

**- PUBLIC MEETING -
Hope Select Board
Meeting at 5:30 p.m.
November 26, 2024
Hope Town Office**

-AGENDA-

01) Call to Order:

02) Agenda Adjustments/Approval:

03) Public Comment (*Please limit comments to 2-3 minutes*):

04) Minutes:

a. November 12, 2024:

05) Warrants #'s:

06) New Business:

a. Resilient Communities Partnership Municipal Resolution:

b. Amendment to Doug Kelly Consent Agreement:

c. **Resignation, Board of Appeals – Nancy Ford:**

d. Roads Update – John Monroe, Road Commissioner:

07) Old Business:

08) Other Business:

09) Town Administrator Report:

10) Adjournment:

MINUTES OF SELECT BOARD MEETING
Hope Select Board
November 12, 2024
5:30 p.m.
Hope Town Office

Board Members Present:

- Sarah Ann Smith, Charlie Weidman, Wayne Luce, Crystal Robinson, and Joe Tassi

Others Present:

- Samantha Mank, John Monroe, and Jon Powers

Call to Order:

- The meeting was called to order at 5:35 p.m. by Charlie.

Agenda Adjustments/Approval:

- Charlie made a motion to take agenda items out of order to accommodate those present at the meeting. It was seconded By Wayne.

Motion passed 4-0

Public Comment:

- None

Minutes:

- October 22, 2024: Charlie made a motion to approve the 10/22/24 minutes as written. It was seconded by Wayne.

Motion passed 4-0

Warrants 33, 34, 35, & 36:

- Charlie made a motion to approve and sign the Treasurers and Payroll warrants 33, 34, 35, and 36. It was seconded by Crystal.

Motion passed 5-0

New Business:

- North East Ambulance Update, Jonathan Powers: Jonathan Powers is the division chief for NEMHS. He is trying to meet with the Towns individually since there is no longer a quorum for the Performance Review Committee. He said that staffing is good at the moment, and they are utilizing a paramedic fly car instead having a medic on every call. There have also been several upgrades to the base which has helped with morale. Rockport is planning on beginning their service in December. There are some requirements they still need to complete before being issued a transport license. Jon said that the NEMHS ambulance service is planning on staying in the area and continue providing EMS services to the remaining three communities as long as they are wanted. The towns will be given updated cost assessments sometime in January or February for budgeting purposes.
- Risk Reduction Grant: The Town was awarded \$3,000 which is the full amount. Wayne made a motion to authorize the Town Administrator to accept the Risk Reduction Grant and to contract

with Pro-Tech Security for the purchase and installation of the security cameras. It was seconded by Crystal.

Motion passed 4-0

- Resignation Deputy Clerk, Sarah Chapman: Joe made a motion to accept the resignation of Sarah Chapman as the Deputy Clerk, with thanks. It was seconded by Wayne.

Motion passed 4-0

Old Business:

- Crystal wanted to discuss the Resilient Communities Survey as she feels it was misleading by calling it a Maine program when their alignments to the UN's Agenda 2030 and no other red flags were mentioned. The Town Administrator told Crystal that a workshop was scheduled for November 19th in order to get more information and to have a question-and-answer time as well.

Other Business:

- Sarah wanted everyone to be aware of spam emails to be sure to look at the extensions to verify the emails are actually from town email addresses.

Town Administrator Report:

- There are 1,458 registered voters in the Town of Hope. Hope had a 79% voter participation for the Nov. 5th election with 1,148 ballots being cast. Of those, 518 were absentee ballots. There was a steady flow of people throughout the day. The Knox County Sheriff Department had deputies stopping by the Town Office several times throughout the day and into the evening. Everything ran very smoothly. Unfortunately, because of the way the thumb drives were programmed in order to enhance security, there was an issue that required every ballot to be rescanned after the polls had closed. Staff remained until 2:30 a.m. completing the counting and reporting.
- I received an email from the Pen-Bay Soccer Club regarding how pleased they have been with how well True Park has been maintained by Brandon Fuller. The email contains several comments from coaches and supporters.
- Mid Coast Solid Waste Board of Directors will have a meeting next Wednesday, November 20th at 6:30 p.m. at the Camden Town Office, John French Conference Room.
- The full school board had appointed a subcommittee to conduct the search for the next superintendent as Kate is retiring in June. The next meeting is on Nov. 18th at 5:00 p.m. via Zoom. The agenda is on the website.
- The FY23 school audit has been started. We are still waiting to hear when the municipal portion of the audit will be started. The auditing firm is greatly understaffed at the moment. There has not been any discussion regarding the FY24 audit. It definitely will not be ready in time for the next budget and town meeting cycle. The Select Board may choose to proceed with the regular schedule without the audit next year. There is a shortage of auditing firms as several municipalities don't have an auditor and are unable to hire one. In some instances, towns are still waiting for their FY21 audits.
- The deadline to complete the Resilient Communities Survey was today. The Task Force will meet tomorrow evening at which time they will review the survey results, select a top priority action or actions, use the top priority/priorities as the basis for the Town's Community Action Grant project, and begin designing the project proposal. There will be a "Community Workshop" to discuss everything with anyone from the town who is interested, on Tuesday, Nov. 19th. The

