

Islesboro Select Board
Regular Meeting
Town Office Meeting Room & via Zoom
Wednesday, April 9, 2025 @ 6:00 PM

 **APPROVED**
4/23/25

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, Bill Thomas, Murt Durkee, Josh Leach, Janice Leach, Peter Willcox

Others Present via Zoom:

Dan Tutor, Ben Smith, Amy Mulnix, Beth O'Mara, Fred Porter.

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

Minutes of March 26, 2025, Regular Meeting.

MOTION BY P. Anderson, seconded by M. Burns, to approve the minutes of March 26, 2025 Regular Meeting, as written. No discussion. Roll Call. Motion passed, 5 yes, 0 no.

UP-ISLAND PUBLIC SAFETY GARAGE UPDATE

S. Pendleton presented. The final changes were put into the plan. The heat source was changed from heat pumps to in-floor radiant heat. We paid the deposit of \$25,000 to lock in the purchase of the building. The quote remained at \$438,000, which included the increase in the building cost. There is an additional \$16,500 bill from the architects for the additional changes, which takes the \$438,000 up to about \$454,000. However, some additional private donations came in. We have money to cover the costs, plus a minor contingency. We're at a point tonight where we watch as the project moves and start to build a change order list that we might want in case there's funds available for a bathroom or anything else we want to add. With the uncertainty that we're dealing with now in the economy, the prudent recommendation would be for the Select Board to approve the contract and move to a contract signature.

Murt Durkee asked about the figures for the alternative heat system. S. Pendleton answered that it went from 400 amp to 200 amp, and the changes brought a decrease of around \$20,000. Because they are still working on the architectural drawings, we don't have the final number on that. It will be forthcoming.

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S. Pendleton added that with the tariffs, any delay will cost us more money. He recommends getting an agreement to move forward, and then as soon as we have the final numbers, we can look at those. With the additional contributions, Steve is confident we're not looking at a deficit of any nature.

Josh Leach asked about the private donations that came in. Are we assured where they will go? S. Pendleton answered that a significant one came in and was designated for the Up-Island Public Safety Garage.

MOTION BY S. Conover, seconded by P. Anderson, to allow S. Pendleton to work to bring forward a final contract for the Select Board to review and sign at the next meeting that it's available. No discussion. Roll Call. Motion passed, 5 yes, 0 no.

VISITOR COMMENTS/PETITIONS

Ben Smith read a letter he had written with his brother Gabe regarding their concern about the current situation with immigrant deportations from the United States, even those who are here legally. The administration is also working to allow the deportation of American citizens. Detention centers are popping up in Maine, and detainments are happening locally. Many communities around the country are rejecting the jurisdiction of ICE and US Customs & Border Patrol (CBP). Many communities recognize that the federal government "may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program." He included information from the American Immigration Council. See letter.

Ben would like the Select Board to put a directive in place for local law enforcement and Town employees. He requests that this issue be brought before the townspeople to be voted on at a Town Meeting, to ratify these points into our Ordinance. He presented sample language for the proposed policy. See letter.

S. Conover thanked Ben for bringing this up and for doing thorough research. She would like to see the proposal in writing. Her recommendation is to share the written information with Janet and include the policy language in our next Select Board packet under New Business for discussion.

Fred Porter stated he would like to make an adjustment to Ben's proposal. Fred's job as a law enforcement officer is to uphold the laws of the State of Maine. Part of that job is enforcing civil violations, such as traffic violations. Fred has no desire to detain anyone on immigration status unless they have an arrest warrant in place, or if they're wanted for questioning in the committing of a crime. Fred doesn't think we need this policy for the Town of Islesboro. If someone is wanted by the federal government on a warrant or for questioning, it is Fred's obligation as a sworn officer to participate in that, but his job is not immigration enforcement. We don't have the resources for that.

Peter Willcox suggested that the Town's attorney review the proposal before the Select Board decides on any action.

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Amy Mulnix thanked Ben for bringing this to us, and Fred for his comments. She thinks there is value to our community in making a statement, even if our current practice is consistent with Ben's proposal. There are people in our community who are fearful for a variety of reasons, and standing together as a community would be a comfort to people.

Ben agrees with Amy. Part of the reason he wanted to do this was watching what the Waldo Sheriff's Department was going through with a recent detainment, and wanting to make and get clarifications for the community about our local law enforcement standpoint in regards to immigration enforcement.

S. Conover stated that we will table this for now and bring it up under New Business at our next meeting on April 23rd. S. Conover will forward the written proposal to all members of the Select Board.

