

-PUBLIC MEETING-
Hope Select Board
Special Meeting at 6:30 p.m.
Tuesday, August 25, 2020
Hope Town Office/Zoom Video Conferencing
-AGENDA-

This meeting will be available on the following link: <https://zoom.us/j/95896925612>
Meeting ID: 958 9692 5612

Call to Order:

-

Minutes:

- August 11, 2020:
- August 18, 2020:

New Business:

- **Select Board Statement to the Town of Hope:**
- **Playgroup Proposal – Allie Feener:**
- Town Communications Policy:
- Discussion Townhall Stream Option:
- Review and Sign Assessors Agent Contract:
- **Appoint Registrar of Voters:**

Old Business:

-

Other Business:

- **Questions & Requests from Nancy Ford:**

Public Comment:

-

Town Administrator's Report:

-

Warrants:

-

Executive Session – Pursuant to 1 M.R.S. §405(6)(E): Communication between Select Board and Town Attorney:

Adjournment:

-

MINUTES OF SELECT BOARD MEETING
Hope Select Board
Tuesday, August 11, 2020
6:30 PM
Hope Town Office/Zoom

Board Members Present:

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

Others Present:

- Samantha Mank, Heidi Blood, Rick Bresnahan, Langley Willauer, Ellie Goldberg, Betty Ingraham, Tim Higbee, David Lathrop
Others participating via zoom: Mary Ireland, Alexenia Payor, Carolyn Willauer, Chris Pinchbeck, Mary Moran, Sydney Hall, David Hall, Emily Burgess, and several others.

Call to Order:

- The meeting was called to order at 6:34 p.m. by Sarah.

Public Comment:

- The former bookkeeper, Langley Willauer, read a prepared statement as follows:
“I am Langley Willauer, citizen of Hope, Maine. As you are aware by now, I was fired on Friday, August 7, 2020, from my Town of Hope jobs as Bookkeeper, Registrar of Voters, Deputy Town Clerk, and Deputy Tax Collector. I was fired by Samantha Mank, Hope Town Administrator. Select Board Chair Sarah Ann Smith was present. Samantha Mank’s comment was “it is not working out.” Please know that my questions and observations to follow are based not only on my experiences and recollections, but also based on my contemporaneous documentations and discussions throughout my tenure. Documentation is my habit and practice in all matters. This is not just about me. This is about greater threats to the soundness and accountability of our administrative governance in the Town of Hope, as well as to our elections. So while I believe there can sometimes be a place for policies such as a six-month probationary period, I do NOT believe that such a policy was ever intended to be, nor should the Town of Hope ever allow, such a policy to be utilized for the abuse of power and the covering up of misdeeds as have, it is my belief, been perpetrated by Samantha Mank on the citizens of Hope. And I believe that I was fired as a result of bearing witness to a raft of dishonest, potentially fraudulent, potentially illegal, and egregious actions (including the covering up of such actions and the involving of vulnerable subordinates in them). Before I get to this list, I will lay out the context for my job at The Hope Town Office. As you may be aware, my employment (with multiple jobs and hats) began on February 28, 2020. I had seven days of in-person training with my predecessor, Mary Tolles, before we were sent home for quarantine. After that, I had to plug away at learning my roles, and call Mary with questions. I would wager that many Hope citizens are aware of Mary Tolles’ unquestionable integrity and commitment to good governance. During her tenure, Mary quietly developed systems for the Town of Hope that served its citizens by keeping everything organized and paying attention to the details. The Town went to great lengths to hire her replacement so that her institutional knowledge would not be lost. Before I was hired I was well aware, from Selectboard meetings, of all that Mary did for the Town. Prior to my job for the Town of Hope, I co-owned and ran a million dollar business (before being sought out and bought by a competitor) and I understand and take pride in good governance, including transparency, trustworthiness in all matters, controls, and checks and balances. I am keenly interested in local government, believing that small teams of capable people can do well by a town’s citizens. I’ve enjoyed volunteering for the Town, working on collecting building-permit data for Jon. Duke and on ordinances and other business on the Planning Board. As an interested and involved resident and volunteer, I did, and do, regularly attend Select Board meetings. Legal and institutional frameworks and norms protect ALL citizens. So it is with sincere concern for our town that I offer you, the elected governing body of the legal municipality of Hope, Maine, of which I am a citizen, the following questions and observations (by category): Election Related Wrong-Doing Election Information Postcard: Before the election of July 14, in my role as bookkeeper for the Town of Hope, I became aware of a fraud. At the June 30th Select Board meeting, the duly elected Selectboard asked Town Administrator Samantha Mank to send a postcard to the Townspeople informing them of an informational meeting