final project proposal will be submitted to the Select Board for approval at the next SB meeting on November 26th.

- There are several vacancies on a few boards and committees. Whenever vacancies occur, it is the responsibility of the Select Board to appoint someone to fill them until either the term ends or an election is held. Current vacancies include: 3 vacancies on the Appeals Board. Two of them have terms that expire June 2025, Planning Board 1 vacancy. This can either be for the remainder of the term until June 2025 or can begin a new term until June 2030; one vacancy on the Budget Committee. Since this an elected position, the Select Board can only appoint until June 2025.
- The new website is progressing nicely. I have a two-part training scheduled for the end of November and beginning of December to learn how to properly use it. If everything goes well, we may be able to go live sometime in January.
- There were 7 building permits, and 5 plumbing permits issued since the 10/8/24 Select Board meeting:
 - Kristoper Schuman 67 Meadow Ln Tree Cutting in SZ
 - Oliver Perkins 103 Smith Dr Barn
 - Heidi Baker 258 Alford Lake Rd Bathhouse
 - Noah Kleiner 589 Barnestown Rd Accessory Structure
 - Deborah McSweyn 77 Barretts Hill Rd Home Occupation
 - Wayne Luce 68 Luce Ln Deck
 - James Tobin 29 Orchard Ln Barn
- There are 1,011 RE accounts with remaining balances for FY2025, totaling \$1,858,168.99. The first half of taxes was due on October 1, 2024. The second half is due on April 30, 2025.
- There are 22 RE accounts with remaining balances for FY2024, totaling \$42,538.09. Unpaid 2024 real estate taxes will automatically be foreclosed on February 20, 2026, if those accounts are not paid in full.
- There are 8 RE accounts with remaining balances for FY2023, totaling \$24,167.98. Unpaid 2023 real estate taxes will automatically be foreclosed on February 1, 2025, if those accounts are not paid in full.

Executive Session:

- Pursuant to 1 M.R.S. §405 (6)(A)(1) - Personnel Matter: Charlie made a motion to enter executive session pursuant to 1 M.R.S. §405 (6)(A)(1) to discuss a personnel matter at 7:14 p.m. It was seconded by Crystal.
Motion passed 5-0
- Charlie made a motion to exit executive session at 7:51 p.m. It was seconded by Crystal.
Motion passed 5-0

Adjournment:

- Sarah made a motion to adjourn at 7:52 p.m. It was seconded by Wayne.
Motion Passed 5-0



TOWN OF HOPE

441 Camden Road, Hope, ME 04847
Ph: (207) 763-4199 • Fx: (207) 763-4195
www.hopemaine.org

WHEREAS, the Town of Hope, Maine has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on November 19, 2024 which prioritized the following action areas:

- Maximizing the use of our solar array.
- Energy efficiency for municipally owned buildings.
- Road and infrastructure resilience.
- Watershed and land protection for future generations.
- Building a stronger, more sustainable community through education and improved communications.

BE IT RESOLVED, the Town of Hope, Maine commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts only while the Town is enrolled in the program.

BE IT FURTHER RESOLVED, the Town of Hope, Maine designates Samantha Mank, Town Administrator, to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

Given under our hands this twenty-sixth day of November 2024.

HOPE SELECT BOARD

Sarah Ann Smith, Chair

Charles Weidman, Vice Chair

Wayne Luce

Crystal Robinson

Joseph Tassi

Date

Ordinance vs. Resolution vs. Contract

A "municipal ordinance" is a local law enacted by a city government, establishing rules and regulations for the community, while a "resolution" is a formal statement of opinion or decision made by a governing body, usually less binding than an ordinance, and a "contract" is a legally binding agreement between two or more parties outlining specific obligations and rights.

