requirements. It makes sense to have the Harbor Committee look at this.

TOWN MANAGER REPORT

- Packet included Agenda for 4/23/25, Minutes of 4/9/25 Select Board Regular Meeting, and Minutes of 4/16/25 Select Board Special Meeting
- Committee Minutes
 - 9/20/24 Municipal Building Project Committee Minutes
 - 1/16/25 Harbor Committee Minutes
 - 1/21/25 ALP Library Trustees Minutes
 - 3/11/25 Energy Committee Minutes
 - 4/3/25 Emergency Ferry Task Force Minutes
- Correspondence
 - 4/10/25 email from David Kinney, Lincolnville Administrator, explaining Lincolnville Harbor expenses.
 - Marge Hall, our auditor, will be here tomorrow.
- New Business
 - “Immigration Enforcement” submitted by Ben Smith.

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- Letter of support from Amy Mulnix for directive Ben Smith submitted.
 - 2025 Islesboro Looking Ahead.
- Handouts
 - Town Manager current employment agreement to expire 6/30/2025
- Manager
 - The Loranus Cove project will be done on Friday.
 - Executive Session for General Assistance Case
- Warrant FY25 #22

S. Pendleton stated that, for the Public Works Update, he would rather see a task list that shows what was done and what wasn't done. We don't need reasoning, just a flowing list of what's happening on a weekly basis.

CORRESPONDENCE

Covered in Town Manager's report.

OLD BUSINESS

1. None.

OTHER BUSINESS

1. None.

APPROVE WARRANT: FY25 #22

MOTION BY P. Anderson, seconded by M. Burns, to approve Warrant FY25 #22. No discussion. Roll Call. Motion passed, 5 yes, 0 no. Unanimous.

APPOINTMENTS:

Municipal Building Project Committee: Stephen Pendleton
Cemetery Committee: Tricia Brenza, Terry Sanderson.

MOTION BY M. Burns, seconded by P. Anderson, to approve the slate of appointments. No discussion. Roll Call. Motion passed, 5 yes, 0 no. Unanimous.

CHAIR COMMENTS

S. Conover: No comments.

VICE-CHAIR COMMENTS

L. Bruce: No comments.

INDIVIDUAL SELECT BOARD MEMBER COMMENTS

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M. Burns: No comments.

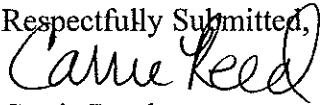
S. Pendleton: No comments.

P. Anderson: No comments.

Motion by M. Burns to enter into Executive Session, pursuant to 1 MRSA §405 (6)(F), to discuss General Assistance Case #1-FY25, at 7:15 PM. No discussion. Motion passed, 5 yes, 0 no. Unanimous.

Minutes attached.

Respectfully Submitted,



Carrie Reed
Secretary

. . . . Minutes of the 4/23/25 Islesboro Select Board – Executive Session

Time in: 7:15pm

Motion by S. Conover and seconded by M. Burns to **enter** executive session pursuant to 1 MRSA § 405(6)(F) and to discuss General Assistance Case #1-FY25.

VOTE: All in favor

Time out: 7:29pm

Motion by M. Burns and seconded by S. Pendleton to **exit** executive session.

VOTE: All in favor

Returned to the Regular Meeting

ACTION:

Upon a motion by L. Bruce and seconded by M. Burns the Select Board voted to sign a Municipal Quitclaim Deed for G.A. Case #1-FY25.

Vote: YES L. Bruce-on zoom, S. Pendleton, P. Anderson, S. Conover, M. Burns

Meeting adjourned at 7:31pm

Janet Anderson