(see June 30 minutes). On July 8th, Samantha asked me to purchase 715 postcard stamps. I did so that day at a cost of \$250.25. The receipt is in Selectboard Warrant #2. Seven hundred postcards were mailed in the early hours of July 9 to the citizens of Hope notifying them of an informational meeting to be held on July 9. My mail carrier wrote on mine, "These were mailed on the 9th!" Following that, I witnessed Samantha lie to Florance Merrifield when she asked Samantha about the card. I also believe I overheard Samantha lying to one of you Board members, saying they were mailed on the 5th. Were there any repercussions for such town government and citizen deception? Were there any repercussions for this waste of taxpayer funds? All of the above was well documented by me in real time and also shared with close friends. Election Actions Not Consistent With State of Maine Election Laws: Samantha Mank ran our most recent election and did NOT do so consistent with State Election Laws, including... *Samantha asked me to sign a statement saying the State ballot boxes were sealed before they were sealed. I politely said, "it says here we're supposed to seal, so we need to do that. Samantha pressured me twice to sign. She then sealed the ballot box and I signed. On July 15, Samantha was apparently alone with the ballots and the tally sheets for two hours before posting the results to the website and going home. Are the Board members aware that for the 25 ballot questions on the July 14 election, the vote tally for each question varied between 463 and 548 when by Maine Law every tally must be equal. Lack of Monitoring and Adherence to State & Federal Wage and Hour Laws: Is the Board aware that on Thursday April 30, 2020 Samantha texted me, "I noticed that you had a week with 32.5 hours. I don't mind you working at times that you're not scheduled, but please don't exceed 25 hours in the future without prior authorization. Thanks." ...and then, the next day at noon: "I want to clarify, that you can do as much as you "want" but we can only pay up to 25/hrs unless it's something specific like an election or your covering for illness or vacation." This statement I later learned was illegal. Is the Board aware that I've worked many, many unpaid hours, noting the actual total on the back of my timecard? Is the Board aware that throughout my five-month tenure I received nothing but effusive praise and was promised a raise in September? Is the Board aware that Samantha held exactly one staff meeting during my 5+ month tenure as Bookkeeper? Basic Management: I have both been a manager and had many managers, some accomplished executives. Samantha appears to manage by not managing. When someone comes with an issue she does help, however, she rarely solicits input and does nothing to build a team atmosphere, make improvements, or discuss how we're working together. The result is a fractured approach, low productivity, redundant effort, and low morale. Violations of Separation of Powers - one example: The Town Administrator (in this case, Samantha Mank), does not have legal and institutional control over the elected Planning Board of Hope or their documents. Is The Board aware that on July 17, 2020 a Town website user with the login "Samantha.Mank" defaced the Planning Board web page by writing "VACANT" in large capital letters in place of one of the members? Further, that the Planning Board was not notified of this resignation until two weeks later? For the past four years I have served on the Planning Board for the Town of Hope, a volunteer position. Some months ago I became the Chairman. Samantha and I had discussed it and decided it could work. At the office, she's my boss, all good. On the Planning Board, I'm the Chair, and Samantha serves in her dual roles as Code Enforcement Officer and Town Administrator - the Town Office keeps the records for the Planning Board, as stipulated by the Planning Board Ordinance. Two cases have recently come before the Board where Samantha and I clashed. The narrative of these can be found in the minutes of these meetings. What they show is that I'm not sure Samantha is always doing her job. In one case applicants attempted to get the Board to sign six-year-old subdivision plans. It didn't go well. In another, an applicant had been in touch with Samantha, he said, since January, and he was never advised that he was proposing a development in a Resource Protection zone. He's now potentially liable for tree clearing he did without a permit. When Samantha and I recently responded to a complaint on Lermond Pond together, where a large, wide roadway was being cleared down to the Pond, Samantha advised the man that he could keep working "back up there" away from the pond, even though he never obtained a permit. Many other developments have occurred that have never been referred to the Planning Board. There's a little used-car lot on Route 17 at the very place where the late Tom Ford advised the owner that after putting up illegal signs (as they were for a plumbing business located elsewhere), nothing more could be done. Or S&H Used Tires, dressing up Hatchet Mountain Road. Or a giant commercial structure on a 10-acre clearing off Hobbs Lane that somehow doesn't need Planning Board review. People come in and complain in person or by phone, they are told things, and they go away. I've asked Samantha about this and she says she wants to help the Town by growing the tax base. In my opinion, having the Town Administrator serve as the Code Enforcement Officer is an inherent conflict of interest. Other Dishonesties: As I often do, I attended the last Selectmen's meeting on July 24. I recorded the whole three hours, as is my right, and around 9:30 p.m. the following exchange took place: Brian: I've got a question: What's the current status of the Town Report? Samantha: Um, I've told them that that is a priority and we're working on it this week. Brian: So does anybody have a timeframe? Samantha: Do we have an announcement timeframe Langley? Langley: Ah, I defer to you Samantha: Um, I'll say, let's say, today's--I'll say it -- we can go to the printers on Thursday! Um, and be digitally online, I don't... when it can go online, until... Thursday it will be online. Brian: OK Sarah: OK That was a boldfaced lie. I had been working on the Town Report. I had received written assurance on June 14 from Samantha that her portions would be delivered in two days. After the July 24 meeting nothing was said to me. On Friday, the day after her promised report, Samantha sent me her reports.

