

**- PUBLIC MEETING -
Hope Select Board
Meeting at 6:30 p.m.
Tuesday, August 10, 2021
Hope Town Office**

-AGENDA-

Zoom Link <https://zoom.us/j/5851802397> Meeting Id: 585 180 2397

Livestream Link: https://townhallstreams.com/towns/hope_me

Call to Order:

Public Hearing: Proposed Remote Participation Policy:

Agenda Adjustments/Approval:

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

Minutes:

- July 27, 2021:

Warrants:

Old Business:

- Remote Participation Policy Vote:
- Easement for Wayne Breda & Revision Energy 56 Blueberry Hill Rd:

New Business:

- Abatement on Property Tax Interest Request – Linda Stewart:
- Consent Agreement Discussion for Shoreland Zone & Land Use Violations – Douglas Kelly:

Other Business:

Town Administrator Report:

Adjournment:

MINUTES OF SELECT BOARD MEETING

Hope Select Board

Tuesday, July 27, 2021

6:30 PM

Hope Town Office

View the meeting in its entirety at

https://townhallstreams.com/towns/hope_me

Board Members Present:

- Sarah Ann Smith, Dick Crabtree, Wendy Pelletier, and Mike Brown

Others Present:

- Samantha Mank, Vern Ziegler, John Monroe, Laura Richardson, Blaine Richardson, Charlene Mazzeo, Donna Perry, Esther Safford, Karen Cook, Dan Daily, Paul Smith, and Nancy Ford

Call to Order:

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

Agenda Adjustments/Approval:

- Dick made a motion to approve the agenda as presented. It was seconded by Dick.
Motion passed 4-0

Public Comment:

- None

Minutes:

- July 13, 2021: Dick made a motion to approve the 7/13/21 minutes. It was seconded by Mike.
Motion passed 4-0
- July 20, 2021: Dick made a motion to approve the 7/20/21 minutes. It was seconded by Mike.
Motion passed 3-0-1 (Mike)

Warrants 102, 7, 8, & 9:

- The Select Board reviewed the warrants. Mike made a motion to approve and sign warrants 102, 7, 8, & 9. It was seconded by Dick.
Motion passed 4-0

Assessors:

- Suspend as Select Board/Convene as Assessors: Mike made a motion to suspend as the Select Board and to convene as the Board of Assessors. It was seconded by Wendy.
Motion passed 4-0
- FY 2022 Tax Commitment: Vern, the Assessors Agent explained the role of the Assessors. One of the duties is to set the annual mil rate for taxes. Dick made a motion to set the FY22 mil rate at 16.95. It was seconded by Wendy.
Motion passed 4-0
- Certificate of Settlement FY 2021 Taxes: A certificate of settlement is used to relive the former tax collector from the responsibility of collecting the taxes. Dick made a motion to sign the Certificate of Settlement for Alexenia Payor in the amount of \$204,879.36 for FY 2021. It was seconded by Mike.
Motion passed 4-0
- Recommitment FY 2021 Taxes: Recommitting the taxes happens when a different tax collector becomes responsible for the collection of taxes. Dick made a motion to recommit the FY 2021 taxes to Chelsea Summers in the amount of \$204,879.36. It was seconded by Mike.
Motion passed 4-0
- The Board of Assessors reconvened later during this meeting and signed the Certificate of Assessment, the 2021-22 Municipal Tax Assessment Warrant, and the 2021-22 Certificate of Commitment.
- Adjourn as Assessors/Reconvene as Select Board: Wendy made a motion to adjourn as the Board of Assessors and to reconvene at the Select Board. It was seconded by Mike.
Motion passed 4-0

New Business:

- Request for Town to take Hackleburnham Rd – Charlene Mazzeo: Some residents who live off of the Hackleburnham Rd. made a request that the Town take over maintenance of 600 feet of the road. They said they would pay for the road improvements necessary to bring it up to standards of a town road prior to the Town taking it. The Select Board explained that they would need much more information before this process could move forward. No action was taken during this meeting.
- 2021-2022 Contract for Assessing Services – C. Vernon Ziegler: Dick made a motion to enter into another one year contract from July 1, 2021 to June 30, 2022 with Fort Halifax Appraisals, C. Vernon Ziegler for assessing services for the amount of \$14,700. It was seconded by Mike.
Motion passed 4-0

- 2021-2022 Agreement for Animal Control Services – Heidi Blood: Dick made a motion to enter into another one year contract from July 1, 2021 to June 30, 2022 with Heidi Blood for Animal Control Services for the amount of \$4,400 plus reasonable costs allowance not to exceed \$673.00. It was seconded by Mike.