Key differences:

- **Binding Power:**

An ordinance holds legal force as a local law, while a resolution typically expresses a position or intent without creating enforceable rules. A contract is legally binding once signed by all parties involved.

- **Scope:**

An ordinance usually covers broader issues related to community governance, like zoning or noise regulations, while a resolution might address a specific matter or policy stance. A contract pertains to a specific agreement between defined parties.

- **Enforcement:**

Violations of an ordinance can be subject to legal penalties, whereas a resolution generally cannot be directly enforced. A contract breach can lead to legal action to enforce its terms.

Example scenarios:

- **Ordinance:** A city council passes an ordinance requiring all dogs to be registered and vaccinated.
- **Resolution:** A city council passes a resolution supporting a local environmental initiative.
- **Contract:** A city contracts with a construction company to build a new park.

Municipal Resolution Definitions

A municipal resolution is a formal statement or decision made by a city council to express its opinion or position on a specific issue. Resolutions are often used for temporary matters or non-legislative issues. They are a way for a city council to communicate its intentions or stance on a topic.

Resolutions are different from ordinances, which are local laws that are more formal and authoritative. Ordinances are usually permanent and relate to a general matter, such as regulating property or people.

Resolutions are typically adopted by a majority of a governing agency and can often go into effect immediately. The creation of resolutions must follow specific city council meeting procedures.

res·o·lu·tion /,rezə'looSH(ə)n/

noun: **resolution**; plural noun: **resolutions**

1. a firm decision to do or not to do something.

"she kept her resolution not to see Anne any more"

Similar: intention resolve decision intent aim aspiration design purpose object plan commitment pledge promise undertaking

- a formal expression of opinion or intention agreed on by a legislative body, committee, or other formal meeting, typically after taking a vote.

"the conference passed two resolutions"

Similar: motion proposal proposition plan ruling verdict judgment finding adjudication decision declaration decree resolve

Ordinances, Resolutions, and Other Legislation

An ordinance is generally used to designate a local law of a municipal corporation, duly enacted by the proper authorities that prescribe general, uniform, and permanent rules of conduct, relating to the corporate affairs of the municipality[i]. An ordinance, a local law, or a regulation enacted by a city council or other similar body under powers delegated to it by the state is legislative in nature by its own definition[ii].

A local ordinance is a municipal legislative enactment. An ordinance passed in pursuance of express legislative authority is a law and has the same effect as a local law, and it may prevail over a general law upon the same subject[iii]. Therefore, an ordinance is equal to a municipal statute and it governs matters not already covered by federal or state law.

In *Baltimore v. Clunet*, 23 Md. 449 (Md. 1865), the court observed that a valid law may be passed, to take effect upon the happening of a future contingent event, even if that event involves the assent to its provisions by other parties. The same principle applies to an ordinance passed by a municipal corporation provided:

- the subject matter of the ordinance is within the legislative powers delegated to the corporation;
- it does not appear that the contingent event is foreign to the subject matter of the ordinance.

However, ordinances that directly or indirectly permit acts or occupations which the state statutes prohibit, or to prohibit acts permitted by statute or constitution, then the validity of ordinances will be null and void[iv].

It is to be noted that a municipal ordinance differs from a resolution. They are two significantly distinct government actions. The term “ordinance” means something more than a mere verbal motion or resolution. It must be carried out with the formalities, solemnities, and characteristics of an ordinance, as distinguished from a simple motion or resolution[v].

Whereas, a resolution encompasses all actions of the municipal body other than ordinances. A resolution deals with matters of a special or temporary character and an ordinance prescribes some permanent rule of conduct or government to continue in force until the ordinance is repealed. An ordinance is a legislative act and a resolution is an expression of opinion or mind or policy concerning some particular item of business coming within the legislative body’s official cognizance[vi]. It is to be noted that an ordinance can be repealed only by another ordinance and not by resolution[vii].

Generally, the adoption of documents outside of an ordinance or regulation through the principle of incorporation by reference is valid if such document is sufficiently identified and is made a part of the public record. However, the principle of incorporation by reference applies only in the absence of a statutory or charter provision to the contrary[viii]. Similarly, an ordinance cannot at the same time establish a paper as a public record and incorporate it by reference as a previously established public record[ix].

