

**MINUTES OF SPECIAL SELECTMEN'S MEETING**  
**Hope Board of Selectmen**  
**Tuesday, June 30, 2020**  
**6:30 PM**  
**Hope Town Office**

**Board Members Present:**

- Brian Powers Jr., Sarah Ann Smith, Wendy Pelletier, Thom Ingraham, and Bruce Haffner

**Others Present:**

- Samantha Mank, Alexenia Payor, Bill Kelly, John Monroe, Bill Jones, Ellie Goldberg, and Jim Guerra

**Call to Order:**

- The meeting was called to order at 6:30 p.m. by Brian.

**Public Comment:**

- None

**New Business:**

- Update on Board of Selectmen function and current issues with Town Attorney, Bill Kelly: Brian introduced Bill Kelly, the Town Attorney. Bill stated that he has had a refresher discussion with many Select Boards. Tonight, he is just going to discuss and offer the same refresher discussion regarding the rules and responsibilities of the Board of Selectmen.

1.) As elected officials the Selectmen are in fact different from regular Town citizens because the Selectmen have an executive function in the Town. It is important to try to not act as an independent Selectman but to handle things and to vote on things in public as a Board. From time-to-time, Selectmen may be approached outside of a meeting by a voter who wants to simply chat about Town things that they want this individual Selectman to handle. Listening to the voters is not a problem. But, before any decisions are made, that Selectman should invite the voter to the next Selectmen's meeting to discuss the issue with the whole Board so that whatever it is can be heard in a public venue and voted upon if needed.

2.) As a Board of Selectmen, you don't have a great deal of flexibility. The Selectmen are not the fact finders and judges. There are other titles that handle fact-finding and present those findings for the Selectmen to make a decision about. The Selectmen should wait and hear the facts together as a Board during a public meeting (or in executive session). The Selectmen should use the Town Administrator as their information gatherer.

This is also the way to handle things if there is a town complaint. As Selectmen, you need to let the process work. Use the Town Administrator for bring in and disseminating information.

3.) Although not often, the Board of Selectmen may act as law-makers. For example, you may create a traffic ordinance or set a speed limit. As the Board of Assessors, you are constrained to assess property. You must follow very specific mandates and statutes very carefully. This is a very specific function.

The Code Enforcement Officer is constantly a frequent source of misunderstanding. Although the

CEO is a Town employee, the CEO must be free of political influence. The CEO gets all of their authority from the State. The CEO must be free to act in an official capacity and must be independent from the Board of Selectmen and/or other Boards or Committees that may act as judges such as the Planning Board or the Board of Appeals.

The Board of Selectmen must function as a group. All deliberations are required to be made in public; this includes emails. All emails that that are related or pertain to the Town are subject to the Freedom of Access Act (FOAA) even your private emails on your personal computers or devices. This means that you shouldn't say things that the whole Board hasn't made public yet.

If you want to have a "discussion" or conversation between each other, only two (2) people even successively cannot be more than three (3) Selectmen. It is not permissible to get a consensus by communicating with only one Selectmen at a time.

Thom wanted to know if it is ok to share information but not to offer an opinion on that information.

Bill stated that the best way to disseminate information is through the Town Administrator. This is the way to ensure everyone gets the exact same information at the same time. By using the Town Administrator, the Selectmen will always be able to avoid deliberations.

Planning Boards and Board of Appeals: Bill told the Selectmen that the way they interact with the Planning Board and the Board of Appeals has to be without influence. These Boards, similar to the CEO, must be allowed to function independently from any political influence. Once they are appointed, let them do their thing. Bill acknowledged that sometimes roles can be confusing when board and committee members can be appointed or elected.

Sarah wanted to address contracts and hiring. Bill said it is very important to not inadvertently give the impression of a job offer or contract. He had two thoughts on this: 1.) He said this just reinforces the point of sending folks to the Town Administrator so that inadvertent problems to crop up, and 2.) Budget Items and appropriations happen at the Town meeting. This is the place where the funding for hiring and contracts are approved. Once the voters approve the money, then the Selectmen have the authority to have and/or make contracts even if they don't go before the voters.

Bruce asked if the Board of Selectmen should have liability insurance, the attorney responded that the Town is probably already covered through MMA. There are some exceptions though such as an intentional wrong act or fraud. Most municipalities have elected public official's liability insurance.

Brian asked what the perimeters of going into executive session are. The attorney said that all business has to be done in public. Title 1 §405 discusses the items that may discussed in executive session. The Selectmen may not discuss a personnel issue without inviting the person who is being discussed to be present.

The Selectmen do not tell the staff what to do without going through the Town Administrator. The Town Administrator is responsible for handling Town staffing or personnel matters.

- Review and Discuss the July 2<sup>nd</sup> Public Hearing Town Meeting Referendum Ballots: Bill Jones stated that the General Assistance line on the ballot was not approved for \$750 by the Budget Committee. He said that the committee thought it should be raised to \$1,500. Therefore, the entire Budget Committee voted against it.

Ellie has concerns regarding the proposed Dog ordinance. She said it appears that the fines may be as high as \$2,500. Also, it is very concerning that under the impounding of a dog section where nuisance

and dangerous dogs are listed that a barking dog could be classified the same as a dangerous dog and that it gives way to much over reaching authority to the Animal Control Officer. She stated that the fines are far too steep.

Brian asked what the Public Hearing venue will be like... will it be a joint meeting with the Selectmen and the Budget Committee?

Sarah said that everyone should bring their own laptop so that others tuning in to Zoom will be able to see each member. It was suggested that everyone show up a little early to get everything set up and the Public Hearing will be able to start on time and not keep any of the public waiting. She also said that she would be willing to co-host to hopefully help with the feedback issues.

Thom said that he is feeling a little hesitation about knowing that the Town meeting will be by ballot. He said we need to have a big information push. People who don't see the Public Hearing will want to know more. Thom suggested that there could even be a second informational meeting and a postcard could be sent to each residence announcing it.

Bruce made a motion to hold a second informational meeting on Thursday, July 9, 2020 at 6:30 p.m. It was seconded by Thom.

**Motion passed 5-0**

#### **Other Business:**

- The Town Administrator informed the selectmen that the next regularly scheduled Selectmen's meeting is on July 14<sup>th</sup> which is election day and asked if the meeting could get pushed to the 15<sup>th</sup> instead. Brian said that it was Wendy's last meeting and he really wanted to make sure she could attend so would keep it on Tuesday. The meeting will be moved to the Hope Corner Fire Station.

#### ***Warrants: End of Fiscal Year Warrant:***

- The Selectmen reviewed the warrants. Thom made a motion to approve and sign warrant #'s 101 and 104. There are not signatures from the School Committee for the Selectmen to sign warrants # 102 & 103. The Selectmen did however agree to come back into the Town office to sign the additional warrants if the school Committee provided enough signatures. It was seconded by Sarah.

**Motion passed 5-0**

#### **Adjournment:**

- Thom made a motion to adjourn the meeting at 8:37 p.m. It was seconded by Bruce.

**Motion passed 5-0**