Selectmen's Discussions and Decisions
March 20, 2014

Selectmen present: Tom Hohn, John Norton, and Marie Harmon.

1. Selectmen received comments from the Planning Board concerning the proposed road opening ordinance.

2. Met with Will Tierney to discuss usage of the Generator House building.

   Mr. Tierney proposes to use the building for a local agriculture / hydroponics business. His plan includes providing year-round produce to the island as well as possibly providing produce for the food bank, school lunch program, and Recreation Department snacks. His business plan includes the providing up to four, full-time, jobs on the island.

      Part of the plan includes renovations to the building that would increase the value of the building (e.g. hooking up the utilities, converting the second floor into a greenhouse space, and providing secure doors and windows).

         Mr. Tierney will need to talk to the Code Enforcement Officer to discuss compliance with building codes.

      His plan would also require that the building be rezoned for commercial business as well as require a change of use.

      Mr. Tierney will also have discussions with property abutters.

   The Town has a proposal from Municipal Resources, Inc. to develop RFPs for proposed use of town-owned buildings, including the Generator House, the Marine Building, and the Marriner's garage building.

   Therefore there are two options, Mr. Tierney could go through the RFP process to lease or purchase the building from the town for this purpose or he could go to Town Meeting with a proposition to the Town to purchase the building.

3. Met with Rod Jacobs to discuss the Animal Control Officer job description, the Employee Policy, and the Employee Code of Conduct.

4. Discussed the temporary order of protection for town records.

   On Friday (3/14), Town Attorney, Matt Tarasevich, upon authorization from the Selectboard, sent a letter to Coleman Clarke's attorney, Jon Goldberg, to communicate with his client that Mr. Clarke had until

Tuesday (3/18) to return the town's records and hard drive to the Town, undamaged and untampered with.

On Tuesday (3/18), the Town Attorney received a reply from Mr. Goldberg that stated that Mr. Clarke and his "tech consultant" were working to recover and duplicate files from the hard drive they believed to be Town records, and could not complete before March 28. No promise to return the hard drive was made.

This was not the result or time frame required and involved a third-party working on the hard drive. As a result, the Selectmen, after consultation with Town Attorney, filed a motion for a temporary order of protection for the hard drive and the paper records.

Superior Court granted the temporary order for protection and it was received on Thursday (3/20).

The Court has ordered Coleman Clarke to surrender the hard drive of the laptop at issue of complaint and all town records to the court or to his attorney for safekeeping in accordance with this order until resolution of this law suit.

5. Selectmen revisited tabled motion of March 13, 2014 made by Selectman Hohn to terminate Coleman Clarke from all Town positions. Motion was seconded by Selectman Norton on 3/13. Deliberations followed, with the following factual discussion and findings regarding Mr. Clarke's actions:

   This issue has been ongoing since June 2013 and, to date, Chief Clarke has not complied with the reasonable requests of the Selectmen.

   Selectman Norton stated as follows:

   I am truly saddened we have to come to the point of being forced to address the termination of Dick Clarke as Fire Chief of Long Island Fire and Rescue, and as EMS Director. Time and time again, over the past nine months, the Selectboard has tried to retrieve town records, now in possession of Mr. Clarke, and modify his behavior and attitude to allow him to fulfill his responsibilities and duties to the town as well as the fire department. I recognize he is well regarded by the department for his leadership skills and command presence on the fireground, but he has abdicated his responsibilities as a town official by his willful insubordination and uncooperative behavior.

   Further discussion by the Selectboard, following upon discussion at the meeting with Mr. Clarke on 3/6 and the preliminary deliberations on 3/13:

Mr. Clarke has declared that he would not work with or communicate with current Selectboard because of his dislike for two of the members of the Board.

He has stated that he would not perform Fire Chief administrative duties during working hours because of his outside commitments to Chebeague and did not have time to respond to reasonable and required communications from Selectboard.

He has threatened to destroy town records and disobeyed direct order to return those records and not tamper with the town's laptop computer.

He has misled the Selectboard about compliance with our orders to return computer without disclosing that he had caused the hard drive and records to be removed and hidden.

He misled Selectboard about compliance with orders to return town records by returning a box of papers and old files that did not include recent road records.

He has refused direct orders to supply records he was responsible to maintain in his role as town official as Road Commissioner, Solid Waste Director, Fire Chief, and EMS Director.

He has blamed the Selectboard for his failure to respond to State EMS Board in a timely manner, and gave false and misleading explanations to third parties regarding his non-compliance.

The Selectmen have attempted to retrieve Town records over 8 month period and offered to accommodate Mr. Clarke's desire for privacy regarding any personal data on the town laptop. Mr. Clarke has refused multiple requests to return town records and taken steps to deny the town access to records he maintained and which the town is required by law to keep.

To not take action in light of the above actions would establish a terrible precedent for future Selectmen and other Town departments i.e. Town Clerk, Treasurer, Planning Board, and ZBA. Deliberate destruction or hiding of Town records and insubordination cannot be ignored.

All Town officials and department managers have duty to put interests of the Town ahead of personal interests. We have lost confidence in Dick's commitment to safeguard Towns interests.

The Board of Selectmen considers Mr. Clarke's actions as willful insubordination, and a failure to perform duties of a town official. Failure to protect Town records that he was required to maintain and return to the Town when requested.

2-0 motion passed, Selectman Harmon recused herself.

6. Selectman Norton made a motion to accept the proposal from Municipal Resources, Inc. to prepare the RFPs for the Marine Building, Marriner's Garage, and the Generator House building, with a limit of $4,200.

   2nd by Selectman Harmon.

   These buildings are currently absorbing resources rather than providing anything to the town.

   Funds for this project will come from the "Professional Assistance" line item.

   The Board of Selectmen wants this process to be as transparent and open as possible.

   3-0, motion passed.

7. Discussed snow and ice control and road maintenance contracts.

   Last year, the Board signed 1-year contracts with the snow plowing and road maintenance companies, with the option of extending the contracts for another year without going to bid.

   Both contractors have expressed that they would like to continue to work with the Town and both companies have done a good job thus far (Seabreeze has yet to do the spring road maintenance).

   The Selectmen do not want to go through the full-blown RFP process and accept proposals widely.

   Therefore, the Board of Selectmen will solicit proposals through postings on island for winter snow and ice control and road maintenance.

   <u>Action: The Board of Selectmen will solicit proposals from on island contractors for winter snow and ice control as well as for road maintenance.</u>

Selectman Norton made a motion to adjourn.

2nd by Selectman Harmon
3-0, motion passed.