Municipalities have general powers, subject to other provisions of law to enforce ordinances and to prescribe penalties for violations. In some jurisdictions, the violation of an ordinance is punished with fine or imprisonment or both[x]. However, a municipality has no power to punish a violation of its ordinances unless the ordinance involved forbids the specific activity alleged.

[i] *Smith v. City of Papillion*, 270 Neb. 607 (Neb. 2005). [ii] *Tanner v. Green Forest*, 302 Ark. 170 (Ark. 1990). [iii] *Gould v. Baltimore*, 120 Md. 534 (Md. 1913). [iv] *Heubeck v. Baltimore*, 205 Md. 203 (Md. 1954). [v] *Rushing v. Georgiana*, 374 So. 2d 253 (Ala. 1979). [vi] *Benson v. De Soto*, 212 Kan. 415 (Kan. 1973). [vii] *Smith v. City of Papillion*, 270 Neb. 607 (Neb. 2005). [viii] *McKee v. City of Geneva*, 280 Ga. 411 (Ga. 2006). [ix] *Durand v. Love*, 254 Mich. 538 (Mich. 1931). [x] *Bookey v. Kenai Peninsula Borough*, 618 P.2d 567 (Alaska 1980).

Wikipedia - Resolution

In law, a **resolution** is a [motion](#), often in writing^[note 1], which has been adopted by a [deliberative body](#) (such as a corporations' board and or the house of a legislature). An alternate term for a resolution is a *resolve*.

In corporations

Main article: [Corporate resolution](#)

In corporations, a written resolution is especially useful in the case of the [board of directors](#) of a [corporation](#), which usually needs to give its consent to [real estate](#) purchases or sales by the corporation. Such a resolution, when certified by the corporation's [secretary](#), gives assurance to the other side of the transaction that the sale was properly authorized. Other examples include resolutions approving the opening of bank accounts or authorizing the issuance of shares in the corporation.

Legislative bodies

In many legislative bodies, the term resolution is the way a [motion](#) which has been approved is called.

In the United States, resolution means a proposal made in writing, while motion means a proposal made verbally.

Houses of a [legislature](#) often adopt [non-binding resolutions](#).

However, a legislature also uses resolutions to exercise one of its binding powers that isn't a lawmaking power. For example, the [United States Congress declares war](#) or proposes [constitutional amendments](#) by adopting a [joint resolution](#). A house of a legislature can also use a resolution to exercise its specific powers, as the [British House of Commons](#) does to elect its [Speaker](#) or as the [United States House of Representatives](#) does to [impeach](#) an officer of the [government](#).

Types

Non-binding

Main article: [Non-binding resolution](#)

In a house of a [legislature](#), the term [non-binding resolution](#) refers to measures that do not become [laws](#). This is used to differentiate those measures from a [bill](#), which is also a resolution in the technical sense. The resolution is often used to express the body's approval or disapproval of something which they cannot otherwise vote on, due to the matter being handled by

another [jurisdiction](#), or being protected by a [constitution](#). An example would be a resolution of support for a nation's [troops](#) in [battle](#), which carries no [legal](#) weight, but is adopted for [moral support](#).

Substantive and procedural

Substantive resolutions apply to essential legal principles and rules of right, analogous to [substantive law](#), in contrast to procedural resolutions, which deal with the methods and means by which substantive items are made and administered.

Notes

1. [^] Long or important motions are often written so that it can be distributed outside the body after its adoption.

Why Have A Resolution if It Isn't Binding

Even if a resolution isn't legally binding, it still serves a purpose by expressing the collective opinion of an organization or body on a particular issue, which can exert significant political pressure, influence behavior of member states, and establish a normative standard, even if there is no legal enforcement mechanism to compel compliance; essentially, it acts as a public statement of disapproval or support on a matter, creating a moral imperative to act in accordance with the resolution's intent.

Key points about non-binding resolutions:

- **Symbolic value:**

They can signal international consensus on a topic, even if countries aren't legally obligated to follow through.

- **Political pressure:**

A strong resolution can create public pressure on governments to act in line with its recommendations.

- **Normative impact:**

Repeated resolutions on an issue can gradually contribute to the development of international norms, even if not legally enforceable.

- **Dialogue and awareness raising:**

Resolutions can initiate important discussions and raise awareness about critical issues.