Motion passed 4-0

- Resignation Town Clerk: The Select Board read and formally accepted the resignation of Robert Menas as the Hope Town Clerk.
- Confirmation Interim Town Clerk/Tax Collector: Dick made a motion to confirm the hiring and appointment of Chelsea Summers as the Interim Town Clerk. Chelsea will serve until a permanent Town Clerk is hired. It was seconded by Mike.

Motion passed 4-0

- Annual Appointments: Dick made a motion to appoint the following people to the respective positions for one year beginning July 1, 2021 to June 30, 2022:

Samantha Mank: Town Administrator, CEO, LPI, Treasures, GA Administrator, and Registrar of Voters. Chelsea Summers: Interim Town Clerk, Interim Tax Collector, and Election Warden. Catrina Murray: Bookkeeper. C. Vern Ziegler: Assessors Agent. Clarence Keller: Fire Chief, EMA Director, and Addressing Officer. Heidi Blood: ACO. Beth Gindel: Sexton. All deputies will be appointed according to state law and the town personnel policy. It was seconded by Wendy.

Motion passed 4-0

- Contract for 1/3 Annual Property Review – RJD Appraisals: Dick made a motion to enter into a contract with RJD appraisals to conduct a review and inspections of 1/3 of the properties in the Town in preparation for a town wide revaluation for the amount of \$11,334. It was seconded by Mike.

Motion passed 4-0

- Contract North East Mobile Health Services: Dick noted that the contract is administration heavy and will require a lot of oversight. Dick made a motion to enter into a one year contract with NEMHS for ambulance services for the amount of \$123,941.00. It was seconded by Mike.

Motion passed 4-0

- Mid Coast Solid Waste Representatives: The Select Board decided to make no changes to the MCSW representation for the Town. Wendy and Brian will continue their terms.

Old Business:

- Policy for Town Public Remote Meetings: The Select Board reviewed the proposed policy and reminded everyone that the public hearing for the adoption of the policy is during the regularly schedules August 10th Select Board meeting.
- American Rescue Plan Act (ARPA) Funding: The Select Board authorized the Town Administrator to complete the online survey regarding ARPA needs and assessment on behalf of the Town.

Other Business:

- Winter Sand & Salt: Road Commissioner, John Monroe, received a bid from Lucas for winter sand and salt and to have it put up in the sand shed at a cost of \$16/yd. After some discussion Dick made a motion to purchase sand & salt from Lucas again this year. It was seconded by Wendy.

Motion passed 4-0

Town Administrator Report:

- Mid Coast Solid has announced that they are not able to get any large yellow trash bags at this time due to a nation-wide manufacturing and supply-chain complication due to Covid-19. There are still small bags available. There is no indication as to when the production and delivery of large yellow trash bags will resume.
- 45-30 day notices will be mailed out tomorrow. These are certified mailers letting property owners know that liens will be filed on September 3, 2021 if their 2021 real estate taxes haven't been paid. Automatic foreclosure on 2021 real estate taxes will follow 18 months after the liens are placed which will occur on February 3, 2023 if the real estate taxes remain unpaid.
- The Hope/Appleton Broadband Expansion roll out meeting will be hosted at the Hope Town Office on Thursday, July 29, 2021 at 5:00 p.m. Both Select Boards have been invited to participate in the roll out discussions. A copy of the agenda is on the Town website.
- I met with Dominic Fontaine from Cliffside Tree.com today. He said he should be able to begin the tree work in the cemetery sometime next week.
- There are 14 real estate 2020 accounts totaling \$32,155.53. Unpaid 2020 real estate taxes will automatically foreclose on February 10, 2022 if the accounts are not paid in full.
- There are 118 RE accounts for 2021, totaling \$203,306.91.
- There have been pre-payments on 58 accounts for the 2022 real estate taxes totaling \$20,893.89.

