

- PUBLIC MEETING -
Hope Select Board
Meeting at 6:30 p.m.
Tuesday, March 23, 2021
Zoom

-AGENDA-

If you would like to PARTICIPATE in the meeting, then please attend via Zoom.
This meeting may be attended via Zoom: <https://zoom.us/j/5851802397>
Meeting ID: 585 180 2397

If you would like to WATCH the meeting, then please attend via livestream.
This meeting may be livestreamed: https://townhallstreams.com/towns/hope_me

Call to Order:

Agenda Adjustments/Approval:

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

Minutes:

- March 9, 2021:

Warrants:

New Business:

- Broadband Internet Coalition Guidelines:
- Committee Service Application for Planning Board:
 - Blaine Richardson:
 - **Juanita Hunt**
- Maine Attorney General Inquiry:

Old Business:

- Amendment to Marijuana Prohibition Ordinance:

Other Business:

Town Administrator Report:

Adjournment:

MINUTES OF SELECT BOARD MEETING

Hope Select Board

Tuesday, March 9, 2021

6:30 PM

Via Zoom

View the meeting in its entirety at

https://townhallstreams.com/towns/hope_me

Board Members Present:

- Sarah Ann Smith, Brian Powers Jr., Bruce Haffner, and Amy Gertner

Others Present:

- Samantha Mank, Dick Crabtree, Margaret Morse, Juanita Hunt, Amy Powers, David Herrick, Paul Smith, Ellie Goldberg, and Molly Luce

Call to Order:

- The meeting was called to order at 6:31 PM by Sarah.

Agenda Adjustments/Approval:

- Brian made a motion to accept the agenda as written. It was seconded by Amy.
Motion passed 4-0

Public Comment:

- None

Minutes:

- February 23, 2021: Brian made a motion to approve the February 23, 2021 minutes as edited. It was seconded by Bruce.
Motion passed 4-0
- February 26, 2021: Approved by Consent. No formal vote was taken.
- March 4, 2021: Brian made a motion to approve the March 4, 2021 minutes with edits made by Sarah and Bruce. It was seconded by Amy.
Motion passed 4-0

Warrants #'s 67, 68, 69 & 70:

- The Select Board reviewed the warrants. Brian made a motion to approve warrant #'s 67, 68, 69 and 70. It was seconded by Amy.
Motion passed 4-0

New Business:

- Resignation from Planning Board – Lewis Merrifield: Bruce made a motion to accept the resignation of Lewis Merrifield from the Hope Planning Board. It was seconded by Amy. Sarah added a thanks for his many years of service for the Town of Hope.

Motion passed 3-1 (*Brian*)

- Set Town Meeting Date: There some discussion about moving the Town Meeting date until later in June when school is out for the summer since the gym is being used for additional classroom space. The last day of school is Friday, June 18th. Brian made a motion to set the date for the Annual Town Meeting for Tuesday, June 22, 2021 at 6:30 p.m. with the caveat that it is also approved by Danielle (HES principal). It was seconded by Amy.

Motion passed 4-0

Old Business:

- Town Policies – 2nd Reading:
 - Wage, Hour, and Accurate Reporting Policy: The Select Board reviewed the policy. Brian said that he would still like to have some kind of time clock system even if it is an older style and the Town could transition to an online or app time clock in the future. Brian made a motion to approve and adopt the Wage, Hour, and Accurate Reporting Policy. It was seconded by Amy.

Motion passed 4-0

July 14, 2020 Ballot Box Findings: Sarah began the discussion by reviewing the steps, votes, and actions the Select Board has taken to determine if there were any missing ballots:

Jan. 12th – Thom suggested a 6-week timeframe to wrap up this issue, to which there was general consent. (Feb. 23rd is 6-weeks). It was at that meeting that Sarah was asked to reach out to Kristin Collins to find out if we could even open the box to get the tally sheets.

Jan. 26th – The Select Board authorized an expenditure up to \$500 to have Kristin Collins advise us and that we would abide by her recommendations. Brian made the motion and said this must bring finality to this topic, that this ends it. The motion was passed 4-0 by Sarah, Brian, Bruce and Amy. Thom was absent.