FERRY SERVICE UPDATE

Peter Willcox reported that Jon Emerson of North Haven sent a link to the YouTube video of the North Haven Select Board meeting in which DOT Commissioner Bruce Van Note stated that the proposed move of the ferries to the mainland was not happening anymore, except for Islesboro. Unlike the meeting in the fall where he said, 'this is happening because I say so', he's now taking a more polite attitude and saying it won't happen for two or three years, and they want input and will study the issue.

S. Conover clarified that Bruce Van Note said that he wants to pilot the proposal on Islesboro.

There's a hearing at the Samoset tomorrow at noon regarding the proposed rate increase, which will make it an almost 30% increase in two years. Peter intends to attend. This meeting will be Zoomed. The Select Board has provided written testimony. J. Anderson has submitted it via email, and she will read it in person tomorrow.

M. Burns added that the summer schedule starts April 13th.

Murt asked when the Margaret Chase Smith will be returning. Peter answered it is expected any day now.

ISLESBORO EMERGENCY FERRY TASK FORCE UPDATE

Peter Willcox plans to attend the Lincolnville Select Board meeting on Monday to propose that we install a wave buoy lent to us by UMaine to measure the seas coming into Lincolnville for a year. This data will be part of the engineering statement, which we expect will show that the ferry can't berth there without a real breakwater. Van Note claimed that a breakwater would cost around \$10 million.

SEA LEVEL RISE UPDATE

S. Conover reported that the next SLR Committee meeting is tomorrow at 4:30. Still waiting to hear about the pending Community Action Grant, which will help us continue

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to work with Shri Verrill. We heard that the FEMA BRIC Grants have been cancelled. We had been hoping for that to help fund construction, so that's very disappointing. Shri is working on a Congressionally Designated Spending request to help with construction.

S. Pendleton suggested a potential idea to see if Genevieve McDonald has any influence on grants. Maybe she has some thoughts.

MUNICIPAL BUILDING PROJECT UPDATE

L. Bruce had no update.

UPCOMING MEETINGS AND SUBCOMMITTEE REPORTS

- Planning Board: April 28th, 5:00pm.
- Sea Level Rise: April 10th, 4:30pm
- Municipal Building Project: April 14th, 4:30pm
- IMB: April 16th, 5:00
- EFTF: April 17th, 4:30
- Harbor Committee: April 17th, 6:30
- Closed for Patriot's Day: April 21st

TOWN MANAGER REPORT

- Packet included Agenda for 4/9/25 and Minutes of 3/26/25 Select Board Regular Meeting.
- Committee Minutes
 - 7/10/24 IESC Minutes
 - 1/16/25 Housing Committee Minutes
 - 3/20/25 Emergency Ferry Task Force minutes
 - 3/27/25 Grindle Point Museum minutes
- Correspondence
 - 4/7/25 email from Janis Petzel announcing the Island Fellow will start early September.
 - 4/7/25 Bar Harbor Wealth March 31st sub-accounting.
- LD 841 "Resolve to Study the Delivery of Emergency Medical Services to and Ferry Service Effects on Island Communities in State" sponsored by Senator Glenn (Chip) Curry
 - S. Conover stated that Genevieve gave testimony on our behalf.
- Warrant FY25 #21

CORRESPONDENCE

Covered in Town Manager's report.

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OLD BUSINESS

1. None.

NEW BUSINESS

1. Approve and Sign 5/17/25 Annual Town Meeting Warrant.
 - **Tabled. This will happen at a Special Select Board meeting next week because the language is not ready to review and finalize.**

OTHER BUSINESS

1. None.

APPROVE WARRANT: FY25 #21

MOTION BY M. Burns, seconded by S. Pendleton, to approve Warrant FY25 #21. No discussion. Roll Call. Motion passed, 5 yes, 0 no. Unanimous.

APPOINTMENTS:

None.

CHAIR COMMENTS

S. Conover: No comments.

VICE-CHAIR COMMENTS

L. Bruce: No comments.

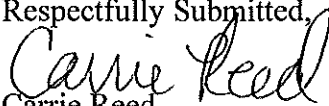
INDIVIDUAL SELECT BOARD MEMBER COMMENTS

M. Burns: Congratulations to the Energy Committee for securing \$11,000 heat pump rebates.

S. Pendleton: No comments.

P. Anderson: No comments.

Motion by M. Burns to adjourn meeting at 6:35 PM. No discussion. Motion passed, 5 yes, 0 no. Unanimous.

