

Islesboro Select Board
Regular Meeting
Town Office Meeting Room & via Zoom
Wednesday, August 28, 2024 @ 6:00 PM

APPROVED
9/11/24

MINUTES

Members Present:

Chair Shey Conover, Vice Chair Lauren Bruce, Melissa Burns, and Stephen Pendleton

Members Absent: Peter Anderson

Others Present:

Town Manager Janet Anderson, Laura Graf, Donna Durkin (GWI), Barry Wherren, John Rex-Waller, Page Clason, Andrew (Pete) Anderson, Vicki Conover

Others Present via Zoom:

Frank Start, Jennifer West, Barbara Talamo, Fred Porter, Roger Heinen

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

Minutes of August 14, 2024, Regular Meeting.

MOTION BY M. Burns, seconded by L. Bruce, to approve the minutes of August 14, 2024 Regular Meeting, as written. No discussion. Motion passed, 4 yes, 0 no.

MOTION BY M. Burns, seconded by L. Bruce, to take the Agenda out of Order to hear New Business. No discussion. Motion passed, 4 yes, 0 no.

NEW BUSINESS

1. GWI Contract: Network Operator Services Agreement Renewal.
 - S. Conover thanked the IMB Committee. The Broadband subcommittee has been working for several months on drafting a new contract with GWI. The draft contract has been reviewed by Town counsel.
 - John Rex-Waller spoke about the contract process. The existing contract has been running since 2017. It's been a successful arrangement. We've had one major outage that hit the east coast. It lasted 8 or 10 hours, fairly short-lived. When it was time to renew our broadband arrangement, first we had to get the Town's approval at Town Meeting to negotiate with GWI without putting it out to bid. We modeled the draft document on the contracts that GWI has in place with its other clients to bring it into conformity. Our original contract was set up for the development of a brand-new network. There were a lot of things in there that didn't apply to an ongoing operation. New items of note:
 - Simplified monthly billing arrangement to make it easier for Tina. It's a single, simple, per-subscriber, per-month invoice fee.

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- Added a mechanism to review repair invoices. Frank had brought up the possibility of having excessive bills for time & materials, so we inserted an item that allows us to check for reasonableness, and that repairs costs are aligned with local costs for similar work. Repairs remain on a time & materials basis.
- We asked GWI to increase insurance coverage. They were able to increase it from \$5M to \$10M without any additional cost to us.
- GWI is privately held. We added language that if the company is sold and we don't like the new buyer, after a 90-day trial period, we have a window of 90 days to cancel the contract with no termination fee, and they will work with us while we find a new provider.
- At our request, GWI reduced the bandwidth fee by about 15%, about \$10,000. The new contract is lower than the contract we've been operating on over the last seven years. GWI has also not increased the subscriber rates in the last seven years. The new contract is at the same price as the original.
- Requirement that GWI hires an Islesboro resident as the Primary Service Support Contractor (formerly called the On-Island Contractor or OIC) to make it a preference for an island resident. GWI has a list of authorized individuals who can work on the network. We can have input and make recommendations.
- Requirement that the Town provides a bucket truck, and GWI can lease that truck.
- We are superceding the current contract with a 10-year contract.
- At the June IMB Committee public meeting, the subcommittee that negotiated with GWI discussed these modifications. The last items to be threshed out were the insurance issue and some standard language.
- The IMB Committee recommends the Select Board approve this contract.
- L. Bruce stated that it looks like a thorough process that the Committee went through. It also looks like the attorney has no problem with this. John Rex-Waller clarified that the attorney recommended a provision that if the Town decides not to fund IMB, the contract is cancelled, along with some other language.
- Barry Wherren stated that they've also added a component that we get an annual review of the system, to be proactive in terms of seeing what needs attention, a sort of maintenance punchlist.
- S. Conover asked Donna Durkin if there are other communities with a similar relationship. Is Islesboro unique in that we own the infrastructure? Donna replied that Sanford owns their own their facility and network, and GWI operates and provides the bandwidth. It's not a residential, but a commercial network. The city got grant funding to get that fiber network into Sanford, and they needed it to attract business. GWI won the bid to operate it. A lot of the other networks we work on are in Vermont. We modeled this network after their regional networks. We have expertise that started with Islesboro.