Feb. 23rd – Kristen Collins letter was read. Conclusion of letter: “While I would tend to agree that the election results indicate that errors may have been made in the counting process, I do not believe there is any legal ability to access the ballots to compare them to the posted results. I do believe there is legal authority to access the tally sheets to see if they demonstrate whether or how errors may have been made in the counting process.

At this point, six months past the election, my advice is to proceed with reliance on the election outcome. The information you may glean from tally sheets should be used as guidance to ensure against errors in the future, but probably could not be used to change the results of the election.

However, if you do find evidence of extreme errors on the tally sheets, those issues should be brought to legal counsel for a more specific evaluation.”

Based on that letter, Sarah said, we agreed to have an “unboxing” which was done on March 4th. The Select Board agreed on Feb. 23rd that David Herrick would be asked to oversee the unboxing and to determine based on his many years of experience to access things for us.

Sarah then asked David Herrick who has been the interim Town Clerk and who was the person in charge during the ballot box opening to read his prepared statement regarding his observations:

“On March 4, new Town Clerk Bob Menas and I opened the ballot storage box from the July 14, 2020 municipal election.

The ballot bundles were removed, the tally sheets were copied, and the ballots and tally sheets were re-boxed.

From my observations, there were no extreme errors in the process of counting ballots.

For State and Federal elections, you are required to have training every two years.

Unfortunately, this was not possible for the July election. Under the circumstances, I would say the election officials did quite well.”

Sarah then invited the public to make a comment if they wished. Nobody made a comment regarding the findings. Sarah then specifically asked Bruce if he had any comment. Bruce said that there were only 481 ballots for the municipal election and surmised that only the absentee ballots could be the ones that were left out of the counting. He said he would like to see the incoming voter list to compare the July and November voter turnout. Bruce stated that there were 651 ballots for the State Bond Referendum and there weren't really any items of interest.

Bruce went on to ask Sarah if he could ask David about the specifics of how the ballots should have been bundled and stored with the tally sheets. Sarah repeated some previous information about two different laws that govern elections for local and state election. The staff who were here for the election had not been trained. The municipal election doesn't have the same storage requirement as the state and federal elections.

Ellie Goldberg said that she had read in the paper about the Attorney General conducting an investigation and wanted to know any information available about it.

Sarah responded that the Town will always work with the Attorney General. The Town received a communication from the AG's Office. She went on to say that she does not know how the press came to know about it, but it is illegal to discuss anything being reviewed by the Attorney General's Office. She said she doesn't know what they are doing or what decisions they have made, and we are legally barred from commenting on it or anything to do with it until they have completed whatever action they are going to take. At that point we will find out what we can say but she assured everyone that Hope will comply with any requests that come from the Attorney General's Office and we will cooperate fully.

Bruce wanted to know if the Town still had the July 14, 2020 absentee ballot envelopes. The Town Administrator responded that they are still in the Town's possession. However, she was unsure if they are public information or not and would have to look up that information prior to releasing them.

Once everyone had an opportunity to speak, Sarah said that she would like to read another prepared statement:

"The Select Board's responsibilities are to all the residents of the town, not a select few. Our most important jobs are elections and preparing the budget. The office staff implements the Select Board decisions and requests as well as managing all the routine business of a Town Office. When a Select Board makes a decision by majority vote in a public session, they must stand by that decision. The residents and staff of the town must be able to count on integrity, transparency and consistency.

When there are concerns about irregularities, they must be addressed, explored and, if appropriate, fixed. To that end, the Town of Hope has spent over \$17,000 in attorney's fees this fiscal year to inquire into allegations made by Langley Willauer and Bruce Haffner.

Let's recap what has happened:

- The June 2020 votes in question cover the town budget for the current fiscal year, of which there are barely 3 ½ months left.
- We discovered some processing errors attributable to lack of training/ knowledge, COVID requirements, and being understaffed, for which we have apologized and taken successful steps to correct as demonstrated by the November election. There was and is no evidence of fraud, malfeasance or intentional mishandling.
- The results on the election inquiry and other unfounded allegations were reported in the Select Board's extensive statement, which may be found in the minutes for the Select Board meeting of December 8, 2020, which found a few errors but no cause for discipline or dismissal.
- Finally, the election was by state law deemed final 30 days after the election. There is no purpose served by continuing to discuss the June 2020 election because the results cannot legally be changed.
- Any further action now will end at the same place: we made some mistakes, we have corrected them, and there are insufficient facts to determine everything that transpired.