Respectfully Submitted,

Carrie Reed
Secretary

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Letter from Ben Smith to Islesboro Select Board, presented April 9, 2025

Members of the Islesboro community, I come before you today with grave apprehension about the state of our country and concerns about how our community might react to adversity in the coming years. In recent months, the Trump administration has turned up its attack on immigrants of all kinds, not just undocumented ones. In several instances, they have deported people who were here in our country legally. In one case, they ignored a judge's order to return a plane carrying prisoners to America. The Administration ignored due process, and the aircraft proceeded to El Salvador, where the deportees were effectively "disappeared" without an opportunity to sit before a judge. This flies in the face of our constitution and due process. One of those people, Kilmar Abrego Garcia, a man with a family and no criminal record, was deported despite specific wording from federal courts preventing his deportation. This man is now stuck in prison. Despite a federal judge's order, the Trump administration denies its obligation to return him to the United States. Marco Rubio has recently claimed he is working to allow the deportation of American Citizens to prisons in El Salvador. We are living in unprecedented times.

These instances are not just the province of the 6 o'clock news. They occur right here in Maine. Immigrant Detention Centers are popping up, and their prisoner numbers are skyrocketing. Waldo Sheriff's Department recently aided the Border Patrol in detaining a man and woman from Montville. There was much speculation in the media about whether the Sheriff's department was in the wrong for contacting BCP.

The issue in Montville brings to light what I've brought here today. Many communities around America are rejecting the jurisdiction of ICE and CBP in their everyday lives. They recognize that communities in which migrants are uncomfortable approaching law enforcement to report crimes are less safe and where migrants won't see a doctor to report an illness and are less healthy. [American Immigration Council] Many communities recognize that "the federal government 'may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.' Courts have repeatedly held that the Tenth Amendment prohibits the federal government from compelling states and localities to participate in immigration enforcement. The Supreme Court has clarified that immigration enforcement is the sole duty of the federal government, and state and local police may only carry out immigration enforcement if specifically authorized to do so by the federal government." [American Immigration Council]. Indeed, there are even some cases where local law enforcement has been held liable for holding people on federal agency detainers.

As Fred Porter pointed out when I presented this to the Islesboro select board, we do not currently enforce immigration law. Some might also highlight the lack of a significant immigrant population here on Islesboro. To that, I say "great." Let's prepare for the unlikely event that ICE or CBP arrive on our Island and try to push the boundaries of our constitution. Let's codify what Fred says we already do not do.

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I have requested that the select board first enter a directive for our local law enforcement and town employees. I would then ask that this issue be brought before the people of Islesboro to be voted on in a Town meeting to ratify these points into local ordinance. Please see below.

Purpose and Implementation

This directive establishes the policy of the Town of Islesboro regarding cooperation with Customs and Border Patrol or U.S. Immigration and Customs Enforcement (ICE), heretofore referred to as Immigration Agents, to ensure that local law enforcement upholds constitutional due process protections while maintaining public trust and safety. This directive shall take effect immediately and remain in force unless modified or rescinded by the Town Select Board.

Policy

Non-Facilitation of Immigration Enforcement

Local law enforcement officers and personnel shall not participate in civil immigration enforcement actions or facilitate Immigration Agents' operations unless Immigration Agents comply with all due process requirements as mandated by the U.S. Constitution.

Due Process Compliance Requirement

Prior to cooperating with any Immigration Agents request, town employees or local law enforcement shall verify that Immigration Agents:

- Provide a judicially issued warrant signed by a judge (not an administrative "detainer" request or warrant of removal); a detainer is an official but nonbinding request that a state or local law enforcement agency maintain custody of an individual for up to 48 hours beyond the time the individual otherwise would have been released so that Immigration Agents can arrange to take over custody. [American Immigration Council]
- Demonstrates compliance with all procedural and substantive due process rights under the Fourth, Fifth, and Fourteenth Amendments.
- The Town or its employees will not enter into a contract with Immigration Agents to hold immigrants in detention, to transport, or to contract to transport immigrants to be detained.

Non-Disclosure of Information

- Town employees or local law enforcement shall not share nonpublic personal information about individuals with Immigration Agents unless required by law.
- Any request for information by Immigration Agents shall be reviewed by legal counsel to ensure compliance with constitutional protections.

Conduct of Local Law Enforcement Officers

- Local law enforcement shall not partake in 287(g) agreements through which Immigration Agents deputize local law-enforcement officers to enforce federal immigration law

Public Safety Exception

- This policy does not prohibit cooperation with federal authorities when individuals are involved in criminal activity.

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Sanctuary Policies: An Overview | Center for Inclusion and Belonging.

<https://inclusion.americanimmigrationcouncil.org/research/sanctuary-policies-overview>

<https://www.npr.org/2025/02/04/g-s1-46352/rubio-el-salvador-deportees-americans>

https://www.midcoastvillager.com/news/ice-thickens/article_8d2136fe-1060-4fd4-8d03-94e990480338.html

<https://www.latimes.com/california/story/2020-10-13/sheriffs-department-immigration-holds-settlement>