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- Frank Start asked John where in the contract it says we have 90 days to terminate if GWI is bought out. John answered that it is Assignment, 10.1.
- Frank stated he feels there was no time for anyone to ask questions, and feels like it's getting pushed through. Only two weeks ago the contract was released to the public. He had asked the Select Board to table this for time to look it over.
- Frank expressed concern about the list of approved contractors. It gives GWI a way out if repairs get delayed and they say we could have had it done sooner if there was a contractor that was available but not on the approved list.
- Laura Graf stated that in every Broadband meeting over the last year, this has been the topic of conversation. Although the final contract just came out, all details have been discussed in-depth at every meeting, including the detailed list of what was going to change. It was open for public questions and comments. It was not done secretly. There was opportunity for public input. The actual contracts are private while they're in negotiations, but the meat of what was expected to change was discussed publicly.
- Frank stated that he thought there would be more than two weeks for people to be able to look at it before it was sent to the Select Board to approve. It seems to be getting pushed quickly for a \$2.6M contract. He is concerned about accountability with repairs.
- Laura added that this is not a brand-new vendor or contract. It's a continuation of an existing relationship and contract with no material financial changes, including a \$10,000 gain for the Town, and consistent subscriber costs. There are provisions for managing repair costs. There's never been a situation where the repair costs have been over budget.
- Discussion about review of the system. We can review invoices monthly.
- John Rex-Waller stated that Donna or other GWI rep will be in IMB meetings on a quarterly basis.
- Donna added that GWI sends a spreadsheet to the Town with invoices, and stated that invoices are reviewed by three departments at GWI.
- Frank added that there are old repairs needed and issues that he's brought up to the committee. He doesn't get a response. Donna explained the process of repairs and contractors, but that's not part of her department.
- Page Clason stated that Frank needs to be specific about problems. Major problems have been resolved. There are minor issues that linger, but we focus on higher priority issues first.
- S. Conover asked how we track issues. Can those be tracked in an annual review? John stated the representative's presence in our quarterly meeting will facilitate that.
- M. Burns asked if the Committee if they have received any other correspondence with concerns about the contract. John answered that they did not.

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- Frank asked if there's a reason we didn't keep any testing or pictures for repairs as was suggested a year ago. John answered that this is GWI's relationship with their contractors. We will have the right to look at reports as an oversight committee.

MOTION BY S. Pendleton, seconded by L. Bruce, to approve the GWI Contract as is. No further discussion. Motion passed, 4 yes, 0 no.

2. Sign Special Town Meeting Warrant for 9/4/24 Re: Islesboro Affordable Property (IAP) Boundary.

- Barbara Talamo wrote a detailed memo about this item.
- Pete Anderson summarized that over the years there have been several surveys done in the area between the Town property (Map 17, Lot 17) and IAP property (Map 17, Lot 9A). Not all have been correct.
- This is a boundary agreement to settle where the line ought to be. We need to approve so we can get financing for some housing for the island. Lawyers at Maine Housing require that an agreement be in place before moving forward.
- Gartley & Dorsky have provided a survey map showing the area of contention. The line should be several feet to the West. The Town actually realizes more land in this case.
- The corrected line keeps going, with additional discrepancy with the Greens.
- There will be separate agreements for other abutters.
- Because this is a grey area, we need a Special Town Meeting to approve this.

MOTION BY L. Bruce, seconded by M. Burns, to approve the Special Town Meeting Warrant for September 4th. No discussion. Motion passed, 4 yes, 0 no.

MOTION BY M. Burns, seconded by L. Bruce, to go back to the order of the Agenda. No discussion. Motion passed, 4 yes, 0 no.

VISITOR COMMENTS/PETITIONS

Fred Porter addressed the Select Board regarding FEMA reporting. There were two areas assessed that he feels the Select Board needs to look at and consider funding: Town Beach and Warren Landing. At Town Beach, the east side (where the picnic tables are) has lost about 25' of embankment, and there's nothing protecting it. If we get more storms, we will keep losing more of this public park. He would like us to look out for the future of Islesboro and preserve for future generations. Warren Landing has become a special park area that many young families are enjoying. At every storm, we continue to lose pieces of this park. He would like this to be put back to original condition. These are set up by FEMA as projects in the portal. He wants to make sure this is on the next Select Board Agenda for discussion. There are mitigation funds available for seawall work, or vegetation, or netting the embankment. We need to discuss how this could be

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funded, but we can get reimbursed. The clock is going now. He believes we have to submit everything by September 20th.

S. Conover asked if Fred has an example of what FEMA needs from us for a plan or template. Fred answered that we are putting pictures in the portal. Last week we had the site review inspectors look at these sites, and they think it's a worthy project.

Fred added we need an estimate, and a design in place. Once we have that, he thinks we have about two years to finish project. He will get an answer from his contact at FEMA. The mitigation representative is willing to come out again, or maybe he can Zoom into a SB meeting.