Executive Session: Pursuant to 1 M.R.S. §405 (6)(A)(1) Personnel Matter:

- Wendy made a motion to enter executive session pursuant to 1 M.R.S. §405(6)(A)(1) at 9:13 p.m. It was seconded by Dick.

Motion passed 4-0

- Dick made a motion to exit Executive Session at 9:26 p.m. It was seconded by Wendy.

Motion passed 4-0

Adjournment:

- Dick made a motion to adjourn at 9:27 p.m. It was seconded by Mike.

Motion passed 4-0

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

TOWN OF HOPE

Remote Participation Policy

Purpose

It is the policy of the Town of Hope, under limited circumstances (see Conditions), to allow elected members of the Select Board and the general public to participate in public meetings as defined by 1 M.R.S. § 403-A by remote means including telephonic and video conferencing capabilities or other similar means.

Conditions

Members of the Select Board are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable shall include:

1. The existence of an emergency or urgent issue that requires the Select Board to meet by remote methods.
2. Illness, medical circumstances (documented by a physician), other physical condition or temporary absence from the jurisdiction of the Select Board that causes a member of the Select Board to face significant difficulties traveling to and attending in person at the location in the notice provided by Title 1 § 406 M.R.S.
3. The area of the Select Board's jurisdiction includes geographic characteristics that impede or slow travel.

Requirements

1. If a public body meets remotely, or if any member of the Select Board or Committee participates remotely, members of the public will be provided the ability to participate by remote methods and the Town will provide conference call and/or video connection web links to any member of the public that wishes to participate by remote methods.
2. If public input is allowed at any meeting where remote participation is allowed, the Town will provide an effective means of communication between the members of the body and the public.
3. All notices of proceedings will be advertised by being posted on the Town of Hope's website and bulletin board and will be distributed via mass email distribution to those who have signed up for the service. The notice will include the means by which members of the public may access the proceeding using remote methods. The notice will

also identify where the remaining Select Board members will be meeting in person and this location will be available for members of the public to attend in person as well.

4. A member of the Select Board who participates in a public proceeding by remote methods in accordance with this policy is present for purposes of a quorum and voting.
5. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by other members of the public body and the public.
6. Documents and other materials considered by the Select Board will be made available electronically on the Town of Hope's website for members of the public to have access to prior to the proceedings whether attending remotely or in person.
7. Remote participation by the public may be provided/offered by the Town as a matter of customer service even if not required by this policy.
8. If remote participation is required by this policy, and in the event of a "technology error" and a remote connection is lost for more than fifteen (15) consecutive minutes without being restored, the meeting is to be considered automatically adjourned. A new meeting with proper notice will be required. If remote participation is not required because all members of the body are physically present and the meeting is open to the public, the meeting may continue even if remote access is lost for fifteen consecutive minutes or more.
9. Other public Boards and Committees of the Town are subject to this same policy with prior consultation with the Town Administrator.
10. Town meetings and school budget meetings may not be conducted using remote methods. Remote access such as livestreaming and/or recordings are permitted, but official business must be conducted in person.

Effective Date

The policy will be effective upon its adoption by the Hope Select Board.

Adopted on _____ by the Hope Select Board.

From: [William Kelly](#)
To: [Samantha Mank](#)
Subject: RE: Easement Problem w/ Town Road
Date: Wednesday, July 28, 2021 3:42:17 PM

Hi Samantha

Here are my thoughts:

I need a bit more information as to who at the Town office they are alleging authorized the work to go forward. I say this because it is part certain technical legal issues that I cannot comment on until I understand the fact pattern more completely.

Suffice it to say, for several reasons, the easement should not be signed.

Importantly, an easement such as this cannot be signed except after approval of a Town meeting vote. Additionally, just one of the concepts that apply here is that a statute of frauds requires that all contracts relating to obtaining legal rights in real estate must be in writing. Revision should have known this, as should the owners of the property, before the work was commenced under a public right of way.