Once decisions and action (when needed) are taken, reasonable people move on.

Reasonable people do not continue to raise the same issue week after week, month after month.

When a Select Board makes a decision, it is not good governing to have some members say less than 48 hours later in an email "Oh, that isn't what I meant, I want something different." Yet that has happened in numerous instances in the past months similar to this one. If you vote for something in a meeting, you must be willing to stand by your vote. If you have concerns, don't vote to approve. It's as simple as that. Both the townspeople and staff need to be able to count on the word and vote of the members of the Select Board.

Some members of the Select Board over the past half year or more, have repeatedly voted one thing, then acted against that vote subsequently. Some Select Board members have decided they have will not adhere to the vote of the majority if they don't agree with it. When this behavior becomes an at-least-weekly occurrence, it is obstructionist and possibly even a dereliction of one's duty to the citizens of Hope.

These efforts to undermine the town government and repeatedly bring up the subject in meetings also make serving the entirety of the citizens of Hope, at best, challenging. There are a handful of Hope citizens, probably a dozen, but let's estimate high and say 25 of the 1800 or so residents who are part of bringing this subject up again and again. That leaves 1775 Hope residents or thereabouts who have not engaged in this discussion.

How can the staff proceed in their daily work if they don't know if the Select Board is going to change its direction and decisions in just a few days? All the time spent doing what they were asked to do and is then changed is a waste of time and therefore waste of money. Yes, there are times when you need to make a course correction, but no one runs a business, a school, government, or even a family, by constantly changing the rules, procedures and expectations.

Some members of the Select Board have been frustrated by this inability of this Board to work cooperatively for the good of the town and many townsfolk are as well. This constant assault on the time of the Staff and Select Board impedes the ability of the office and the Board to serve the Town. There are many other things we need to take care of and should be taking care of.

I referenced earlier, that in previous Select Board meetings, we all agreed to the following:

On January 12, Thom suggested a 6-week time frame to wrap this up, to which there was general consent. Six weeks from January 12th was February 23rd.

On January 26, the Board authorized spending up to \$500 to have Kristen Collins advise us, and to abide by her recommendations.

And that we should proceed on reliance on the election outcome.

David has stated although there were minor errors, there were no extreme errors. In light of the foregoing,

We will report the response from the Attorney General's office when we are legally allowed to do so.

Other than that update, this matter is now closed, and I look forward to moving on and for the benefit of the Town."

Bruce stated that he would like an opportunity to make a statement as well in response to Sarah's statement since he felt It was more targeted toward him.

Sarah agreed that Bruce could make a statement no longer than five minutes during the next Select Board meeting in the Public Comment section noting that there will not be an actual agenda item for this discussion.

Other Business:

- None

Town Administrator Report:

- There have been 3 Select Board meetings, a Planning Board Public Hearing and meeting, a PB Site Walk, and public notice event (opening the ballot box) since the last regularly scheduled Select Board meeting on Feb. 23rd. Most of the contents of the meetings have already been reported on in the Village Soup.
- Amy Gertner and Thom Ingraham have resigned from the Select Board as well as their other affiliate boards and committees.
- Nomination papers are now available for two different elections. The deadline to return nomination papers for both elections is Friday, April 9, 2021.
- The April 27th election is solely for the purpose of filling the vacancies created by the resignations of the Select Board members, Amy and Thom. So far, two people have taken out papers for this election. Dick Crabtree for the 2 year term and Wendy Pelletier for the 1 year term.
- The June 8th election is for the town business which is required to be voted by secret ballot. As of the close of business today, only William Matteson, has taken out papers for a seat on the Budget Committee.
- Today, marks one month since the appointments of the new Clerk and Bookkeeper. Both are doing well. There is a lot to learn and get acquainted with. Some online training is now being offered and I am getting them signed up for the ones that pertain to them for now.
- Work on the budget continues to get close to the finish line. However, with so much activity happening it has been difficult to set aside a block of time to finalize the books. In addition, it is time to start writing the articles for the Town Report. The hard deadline to have everything in for the Town Report is Wednesday, April 21, 2021.
- Dedication of the Town Report is also something that needs to be decided. Keeping it a surprise is likely to be very hard.