Nothing more was said to me. CLOSING In closing, I will offer the following: Here I have provided ample information of such serious breaches of trust by Samantha Mank that these should result in her immediate suspension from Office, with investigation to follow. If these offenses are allowed to pass, our governance is undermined, no matter who is in office. Second, I would respectfully, but unequivocally request that the Town of Hope immediately reinstate me to my job. I am here because I recognize the sanctity and fragility of our institutions of democracy... and the necessity of taking a stand for them. We ARE "the government." "We the people" doesn't just refer to our rights, it calls upon us to take individual and collective responsibility, even when it is terribly difficult. Thank you for your consideration of these matters and thank you for your service. Langley"

Several people in attendance in person and via zoom made comments in relation to Langley statement.

Minutes:

- June 12, 2020: Brian made a motion to accept the June 12, 2020 minutes. It was seconded by Thom.

Motion passed 5-0

- June 16, 2020: Thom made a motion to accept the June 16, 2020 minutes. It was seconded by Brian.

Motion passed 5-0

- June 23, 2020: Brian made a motion to accept the June 23, 2020 minutes. It was seconded by Thom.

Motion passed 4-0-1 (Amy)

- June 30, 2020: Brian made a motion to accept the June 30, 2020 minutes. It was seconded by Thom.

Motion passed 4-0-1 (Amy)

- July 9, 2020: Brian made a motion to accept the July 9, 2020 minutes. It was seconded by Thom.

Motion passed 3-0-2 (Amy, Bruce)

- July 14, 2020: Bruce made a comment about adding a statement that he made to the record of the July 14th minutes. Thom made a motion to accept the July 14, 2020 minutes to include the statement from Mr. Haffner. It was seconded by Brian.

Motion passed 4-0-1 (Amy)

- July 28, 2020: Thom made a motion to accept the July 28, 2020 minutes with two revisions. It was seconded by Bruce.

Motion passed 5-0

Town Administrator Report:

- Worked with Clarence on the Fire Truck Bid ad. The fire truck has been moved to the South Hope Fire Station and has a for sale sign on it. There is no minimum bid. The deadline is Thursday, September 3, 2020 at 2:30 p.m.
- Currently, there is a Bookkeeper vacancy in the Town Office. I have been in contact with someone to fill in as temp, while the Bookkeeper search is ongoing.
- The November election is already upon us. If you have any items that you want on the November

ballot, please get those to the Town Clerk within the next couple of weeks.