As to a solution, there are three things I would suggest. The conduit/line may need to be inspected as installed, and that is for the Code Officer or an engineer to decide. I am assuming a Town Official's inspection was not conducted before the line before was backfilled. Secondly a surveyor needs to provide a sketch plan demonstrating exactly where the line is locate by scaled drawing, which relates back to some form of observable monument on the ground. Lastly, the Town could use the same mechanism I have used for decades (in Belfast, Camden, Northport, and other Towns) for such infrastructure that is placed within the bounds of a public way, which is a Revocable License Agreement. This Agreement can be executed by the Select Board without a Town Meeting, it allows for the installed work to remain, and it avoids the unpalatable situation of the Town allowing permanent impediments or improvements to be placed within a right of way. The revocable license agreement runs with the Owners of the property, and if the property is sold, the new owners sign a replacement license. There are several reasons why this Revocable License Agreement makes sense as a way to accomplish the goals of both the Town and the Owner. We can talk more if you like, but this is a tried and true method of proceeding.

So, after the Owner addresses the inspection issue (in your/Select Board's discretion) and provided a surveyed sketch depicting the location and depth of the conduit, I can draw such a License if you like, for the Select Board's Approval.

Thanks.

Bill

Town Clerk

From: linda stewart <indastewart@yahoo.com>
Sent: Wednesday, August 4, 2021 5:40 PM
To: Town Clerk
Subject: Re: hello

Dear Chelsea,

Thank you for your email and explaining how things are. I wonder if you could forward my email to the municipal officers at the Select Board as i wouldn't know how to send it to them. I would like to see what they say. I hope you are keeping well and glad you are back at the town office.

Best wishes,
Linda

On Wednesday, 4 August 2021, 18:11:22 BST, Town Clerk <clerk@hopemaine.org> wrote:

Hi Linda,

I hope your summer is going better so far. I'm sorry to hear about the struggles your family has faced during this pandemic. Nothing is more important than family and I hope that your husband is on the mend.

I came back to Hope after the former clerk resigned at the end of July. From what I understand in your note, the tax collector sent tax bills late summer of 2020 with annual amounts and due dates but did not send out any additional reminders. Typically, if a partial payment is made toward a real estate account and falls short of the total, the tax collector will send a postcard thanking the resident for the payment while stating that the account was not paid in full. Otherwise the tax collector will rely on the mailing of the initial tax bill and the mailing of the 30 Day Notice to notify the taxpayer of amounts due and delinquencies based on Maine statutory requirements.

If I had the ability to do so, I would happily waive interest in your situation, however, I lack the authority by statute to abate interest and am limited to only making corrections in certain circumstances. An option you have is to appeal to the municipal officers (Select Board) regarding your hardship situation and request interest abatement.

I have also attached the current tax bills which will be mailed from this office this afternoon for your convenience.

I hope this is helpful, and again, I'm very sorry and very much understanding what a hard year this has been for many residents.

Thank you,

Chelsea Summers

Clerk's Office

Town Of Hope

441 Camden Rd

Hope, ME 04847

Ph. (207) 763-4199

Fx. (207) 763-4195

From: linda stewart <indastewart@yahoo.com>
Sent: Wednesday, August 4, 2021 12:17 PM
To: Town Clerk <clerk@hopemaine.org>
Subject: Fw: hello

Hello Chelsea,

I hope you get this email and could please send me an email about it. many thanks. Linda Stewart

----- Forwarded message -----

From: linda stewart <indastewart@yahoo.com>

To: rosie taxes hope <clerk@hopemaine.org>

Sent: Tuesday, 3 August 2021, 23:24:42 BST

Subject: hello

Dear Chelsea,

Lindsay has just notified me that my taxes for Hope are due and I was never alerted to pay them as you usually do. It has been a difficult year with Covid and not being able to get to Maine for so long and with my husband having had a stroke and being in hospital since the end of March- i just had too much on my mind. Is there some way, under the circumstances, that you can send me the original bill without adding any extra on - I gather the person in charge was not very responsible for sending out reminders so that is not good either. Let me know what i owe for my properties. many thanks.

Sincerely,

Linda Stewart

Additional Inspections. Once the case has been referred to court, the CEO should continue to monitor the property periodically until the day of the hearing. This will enable the CEO to testify from personal knowledge that the violation still exists or that it continued until a certain date.

