

APPROVED

6/5/24

MINUTES

Members Present:

Chair Shey Conover, Vice Chair Lauren Bruce, Melissa Burns, and Peter Anderson

Others Present:

Town Manager Janet Anderson, Patrick Lyons, Esq.

Call to Order: Chair Shey Conover called the meeting to order at 2:00 PM.

Meet with Patrick Lyons, Esq., of Eaton Peabody Attorneys at Law, regarding becoming the Town's legal counsel.

Patrick Lyons, Esq. of Eaton Peabody introduced himself and shared some of his background. He practices and lives in Ellsworth.

Eaton Peabody has four offices in Maine: Bangor, Augusta, Portland, and Ellsworth. The firm has just under 50 attorneys; a big enough firm that there are people who specialize in the major areas of the law. Patrick's group specializes in municipal, land use, and environmental law. Patrick represents a number of municipalities, many coastal and island communities, as well as the City of Gardiner.

Patrick grew up in South Portland, went to Bowdoin for undergrad, did a masters in Environmental Science in Forestry at UMaine before going to UMaine School of Law. He graduated law school in 2015, worked for a judge as a clerk for a year, and has been with Eaton Peabody since 2016. He has an environmental background, and serves on the Ellsworth City Council. He loves municipal practice because every town is different, and spans many areas of the law. He also represents folks who are trying to get permits from the municipality, state, or federal agency, with a fair amount of work in aquaculture, as well as pier permitting. He represents the Maine Maritime Academy and has helped with their new pier.

Shey Conover stated that what she values most about a strong relationship is being able to have access. Occasionally there's a fire drill—how quickly can we jump on the phone or respond to an email—though we prefer not to have fire drills. Patrick replied that he tries to be as responsive as possible, and gauges the level of emergency. If it's an emergency, he responds right away. If not, he usually responds to an email within 24 hours. If we need to get a meeting together quickly, we have Zoom and other options. He has associate attorneys who work for him and help with research. This allows him to be more responsive.

Melissa Burns asked about his experience with LD 2003. Patrick replied that he has helped multiple clients amend their ordinances to be in compliance LD 2003. Discussion about Islesboro's zoning. Before Patrick was on the Ellsworth City Council, he was on the Planning Board and was involved in updating their ordinances for LD 2003. He went to presentations by DECD and is very familiar with the subject. He wouldn't be surprised if more legislation comes

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out in the next couple of years related to that. Eaton Peabody has two attorneys who are also lobbyists at the State level, and they keep an eye on any legislation that's relevant to work that the firm does. Patrick is also a member of the Maine Municipal Association, and gets all their updates. Patrick is doing a lot of work with communities on new housing development. In Ellsworth, they are trying to incentivize development and get more housing stock.

Patrick asked if Islesboro has any organizations that address workforce housing. Discussion about the Housing Committee, and Islesboro Affordable Properties, our local non-profit. Melissa Burns explained what the Housing Committee is working on and the groups they are working with. It's important to have workers and families on the island.

Related to that is the working waterfront. Discussion about sea level rise and infrastructure. Patrick has many municipal clients who are dealing with shoreline infrastructure damage.

Patrick asked about the big issues for the Town, and terminology. He would also like to know how the Town envisions working with the attorney, and ways he can help now with long-term items.

Janet Anderson asked how the records from Jensen Baird get transferred. Physical documents will be picked up from the Portland office, and electronic files will be shared. Melissa Burns asked about the Public Safety office and how they would work with the new law firm. Patrick answered that all departments fall under the Town, and he has experience working with Public Safety. Anything related to employment would be with our employment group; Sarah Newell in the Bangor office is usually the one who works with municipalities. Real estate issues would go to other partners. Patrick works with Fire, EMS, Police, Roads, Harbor Committees, Planning Boards, CEO, and Boards of Appeals. For Bond counsel, that would go to Dan Pittman. Janet asked about HR training. Sarah Newell could come out to the island to do that.

Shey Conover talked about the intersection between State and Town infrastructure. The infrastructure at the ferry terminal is rife for problems, particularly as we deal with coastal infrastructure. The ferry service is building us a new hybrid electric ferry, which will require upgrades to the electrical system. We have an active Energy Committee, which is monitoring that. The parking area is partly owned by the State, and partly by the Town. We may not have a shared understanding of how we view the priorities and how we make infrastructure investments.

Patrick spoke about how he works with the general counsel of the DOT. He looks forward to learning about the ferry service. Shey explained that by Maine law, 50% of ferry operating expenses are supposed to be covered by ticket fares, so about every three years, rates go up. Six years ago, Islesboro got involved in fighting the way that the DOT handled that process, and we were somewhat successful with appeals. However, we prefer to have a strong working relationship, rather than an adversarial lawyer-based relationship. John King is our representative on the Ferry Service Advisory Board, and he does an amazing job of trying to both push on important issues and also build as much goodwill as possible. Patrick talked about how he also prefers to build positive relationships, and avoids pure adversarial situations. He

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likes to represent municipalities by taking advantage of opportunities to be involved in conversations early on, and build relationships. This is a good investment for municipalities.

Shey Conover asked about suggestions or preferences in how he likes to get to know a community. How can we help most efficiently? Patrick replied that he can Zoom in on a Planning Board meeting to get to know people. If there's a major relationship, such as with the DOT or the Island Institute, he'd like to be looped in on the call. The more he knows, the better he can respond when needed in the future. He won't go through old files, unless there's a reason to research a specific issue. Janet offered to show him an invoice from Jensen Baird, which lists all the different things she's called about. Patrick thought that would be helpful. He is a planner, and tries to foresee what he can.

They talked about the Islesboro Economic Sustainability Corporation. This is a purview where we may be reaching out. Janet stated they have their own lawyer, and operate independently, but if they went defunct, all their assets and liabilities would come to the Town.

Patrick asked about the Mil rate, which is \$11. Patrick thought it's a little low for Maine, but it seems reasonable for a community this size. Janet stated she thinks it will be \$12 this year, as the budget is going up. He asked what we typically allocate for professional services. Janet answered it's about \$12,000, and we haven't gone over. He anticipates Islesboro won't be need a lot of hours, it sounds like it's more as-needed. However, there are some good opportunities to include him in some conversations with certain people, or keep him up-to-date, so he has awareness and can give better guidance.

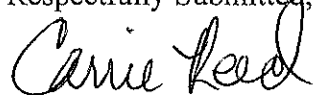
Janet asked about conflict of interest. Jensen Baird also represented Lincolnville, and there was a problem in the past. Patrick doesn't represent Lincolnville. Eaton Peabody has a conflict check system. If someone gets a new client that for some reason is averse to the Town, they will not be a client. If an existing client becomes averse to the Town, we would do informed consent, and make the Town aware. The Town would have say over whether or not it could proceed, or the firm wouldn't represent either party in a conflict.

Patrick would like to talk with people like John King and Gabe Pendleton to learn about the ferry service, as well as the CEO, Town staff, and other people in Town.

Patrick stated it would be his pleasure to represent the Town of Islesboro. If Islesboro would like to proceed, we will get the engagement letter signed. This will go on the Agenda for the Select Board meeting on June 5th.

Meeting Adjourned at 3:08 PM. No Discussion.

Respectfully Submitted,



Carrie Reed
Secretary

