Selectmen's Discussions and Decisions
April 24, 2014

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

1. Met with a resident concerning aquaponics conditional zoning and the town building redevelopment RFP process.

   The Selectmen stated that the conditional land use ordinance issue was not under their jurisdiction but the purview of the Planning Board and Zoning Board of Appeals.

   The RFP process for the redevelopment of the three town-owned buildings will be transparent and posted and all are welcome to submit proposals. No decision for the use of the buildings has been made to date.

2. Discussed Articles 4 and 5 for Town Meeting on May 10th.

   March 16, 2014 the board of selectmen terminated Coleman Clarke from all Town positions including fire chief and EMA Director. The decision to terminate was difficult but one the Board believed necessary. Deputy Chief Papkee has been appointed Interim Fire Chief and Michael Floyd has been appointed Interim EMA Director.

   Members of the Fire & Rescue Department wish to re-instate Mr. Clarke as Chief and, to do so, want the Town to change the way the Fire Chief is chosen. Fire & Rescue is a municipal department and the Fire Chief is a municipal official currently, appointed by and reporting through the Selectboard to Town voters. Passage of either Article 4 or Article 5 will give Fire & Rescue authority to elect the Fire Chief. Defeat of both Articles 4 and 5 will leave the existing appointment process and municipal accountability, responsibilities, and authorities unchanged. The Selectboard does not support changing the Fire Chief position from appointed to department elected, but if the will of the Town is to do so, Article 5 offers better protection for the interests of the Town than Article 4.

   Article 4. Shall the Town vote to authorize the members of the Municipal Fire and Rescue Department to elect a Municipal Fire Chief, as authorized by 30-A M.R.S.A. section 3153?

      This article was written and placed on the warrant by members of Long Island Fire & Rescue. The purpose of this article is to remove the Selectboard authority to appoint the Fire Chief and authorize the Fire & Rescue to elect the Chief.

The Selectboard asked the Town Attorney to review Article 4. The Selectboard does not believe that passage of the article is in the best interests of the Town for the following reasons:

The timing of this article may contravene state statute that requires ninety (90) day notice prior to Town Meeting to change the way town officials are appointed/elected.

Passage of this article will send message that some Town employees can avoid accountability to elected representatives (either Selectboard or School Board), thereby denying elected officials ability to effectively supervise their staff, including the necessary authority to terminate for good cause.

Passage of this article will create governance problems in the future because it authorizes an unelected body to elect a Town official with unclear lines of accountability, authority and responsibility.

It does not amend or repeal our current ordinance, which gives the Selectmen the authority to appoint the Fire Chief. This will create confusion and internal conflict in our ordinances.

It gives up the checks and balances of the appointment power. Town Attorney stated he knew a few instances where the performance of elected public officials in essential offices was detrimental to the Town but the Selectmen were powerless to remove them.

It does not set a term of service for the elected Chief.

It does not provide any mechanism for the nomination or election process to be used by the department to elect a Town official.

It does not provide any standards for the authority, qualifications, required training, or duties of a Chief.

It does not address a disciplinary or removal process for a Chief in the event that he or she does not provide the leadership or services required of the position, in the event that he or she is convicted of a crime or otherwise in breach of standards of conduct that we expect of our public officials.

Article 5. Shall the Town direct the Selectmen to draft an ordinance to change the method of appointment of the Fire Chief to a nomination and election process where the Fire Chief will be elected by the Long Island Fire

Department, the ordinance to be considered at the Special Town Meeting to be held in August?

This article was written and placed on the warrant by the Selectboard. The purpose of this article is to resolve Article 4 issues with the ninety (90) day notice requirement, lack of appropriate checks and balances, and to lessen future governance conflicts if the Town wants to allow the department to elect the Fire Chief. The Selectboard does not support changing the Fire Chief position from appointed to department elected, but if the will of the Town is to do so, Article 5 offers better protection for the interests of the Town than Article 4.

3. Discussed Articles 52 and 53 for Town Meeting on May 10th.

In 2011, the Town voted to support a $600,000 revitalization project for the Community Center with funding provided by $450,000 in private donations followed by $150,000 in Town borrowing. In 2012, the Community Center Revitalization Construction Committee was appointed and developed a design for the project that balanced the requirements of the various user groups. In September 2013, the Selectboard issued a request for proposals for design and construction services and received two (2) proposals, both far higher than the 2011-estimated cost. In 2014, we found the project can't be constructed as originally designed within the original $600,000 budget. A significant portion of the increased cost was driven by code requirements for fire separation, energy efficiency, and handicap accessible bathrooms.

To date, more than $450,000 in private donations which combined with $150,000 Town contribution can complete Phase 1 of the project. Phase 1 replaces all walls, levels the floor, builds out Historical Society, Pottery Studio and the Teen/Senior Lounge, installs new handicap accessible bathrooms, and constructs kitchen space but leaves the big room and kitchen space unfinished, uninsulated, and unheated.

We are now at the point where either the budget has to increase or the project has to be scaled back to Phase 1. According to fundraiser-in-chief there are little or no additional monies beyond the $450,000 to be raised from private donations for this project. The following Articles presents the Town with three options:

Article 52. Shall the Town vote to a) approve a revised Community Center Revitalization Project to include tearing down the existing building and rebuilding on the existing foundation, b) appropriate an additional sum not to exceed $275,000 to meet the cost…,

The purpose of this article is to authorize an additional $275,000 in loans to fund complete replacement of the Community Center with a **new building** that meets all code requirements and provides year-round functionality;

Article 53. Shall the Town vote to a) approve a project called Phase II of the Community Center Revitalization Project (that will include the work originally defined in Article 57, 05/11/2014) - b) appropriate an additional sum not to exceed $200,000 to meet the cost…

Article 53 purpose is to authorize an additional $200,000 in loans to fund Phase 2 of the renovation of the **existing building** to include insulation, finishes and heat in kitchen and big room to provide year-round functionality;

Rejection of Articles 52 & 53 will reduce the Community Center project scope to a Phase 1 renovation that provides year-round functionality in Historical Society, Pottery and Multi-Purpose Rooms only and leaves big room and kitchen spaces unfinished.

4. Discussed the public works contracts.

   The Board of Selectmen solicited letters of interest for proposals for the public works contracts through postings on the island, LICA email list, and on the Town website. The Board received no letters of interest from other contractors.

   Will plan to have a meeting with Seabreeze and Coastal to discuss financial controls and processes for next fiscal year.

5. Wreck Cove monitoring visit by Oceanside Conservation Trust date tentatively set for May 22, 2014.

6. Approved parking on street parking on Island Avenue for May 1st due to maintenance (sweeping and painting) of the municipal parking lot.

7. Met with candidate for Maine State Senate, Steve Woods.

8. Selectman Norton made a motion to appoint Michael Floyd the Interim Emergency Management Agency (EMA) Director.

   Motion 2nd by Selectman Harmon for discussion.

   The Board feels that he is experienced and knowledgeable, having served as both the Fire Department Deputy Chief and EMA Director, and has full confidence in his abilities.

   3-0 motion passed.

9. Board signed the ordinance certification for Town Meeting.

10. Selectman Harmon made a motion to approve the minutes from April 24, 2014.

    Motion 2nd by Selectman Norton.
    3-0 motion passed

11. Selectman Norton made a motion to adjourn the meeting.

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

Erin Crowley – Deputy Minute Recorder