- The Session for the Brown Tail Moth Discussion has been posted on the Town website along with a Zoom Link for any and all who wish to participate.
- The Broadband Survey has been turned into an online fillable form. Thom is working on getting it through the channels. Once approved it to will be placed on the Town website.
- There are 9 outstanding 2019 RE accounts totaling \$17,287.57 with liens that will go to automatic foreclosure on February 16, 2021 if accounts remain unpaid.
- There are 82 2020 RE accounts totaling \$122,141.98. Lien notices were sent out a couple of weeks ago. Liens on 2020 will be filed on August 25, 2020.
- The 2021 RE taxes were just committed on July 28, 2020. There are 1,193 accounts totaling \$3,218,244.61.

New Business:

- Annual Agreement and Discussion w/ ACO – Heidi Blood: Sarah began by stating that she had wish that Heidi had come before the Select Board prior to the election as she believes it would have prevented a lot of confusion. Heidi discussed the need to update the form. She explained the currently, it is very difficult to enforce State laws because it requires a first and second and possibly even a third warning before involving the court system. She said it's very difficult to even get an appointment with the police to go to a home with her for her own safety. Is really difficult to get anyone together to even handle a dog complaint. Most of the time the district attorney will choose to not prosecute because it is very low on the totem pole of violations. This makes the ACO ineffectual if there is no town ordinance in place. By using a new form, it would show people that in fact a verbal warning has been issued. Hope is a quiet Town compared to her other towns. The real purpose of the new form is an Ordinance for the Town is to get voluntary compliance. She realizes that many people were concerned over the barking dog part of the form. Heidi went on to explain that state law does not have a statute regarding barking dogs. So, town attorneys would actually have to get involved to prosecute violators. Most Town attorneys get involved because it is only around \$25 fine and the cost to the Town would far exceeds the fine. In addition, there was a clause that the ACO could impound a dog from someone's yard without the owner even being home. Heidi wanted to clarify that that is completely false and illegal and has been removed from the form.

Thom asked about a barking dog being defined similarly to a nuisance dog. Heidi said that she would recommend never using the actual term "nuisance" in a barking dog ordinance. Thom also stated that many residents were upset about the sticker shock of a \$2500 fine. Heidi explained that these fines are set by the state and are a part of minimum shelter requirements. For example, animal cruelty.

Brian asked how do the fines get collected and are they payable to the Town and what would happen if somebody doesn't pay does it still end up in court? Heidi said yes the fines are payable to the Town and it could still end up in court if not paid.

Bruce ask if the Town ordinance could change or reduce the dollar amount of the fines. Heidi said the Town could make the ordinance more restrictive but not less restrictive so the Town will not be able to lower the fines.

Brian wanted to know what, if any, is the benefit to the Town? And Heidi said that she just can't stress enough that it would help bring about voluntary compliance. Sarah asked for was a revised form so that this issue could possibly be put on the November ballot

Sarah said the Select Board are disappointed that she has been a no-show for several meetings so please call or email to just let everyone know if she plans on not attending.

The Select Board agreed to continue with Heidi as the ACO. The new annual agreement was signed.

- Establish/Re-Establish Roads Advisory Committee: Sarah said that she would really like to get the ball rolling on this. Thom said that he would be interested in creating a committee and then over the next several weeks getting all of the details hammered out and figure out who the appointees will be.

Sarah said, we can draft something and get it written down, as it's always easier to edit a document rather than starting from scratch.

Rick said that he came tonight to volunteer for the Roads Committee. He also said obviously some things need to get hammered out. People have different interpretations. Some people think the roads have been horrible over the past three years but, then someone else says "what are you talking about, the roads are as good as they've ever been".

Thom made a motion to create a Hope Roads Committee and to create their purpose and mission and then to appoint people to it once there was a clear charge. It was seconded by Brian.

Motion passed 5-0

- Select Board Vs. Board of Selectmen: Sarah told a story of how someone's daughter thought that they could not be on the Board of Selectmen because she was not a man. Bruce made a motion to change the designation from Board of Selectmen to Select Board. The motion was seconded by Amy. Brian added to the discussion by saying it doesn't make any difference to him if we're called the Board of Selectmen or the Select Board. Thom said that he thinks that language matters and that there are two people on this Board that don't look the part of Select-Men.

Motion passed 4-0-1 (Brian)

- MMA Legislative Policy Committee Election: Thom made a motion to endorse the slate that has been presented. It was seconded by Brian.

Motion passed 4-0-1 (Sarah)

Board of Assessors:

- Suspend as Selectmen and Convene as Board of Assessors: Brian made a motion to suspend as the Select Board and to convene as the Board of Assessors at 7:43p.m. It was seconded by

Thom.