- There are 16 real estate 2020 accounts totaling \$34,784.47. Unpaid 2020 real estate taxes will automatically foreclose on February 10, 2022 if the accounts are not paid in full.
- There are 983 RE accounts for 2021, totaling \$1,480,665.39. 30 day lien notices will be mailed out for the first half of the 2021 taxes in July. The second half of taxes are due on April 30, 2021.

Sarah gave a final comment thanking Amy for her service to the Town. Brian echoed Sarah's sentiment.

Molly Luce also commented thanking Amy from the Townspeople as well.

Adjournment:

- Amy made a motion to adjourn at 7:30 PM. It was seconded by Bruce.
Motion passed 4-0

View the meeting in its entirety at
https://townhallstreams.com/towns/hope_me

Hello James

As the Chair of the Rockport Select Board, I have been leading an effort for a few years to build a coalition of towns supporting FTTH through pursuit of a universal access / open access network. I have experience in leading a successful effort for 541 homes in another state.

You may be aware of Rockport's status as Maine's first community broadband network, built in 2014. Rockport experienced a pause in its efforts to extend the 1.5 mile network to the rest of Rockport (another 70 miles) due to a town vote which failed to fund the next steps for necessary engineering work. We have been quietly at work with Camden the last few years educating our residents, meeting with consultants and ISPs to prepare for the next push. Although I am sure you can appreciate that building the coalition has been a step-by-step effort, now our Camden / Rockport effort has paid off, with towns coming to us to join. That Coalition now includes 8 Midcoast towns: Northport, Lincolnville, Hope, Camden, Rockport, Rockland, Thomaston and South Thomaston. Additionally, we have received interest from Owls Head, Cushing, Union and Washington.

The towns have or are in the process of adopting the following guiding principles:

Midcoast Internet Coalition Guiding Principles

- Establish a regional utility district through interlocal agreement as permitted by State law
- Build a Fiber to the Premises (FTTP) internet network to provide cheaper, faster and better high-speed internet access
- Ensure that the network is open access, inviting multiple providers to deliver services to residents and businesses which will offer a range of products, pricing options and competition
- Establish a minimum symmetrical speed of 100 Mbps for download / upload to be provided by any service provider leasing the utility's dark fiber network with the capability of providing symmetrical 1 Gig for users choosing that option
- Provide universal access to all residences and businesses within the geographic region of the utility
- Best in class customer support with locally managed and operated offices

We are drafting the inter-local agreement (a couple of us are lawyers) to establish a regional utility pursuant to Maine law but these articles will not reach the town ballots until November. In the mean time we are putting together letters of intent and other legal documents / structure to form an entity that hopefully could be in a position to be eligible for grant funding.

I have followed the Maine Broadband Coalition and ConnectMe for several years. The Coalition has just been accepted into the second cohort for the Vetro Mapping project. We work closely with GWI and have interactions with the Island Institute, Downeast Broadband Utility, Pioneer Broadband, Mission Broadband, Finley Engineering / CCG, LCI and others.

One observation made by our Coalition members is that more grant money should be going not only to ISPs who obviously have corporate interests in mind, but rather to community networks or regional efforts such as ours who will own the municipal or regional network and ensure that everyone is served to the standards that we specify as noted above. In fact, at least one ISP is approaching some towns asking that they apply for the ConnectMe grants as a community so that the ISP can build out and privately own a network that the community leadership prefers be owned by the community. I am encouraging those communities in our Coalition to resist those approaches in favor of applying for the grants through our regional utility so that the grant money can be used as their financial contribution to our joint efforts and in the end the community can own the infrastructure (through the regional utility). Allowing ISPs to obtain community-driven grants and then privately own that infrastructure seems antithetical to open access networks. Partial build outs can then leave the community with a situation where only a part of their community has fiber infrastructure further expanding the digital divide.

My purpose in writing to you is to introduce to you our very serious efforts that are well underway in the Midcoast with the hope that you can assist us in obtaining whatever grant funds we might be eligible for as a result of the portion of our contingent that is underserved. We have taken a very inclusive approach to our Coalition by including not just those towns like Rockport, Camden, Rockland and Thomaston that have the financial ability and density to move forward — but also to include our neighboring towns that are underserved, not asking the them to commit financially but hoping that they will be able to contribute through their underserved status to the overall funding efforts of the regional utility.