Fred offered to take any Select Board members to these sites.

S. Conover requested we add this to the next agenda. It would be helpful to have a comprehensive list of projects that are in the FEMA portal.

J. Anderson stated she has been prioritizing roads. Fred added that Town docks, Broadband, Hewes Point, the Narrows, Charlotte's Cove, and road damages are being submitted for reimbursement. This is the one chance we'll have to get mitigation money for improving how these areas hold together.

L. Bruce asked when the clock starts ticking if we get an estimate. Fred answered that once the project is approved, the clock starts, and he believes it's two years, and we can possibly get an extension. He will confirm with our contact at FEMA.

FERRY SERVICE UPDATE

S. Conover reported on the DOT Meeting held at the Town Office last Thursday. The project is just extending the pens and dolphins. They spoke about the energy changes that are needed to plan for the hybrid boat. They are planning for fast charging on the mainland, and trickle charging on the island overnight for the near future. The roads are not part of the scope of this project. They had two engineers from Stantec, the Project Manager from DOT, and Bill Geary from MSFS. Twice it was mentioned that eventually the plan is for the boat to stay overnight in Lincolnville. They said this decision is being made by Commissioner Bruce Van Note. It wasn't clear what the timeline for this is. J. Anderson added that they later explained that it was a crew issue. It's hard to find people to come over here for a week at a time.

SEA LEVEL RISE

S. Conover stated that there was a goodbye reception for Island Fellow Liv Lenfestey yesterday on August 27th. Next meeting of the SLR Committee will be Sept. 12th.

MUNICIPAL BUILDING PROJECT

L. Bruce reported that she and Pete Anderson met with Ledgewood supervisor and architect Mark Ouellete from SBA. The final pour of the foundation was done today,

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things are moving quickly now. We should see materials being delivered, and paving in the next three weeks. Ledgewood is a class act. They are totally transparent and go over all their timelines with us. For the Up-Island Public Safety Garage, we believe we have a construction manager from Northport. It looks like we will be under budget.

UPCOMING MEETINGS AND SUBCOMMITTEE REPORTS

- Special Town Meeting: September 4th, 6:00pm.
- Planning Board: September 9th, 5:00pm.
- Sea Level Rise: September 12th, 5:30pm.

TOWN MANAGER REPORT

- Packet included Agenda for 8/28/24 and Minutes of 8/14/24 Select Board Regular Meeting.
- Committee Minutes:
 - Harbor Committee minutes of 4/18/24
 - Harbor Committee minutes of 5/20/24
 - Housing Committee minutes of 6/20/24
 - IMB Committee minutes of 6/27/24
 - Energy Committee minutes of 7/9/24
- Correspondence
 - 8/12/24 Press Release from Maine Municipal Association to announce the Town has received a \$2,269 dividend check for good performance and loss prevention efforts.
 - 8/20/24 Assessors' Certification of Assessment FY25 mil rate: \$11.90. 1 mil = \$624,085.
- Manager
 - 8/28/24 received an email from Toni Reed at the Maine Municipal Bond Bank to say our application has been approved for \$2,616,332 for 20 years. We will check on interest rate.
- Warrant FY25 #5

CORRESPONDENCE

No other correspondence.

OLD BUSINESS

1. None

APPROVE WARRANT: FY25 #5

MOTION BY M. Burns, seconded by S. Pendleton, to approve Warrant FY25 #5. No discussion. Motion passed, 4 yes, 0 no.

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APPOINTMENTS:

Energy Committee: Janis Petzel and Trevor Blackford
Sea Level Rise: Peter Rothschild

MOTION BY M. Burns, seconded by L. Bruce, to approve all listed Appointments. No discussion. Motion passed, 4 yes, 0 no.

Corrected appointment for Peter Willcox. He will be a full member, not an alternate.

CHAIR COMMENTS

S. Conover: No comments.

VICE-CHAIR COMMENTS

L. Bruce: No comments.

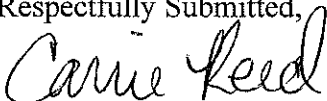
INDIVIDUAL SELECT BOARD MEMBER COMMENTS

S. Pendleton: No comments.

M. Burns: School starts tomorrow. Be cautious and careful of busses, small children, and new 16-year-old drivers. Soccer schedules will come out soon. 9 Seniors this year.

P. Anderson: Absent.

MOTION BY M. Burns, seconded by S. Pendleton, to adjourn meeting at 7:10 PM. No discussion. Motion passed, 4 yes, 0 no.

Respectfully Submitted,


Carrie Reed
Secretary