Motion passed 5-0

- Farmland Withdrawal Penalty - Map 7 Lot 31 (Rick & Cindy Catalano): Brian made a motion to approve Farmland Withdrawal Penalty for Rick and Cindy Catalano in the amount of \$8,500. It was seconded by Thom.

Motion passed 5-0

- Adjourn as Assessors and Re-Convene as Board of Selectmen: Thom made a motion to adjourn as the Board of Assessors and to reconvene as the Select Board at 7:46 PM. It was seconded by Brian.

Motion passed 5-0

Old Business:

- Update Discussion Regarding Broadband Internet: Thom gave an update regarding the Broadband Committee. The folks on the Committee are working on formalizing a survey. The Town Administrator has made it into a fillable online form. They're still waiting to email the survey and get some feedback waiting on the Committee to approve the newly created form. Rick asked if this was a group approved by the Select Board? Thom told him that this Committee was actually created by the Select Board.

Thom explained that because of COVID-19, it has been very difficult to go door to door and find out if there's interest in getting town-wide broadband. In order to qualify for the grant, we need to have about an 85% buy-in from the residents. So, we need to get a hold of as many people as we can to complete the survey and to see if there are going to be any new regulations or restrictions regarding Covid-19 in the grant application process. Perhaps the 85% expectation and might be able to be reduced.

- Update Discussion Regarding the Brown Tail Moths: Thom shared that there is already a Zoom meeting scheduled for August 27th at 6:30 p.m. The link is available on the Town website and has gone out on an email blast.
- Proposal for Digital Communications Policy (part two): Sarah presented that there are many options for recording meetings but one of the resources she has found is an organization called Townhall Streams. It's more expensive but it is very simple and if the Select Board approves of going this route, it could be put on the November ballot to have funding approved. Sarah said that she could set up a Zoom meeting with Eric from Townhall Streams to give a brief presentation at the next Select Board meeting. There was some discussion of the Town being able to have a couple of months at no cost as the Town would be acting as a guinea pig while the bugs were getting worked out of the system.

Brian said that he would definitely be in favor of having a Zoom meeting with Eric for more details

Sarah went over various items such as email format, a weekly mail digest, newsletter formats and additional products such as Constant Contact and Mail Chimp. She uses Mail Chimp and is free up to 2000 subscribers and she also showed examples of her own newsletters.

Brian asked when these things get in place for having online newsletters and other various media, who the “we” keeping things updated will be. Sarah said that she is willing to set things up and Amy said that she was very willing to help. Sarah also mentioned that she would like to have a large Town Seal on the back wall and that perhaps a drop-down screen could be installed should anything need to be projected.

Sarah also mentioned the need for having an Internet Policy. It will include things such as who would be authorized to post things. Either way at this point everything should go through the Town Administrator or the Town Office. She gave an example of how she recently posted something on the Town’s Facebook page regarding the cleanup at the Hope Grove cemetery. Although she has access and believes the Select Board should have access, she doesn’t think it’s a good idea to use it unless absolutely necessary. Possibly next week when she has more time Sarah said that she would be setting up a Twitter, YouTube, Pinterest, and Instagram account for the Town. She also thinks that including microphone purchase would be wise.

Brian wanted to know if the technology was mobile or will be stuck in just one spot. He said he likes to have flexibility so that we could take it wherever we were having a Town Meeting such as at the elementary school. And perhaps it could even be available for the School Committee to use. If the school wanted to use it perhaps, they would be willing to also share in the cost.

Most people are now tuning into meetings. Amy wanted to know if the school was already using this kind of technology as they may already be setting up and getting ready for the school year which means some of the equipment might already be in town. She also said that we need to find a way that this can be very accessible to the public.

Warrants #'s 11, 12, 13, 14, & 15:

- The Selectmen reviewed the warrants. Brian made a motion to approve and sign warrant #'s 11, 12, 13, 14, and 15. It was seconded by Amy.

Motion passed 5-0

Other Business:

- Executive Session Pursuant to 1 M.R.S. §405 (6)(A): Brian made a motion to enter Executive Session at 8:38 p.m. Pursuant to 1M.R.S. §405 (6)(A). It was seconded by Thom.