State or Federal Law Violations. If the CEO becomes aware of a violation of a State or federal law which is not enforced at the local level, the CEO should report it to the appropriate State or federal agency.

Permit Revocation

Situations may arise in which the property owner obtained a permit before doing the work, but the CEO believes that the permit should be revoked. Generally, the code enforcement officer may not revoke a permit on the grounds that the property owner is violating certain conditions of the permit, unless an ordinance specifically grants that power to the CEO and also provides a right to appeal the decision to revoke to a local appeals board. *Cf., Howe Realty Co. v. City of Nashville*, 141 SW 2d 904 (1940). (See Chapter 4 for a discussion of additional revocation issues.)

Negotiating Consent Agreements/Voluntary Compliance

It cannot be emphasized enough that resolving a violation out of court through the voluntary compliance of the violator should be every local enforcement official's goal. Serving a citation or summons and filing a complaint in court normally should be a last resort. This does not mean that the municipality should "go easy" on a violator or always settle for less than full compliance. It does mean that the CEO normally should give the violator a reasonable opportunity to solve the problem before looking to the court for an answer. It also means that the CEO should be creative and think of remedies that the violator might agree to perform and that would be satisfactory to the town or city without having to involve a judge. If all else fails, though, and the violation is well documented, the CEO should not hesitate to refer the case for legal action.

Types of Voluntary Compliance. The type of corrective action that a CEO may order to eliminate a violation depends primarily on the nature of the violation and the language of the ordinance or statute being violated. Some common examples include:

- **Obtaining a Permit After-the-Fact.** When the violation involves a failure to secure a necessary permit, but the project is otherwise in conformance with the law, the code enforcement officer should encourage the property owner to apply for a permit after-the-fact. Such an application would involve the normal review procedures, and there is no guarantee that the permit will be approved. If the permit is granted, it should be dated from the time of the decision to issue it, rather

than “back dated” to the time the work was actually done. Some municipalities have ordinances that require a higher permit fee for after-the-fact permits to help the town or city recover the additional administrative and enforcement costs that it incurs in connection with such a permit. *State v. Brown*, 135 Me. 36, 188 A.713 (1937); *City of Commerce v. Cooper*, 609 P. 2d 106 (Colo., 1979).

- **Removal or Reconstruction.** If the project involves other violations, such as inadequate setback, undersized lot, improper drainage or use of unsafe building materials, the CEO must order seemingly harsh corrective measures, such as removal of the illegal structure or its reconstruction or relocation in conformance with ordinance requirements. *See, Rowe v. City of South Portland*, 1999 ME 81, 730 A.2d 673. To obtain relief from the CEO’s order, the property owner must exhaust all his or her remedies by appealing to an appeal board (if authorized) before going to court. If an appeal is not authorized, and the landowner fails to comply, the CEO is forced to resort to court action; the landowner could raise objections to the CEO’s order as part of his defense.
- **Re seeding a Clear Cut Area.** If a forested area was cut too heavily in violation of a local ordinance, the CEO can order the owner to reseed it in a manner that will meet the required forest density.
- **Penalty.** Even if the violator agrees to obtain a permit or take other corrective action, the CEO may believe that the municipality also should request payment of a monetary penalty covering the period of noncompliance. This would be especially true where the CEO felt that the granting of a permit after-the-fact would not provide a sufficient deterrent to future violations of local ordinances. The amount of the penalty should be based on the penalty provision in 30-A M.R.S.A. § 4452, which generally establishes a range of \$100-\$2,500 per violation per day for first-time violators and higher penalties for subsequent violations; for violations occurring in an area zoned as Resource Protection, the maximum penalty is \$5,000. (See additional discussion below.)

If the violator refuses to perform the corrective action ordered by the CEO or to pay a penalty voluntarily, the only way to force compliance is by filing a complaint in court requesting a court order.

Voluntary Compliance Using Administrative “Consent Agreements.” If a person responsible for a violation is willing to resolve the problem without a court order, the CEO should attempt to negotiate an administrative “consent agreement” that spells out what the violator agrees to do in return for the town’s or city’s promise not to go to court. Such an agreement is in the nature of a contract between the violator and the municipality. Unless the CEO has been expressly authorized to sign a consent agreement