I urge you and Senator Collins to help those of us, with funding, who are trying to pursue universal and open access networks for the benefit of all community residents as opposed to individual corporate interests.

Best regards
Debra Hall
Rockport Select Board Chair
Midcost Internet Chair



**APPLICATION FOR
COMMITTEE SERVICE**
Town of Hope 441 Camden Road Hope, ME
04847

APPLICATION DATE 3/15/2021

Name: R. BLAINE RICHARDSON

Home Address: Hope, ME 04847

Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) _____ (Work) _____

E-mail Address: _____

Committee you wish to serve on: PLANNING BOARD

Why do you want to serve on this committee?

I AM RETIRED, WITH A WEALTH OF EXPERIENCE TO OFFER AND TIME

TO DO THE JOB EFFECTIVELY

Do you have any background that would be helpful to this committee?

Chair & Member, Rockland Planning Board 1982 - 1987

Planner & Code Enforcement Officer, Town of Rockport, 1989 to 1997

Clerk of the Works, Methodist Conf. Home, Rockland

Clerk of the Works, Dormitory & Dining Facility, Darling Ctr, Univ. of Maine

Owner of The B. Richardson Co since 2001, a construction company, now retired

Captain, USNR, Retired, 31 year career

APPLICATION FOR COMMITTEE SERVICE – continued

Land Use philosophy: (if applicable)

My philosophy with regard to serving in any capacity where there is a high standard of public trust expected is simply this:

Citizens who come before any government entity should be treated with courtesy

and professionalism as they are the people served. Their projects are important to them.

I believe any board is there to see if they can achieve those objectives within the land use rules & regs that are in place and to guide them in the best way possible if their project

needs to be changed to comply with those rules. I would want any applicant to come away from an encounter with the board feeling that they have been heard and helped. At the local level, this is something we can easily achieve.

Are there objectives you wish to see accomplished?

These are the certifications I have held, and the continuing education I was required to complete to maintain my CEO certification. I did participate in the drafting of Land Use ordinances in Rockland and Rockport, as well as drafting the respective comprehensive plans for both.

CERTIFICATIONS: State of Maine, CEO
Certified LPI (Licensed Plumbing Inspector #964)

Passed all Exams: Legal Issues and Enforcement Techniques
Court Rule 80K
Shoreland Zoning
Land Use Regulation
Building Standards
Internal Plumbing Rule (Code)
Subsurface Wastewater Disposal Rule (Code)

Are you interested in serving on other committees?

not at this time

Interview comments:

Appointment Date: _____



APPLICATION FOR COMMITTEE SERVICE

Town of Hope 441 Camden Road Hope, ME
04847

Name: Juanita Hunt
Home Address: _____
Work Address: _____
Mailing Address (if different): _____
Phone Number: (Home) _____ (Work) _____
E-mail Address: _____

Committee you wish to serve on: planning board

Why do you want to serve on this committee?

I like to do something for our town.

Do you have any background that would be helpful to this committee?

few years of being on the board

APPLICATION FOR COMMITTEE SERVICE – continued

Land Use philosophy: (if applicable)

Are there objectives you wish to see accomplished?

Are you interested in serving on other committees?

no

Interview comments:

Appointment Date: _____

Town of Hope Stop-Gap Idea

The following is a simple two-step stop-gap measure that would allow some adult-use marijuana cultivation to commence this spring while allowing Hope to take their time crafting a specific ordinance for adult-use marijuana cultivation.

Step One:

Amend the current marijuana moratorium:

Removing “Indoor Adult-Use Cultivation” from the list of prohibited businesses. And adding “Indoor Adult-Use Cultivation up to Tier 3 allowed in some circumstances pursuant to Hope Land Use Ordinance Section 5.3.17A”

Step Two:

Amending the Hope Land Use Ordinance Medical Marijuana section (5.3.17A) with the following paragraph:

OMP Medical Marijuana Caregiver cultivator approval prior to January 1, 2021 for caregivers currently operating in the town of Hope shall be deemed to constitute approval for up to Tier 3 indoor cultivation of adult use marijuana pursuant to 28-8 MRS 10 I et seq. Notwithstanding the above, no marijuana cultivation facility may operate without the applicable state license. Anyone cultivating adult use marijuana pursuant to 28-B MRS § 101 et seq. and this Ordinance shall adhere to the laws of the State of Maine and the State of Maine Rules governing the Adult Use Marijuana Program Rule (18-691 CMR Chapter I).