Municipal Resolution - Purposes

A municipal resolution is a formal statement or decision made by a city council to express an opinion, establish a policy, or address a specific issue. Resolutions are often used for temporary matters and are less formal than ordinances.

Here are some purposes of a municipal resolution:

- **Expressing an opinion**

Resolutions can be used to express a position on a specific issue. For example, a city council might pass a resolution to support environmental sustainability.

- **Establishing a policy**

Resolutions can be used to establish a policy for the city. For example, a city council might pass a resolution to adopt personnel policies.

- **Addressing a specific issue**

Resolutions can be used to address a specific issue that may not require a full ordinance. For example, a city council might pass a resolution to direct the agency executive to take a certain action.

- **Communicating with other governmental units**

Resolutions can be used to communicate with other governmental units or departments.

- **Granting special privileges**

Resolutions can be used to grant special privileges.

- **Paying tribute to prominent individuals**

Resolutions can be used to pay tribute to prominent individuals. For example, a city council might pass an in-memoriam resolution.

- **Allocating funds**

Resolutions can be used to allocate funds for various purposes. For example, a city council might pass a budget resolution.

Resolutions are usually adopted by a majority of a governing agency and often can go into effect immediately.

AMENDMENT TO CONSENT AGREEMENT
TOWN OF HOPE, MAINE, AND DOUGLAS WAYNE KELLY, SR., INDIVIDUALLY,
AND THE DOUGLAS WAYNE KELLY SR. FAMILY TRUST
RE: TAX MAP 03, LOT 017-01

This Amendment to the Consent Agreement, dated November 28, 2023, is entered into by and between The Town of Hope, Maine, with a principal place of business at 441 Camden Road, Hope, Maine (“Hope” or “the Town”) and Douglas Wayne Kelly, Sr., individually, and The Douglas Wayne Kelly Sr. Family Trust (collectively “Kelly”), with a property location at 63 Highfield Road, Hope, Maine.

WHEREAS, Kelly and the Town entered into a Consent Agreement, dated November 28, 2023 (the “Consent Agreement”) respecting property located in the Town of Hope and depicted on the Town’s Tax Map 03, Lot 017-01;

WHEREAS, the Consent Agreement requires Kelly to pay the Town \$10,000 on or before December 4, 2024;

WHEREAS, in light of Kelly’s compliance with other provisions of the Consent Agreement, the parties desire to enlarge the time period provided for Kelly’s December 4, 2024 payment.

NOW, THEREFORE, the Town and Kelly hereby agree as follows:

1. Section 3 of the Consent Agreement is hereby amended to read as follows:
 3. Kelly agrees to pay penalties, which the parties hereby agree are reasonable when considered in the context of the remediation and restoration Plan, as they relate to resolution and full remediation of the above referenced violations in the amount of \$35,000.00, as follows: \$2,500 on or before December 4, 2023 and \$2,500 on or before December 31, 2023; \$10,000 on or before March 1, 2025; and \$10,000 on or before December 4th of each of the following two years, subject to the following conditions:
2. The remainder of the Consent Agreement shall otherwise be unchanged and shall remain in full force and effect.

The parties have hereto set their hands and seals as of the 26th day of November, 2024.

TOWN OF HOPE, MAINE

DOUGLAS WAYNE KELLY, Sr.

BY: Samantha Mank, Administrator
Duly Authorized by Hope Select Board

Douglas Wayne Kelly, Sr., Individually

**THE DOUGLAS WAYNE KELLY, SR.
FAMILY TRUST**

Douglas Wayne Kelly, Jr., as Trustee
Duly Authorized

DRAFT

From: [Nancy Ford](#)
To: [Brian Powers Sr](#)
Cc: [Steve Bowman](#); [Mary Ireland](#); [John Jensen](#); [Brad Boyd](#); [Samantha Mank](#)
Subject: Board of Appeals Resignation
Date: Saturday, November 23, 2024 4:48:16 PM

Dear Brian, Steve, Mary, John, Brad and Samantha,

I have just moved to a small cottage at Quarry Hill, so I'm resigning as a member of the Hope BOA. I love Hope, and will still be around and involved in some Hope activities, but I just couldn't keep up my place indefinitely!! Luckily, my son Dan is in the process of buying my house, so I'm thrilled that it'll continue to be in our family!

Best wishes to you all, for a fine Thanksgiving week and holiday season!

Cheers,
Nancy