Motion Passed 5-0

Adjournment:

- Thom made a motion to adjourn the meeting. It was seconded by Amy.

Motion passed 5-0

MINUTES OF SELECT BOARD MEETING
Hope Select Board
Tuesday, August 18, 2020
6:30 PM
Hope Town Office/Zoom

Board Members Present:

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

Others Present:

- Samantha Mank, Bill Jones, Alexandria Payor, Susan Langley, Amy Powers, Eli Goldberg, Langley Willauer, Sydney Hall, Nancy Ford, and Eric Spenlinhauer

Call to Order:

- The meeting was called to order at 6:32 p.m. by Sarah.

Public Comment:

- None

New Business:

- Zoom Presentation on Town Hall Streaming - Eric Spelinhauer: Sarah made introductions and then turned the meeting over to Eric. He showed us the various equipment including a football camera that could broadcast and record live. It's a 360° camera. It's mobile and comes with a hard travel carrying case. Basically, it works by sitting it in the middle of the room. People would need to be approximately 8 feet from the camera. It has its own built-in microphone and people would need to speak loudly so that the camera could detect from which direction the voices was coming from and it would turn accordingly. Sarah asked with social distancing requirements in place, if it would be helpful for the Town to purchase microphones so that everybody could be further apart. Eric said no because the detection system is very similar to that of the Alexa technology. It does not have external microphone capability.

Sarah said currently each of the Select Board members bring in their own devices whether it be a laptop, phone, or iPad and set up a Zoom meeting each time so residents at home can watch and participate. We don't want to have to do that each time. There are always some kind of technical problems that go along with it such as feedback.

Amy asked if there were any options for Closed Captioning with Zoom or YouTube. CC service is available but add costs. A live stenographer would cost about \$150/hr. sonographer would cost \$150 an hour. A live speech to text program would be \$20 an hour and it has a 92% accuracy rate. There's also "after the fact" transcribing available it's much more accurate and that would be an additional \$10 an hour.

Brian wanted to know what the total costs were for the equipment for the storage for everything on an ongoing monthly or annual cost. Can you just purchase the equipment, or do you have to purchase the entire package of streaming in storage?

Eric said the new 360° system is around \$1,500. for the equipment and the storage is an additional cost would be \$150 a month for 3 to 4 meetings a month or \$250 a month for unlimited meetings. Brian asked what the advantage of going with Townhall Streams was rather than basic YouTube?

Eric said that using YouTube, the Town would have to likely purchase a business account in order to avoid unwanted ads or having whatever the next video playing coming up and you may need somebody who was tech savvy to make sure everything was connected correctly. In addition, the 360° can be worked wirelessly but it works better if it is hardwired. There was discussion about Town Internet and the possibility of being able to connect directly through ethernet.

Sarah mentioned that the budget season had already come and gone for the Town of Hope and so we would need to go to the voters for approval for about \$3000 a year to have unlimited meeting access. The Town wouldn't be able to get this to the voters until November and we won't be able to pay until there was voter approval so is there a plan to be able to backpay once the money has been approved?

Thom said the fee is actually for leasing the equipment correct. Is there any editing that happens with Townhall Streams or is everything on a server there and we would have a link to the Townhall Streams website? Eric said it could very easily be integrated anyway the Town would like. Most Towns just give a link to the landing page and they can look and see which meeting they would like to view. There's also an option to have it directly embedded onto the Town's website.

Brian wanted to know what the archive history length is for Townhall Streams. Currently, it's a rolling five years and there is an option to have longer than five years for a fee. The Towns do have the ability to download each video and store their own meetings, however. There was also a question about video security as in can the public download these videos, and Eric said that they do not allow the public to download videos however there are programs that can capture video and nothing prevent someone from using a device to record if they wanted to. Amy said that we should discuss this and have time to research it before making any decisions this evening.

- Executive Session - Pursuant to 1 M.R.S. §405 (6)(A): Langley made a Point of Order stating he wanted to know the precise reason for the Executive Session. Brian said the Select Board is only required to recite the statute.

Langley called for another Point of Order and said that it is not sufficient to just merely recite the statute.

Brian made a motion to go into Executive Session Pursuant to 1 M.R.S. §405 (6)(A). It was seconded by Amy.