Town Administrator's Report
March 23, 2021

- I would like to roll back the office hours to 8:30 am to 4:30 pm (instead of the 10:00 am to 4:30) beginning next Tuesday, March 30, 2021.
- The Timeline leading to the June election and Town Meeting has been changed. I have provided you with an updated schedule.
- There are 16 real estate 2020 accounts totaling \$34,784.47. Unpaid 2020 real estate taxes will automatically foreclose on February 10, 2022 if the accounts are not paid in full.
- There are 949 RE accounts for 2021, totaling \$1,426,885.11. 30 day lien notices will be mailed out for the first half of the 2021 taxes in July. The second half of taxes are due on April 30, 2021.
- Since the last regularly scheduled Select Board Meeting on March 9, 2021, the daily cash out has not been out of balance.

Hope
2:58 PM

Receipt Search Report

03/23/2021
Page 1

Actual Date Between 03/10/2021 and 03/22/2021, Receipt Types: 2,3,7,8,50,90,99,103,107

Receipt Summary

Type	Count	Amount
2 TRASH BAGS	3	150.00
3 BOAT REGISTRATION	10	498.10
7 DOG LICENSE SPAY/NE	1	6.00
8 DOG LICENSE - REGUL	1	11.00
50 HUNTING & FISHING	1	203.00
90 Real Estate Payment	40	41,240.46
99 Motor Vehicle	68	11,796.97
103 ONLINE BOAT REGIST.	1	57.60
107 ONLINE DOG REG	1	27.00
	126	53,990.13

UPDATED TIMELINE LEADING UP TO JUNE ELECTION & TOWN MEETING

- | | | |
|------|--|--------------------------|
| 1.) | Nomination Papers Available (<i>100 days before election</i>) | Friday, Feb. 26, 2021 |
| 2.) | Select Board Meeting | Tuesday, March 9, 2021 |
| 3.) | Budget Presentation: Public Safety Cost Center | Thursday, March 11, 2021 |
| 4.) | Budget Presentation: Public Works Cost Center | Thursday, March 18, 2021 |
| 5.) | Select Board Meeting | Tuesday, March 23, 2021 |
| 6.) | Budget Presentation: Kevin McGinnis Ambulance Regionalization Plan | Thursday, March 25, 2021 |
| 7.) | Budget Presentation: Five Town CSD | Tuesday, March 30, 2021 |
| 8.) | Budget Presentation: Hope Elementary School | Thursday, April 1, 2021 |
| 9.) | Budget Committee Administration, Reserves, & Revenues Cost Centers | Thursday, April 8, 2021 |
| 10.) | Nomination Papers Due Back Deadline (<i>60 days before June 8th election & 14 days before April 27th Election</i>) | Friday, April 9, 2021 |
| 11.) | Early voting at Town Office begins for April 27th Election | Tuesday, April 13, 2021 |
| 12.) | Select Board Meeting | Tuesday, April 13, 2021 |
| 13.) | Ballots sent to Printers for June Election | Wednesday, Apr 14, 2021 |
| 14.) | Budget Committee Round Table Discussion | Thursday, April 15, 2021 |
| 15.) | Special Select Board Meeting Final Vote on Budget | Tuesday, April 20, 2021 |
| 16.) | Budget Committee Final Vote on Budget | Thursday, April 22, 2021 |
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17.) Election Day for 2 Select Board Vacancies	Tuesday, April 27, 2021
18.) Select Board Meeting to Approve & Sign Town Meeting Warrant	Tuesday, April 27, 2021
19.) Special Town Meeting for HES Budget	Thursday, May 6, 2021
20.) Annual Town Report sent to the printers	Friday, May 7, 2021
21.) Absentee Ballots Available <i>(30 days before election)</i>	Tuesday, May 11, 2021
22.) Town Meeting <i>(Part 1)</i> Secret Ballot & Referendum Election <i>(if any)</i>	Tuesday, June 8, 2021
23.) Town Meeting <i>(Part 2)</i>	Tuesday, June 22, 2021