Motion passed 5-0

Sarah stated the meeting was going to close the meeting to the public no. However, Langley again called for a Point of Order. Ellie asked of the Select Board was just going to enter Executive Session without specifics.

Sarah said she would call MMA legal tomorrow and check about what Can and what cannot be done. Ellie said the statute says that the person making the complaint can be included in the Executive Session.

Sarah repeated that she would take the issue up with MMA. Ellie told Sarah to read the statute again and said that it must be more specific to list the exact reason of the Executive Session. Sarah once again reiterated that she would speak with MMA legal tomorrow.

Sarah said that she is not going to allow other people into an Executive Session until she has heard from MMA legal or the Town Attorney. She said she doesn't want to get the Town sued by anyone.

Ellie said there are additional sections in the statute which state that the complainant can be present. So, if the Select Board is going to tell her that this Executive Session is it going to be about Samantha, the Town Manager?

Langley stated that he would like to just sit here, and he would be sure to keep the confidence of all that he heard. Because as the complaint, he has the right to be present and that these laws are written to protect little Towns like Hope.

Sarah repeated again that she is not going to allow anyone into the Executive Session without hearing from legal. Langley said that it is the Town Managers job to inform the Select Board of such things. Brian responded that the Town of Hope does not have a Town Manager. Finally, Langley said "it is with regret that I depart".

Once the public had left the area, the actual Executive Session was able to begin at 7:19p.m.

Brian made a motion to exit Executive Session at 9:15p.m. It was seconded by Amy.

Motion passed 5-0

Thom made a motion to instruct the Town Clerk to contact the Secretary of State and Maine Municipal Association on how to proceed Regarding the election and voting in question.

Motion passed 5-0

Brian made a motion to allow Sarah to contact the Town Attorney, Bill Kelly.

Motion passed 5-0

Thom made a motion to authorize the engagement of a third-party who is recommended by the Town Attorney to conduct an independent inquiry on all appropriate issues. It was seconded by Bruce.

Motion passed 5-0

Adjournment:

- Thom made a motion to adjourn the meeting at 9:17pm. It was seconded by Bruce.

Motion passed 5-0

8/25/2020

Dear Select Board Members,

A small group of families are looking to put together a small playgroup in a neutral location to Hope center. The group would consist of 4-5 children under the age of 5, all to be watched/cared for successively by one of the group member's mother, with a rotating volunteer from the additional parents of the group.

The mother whom would be caring for the children regularly is Alaina Garrigan, a Hope resident who has formal education in childhood development, two year's experience in a toddler aged classroom and over three year's experience in a preschool classroom. Additionally, she has two sons who are ages 5 and 2.

While Alaina's elder son is in school at Sweetland Center (Wednesday, Thursday and Friday) Alaina would be watching her younger son and 3-4 other boys between the ages of 2 and 4. One of these boys is also a Hope resident (Ivan Feener), and all of the families have children at Sweetland School.

TO BE VERY CLEAR – this group is not affiliated with Sweetland school itself, it is a group of families who are wishing to limit exposure during the COVID-19 pandemic. Most of the families still rely on childcare to work and want their young, developing children to still have social/emotional developing opportunities.

While the logistics of an overlapping schedule with Sweetland school is still in discussion with the school, we are asking the Select Board Members to approve the *possibility* of our playgroup using a room in the town office 3 days a week (Wednesday, Thursday, Friday) between the hours of 8:00AM and 2:00PM. It is our hope to be outside as much as possible (True Park and surrounding), but to have a dedicated space in the town office to allow for a developed area in inclement weather (playgroup materials to be provided by the families).

We are asking for a decision to be made before the approval of a shared space from Sweetland school is obtained as we are aware that Select Board Meetings occur bi-weekly; the next to occur less than a week before school is to start. Additionally, it would help us to plan for an intentional space. We are in full communication with Sweetland school about our plans despite not being affiliated with them and would invite you to ask any questions to the school or the play group.

Thank you for your consideration.

Best,

Allie Feener
207-706-6015

Alaina Garrigan
707-599-0848

CONTRACT FOR ASSESSING SERVICES FY 2020-2021

AGREEMENT made and executed between the TOWN OF HOPE, acting through and by its elected officials, herein after referred to as "TOWN" and FORT HALIFAX APPRAISALS represented by C. Vernon Ziegler herein after referred to as "CONTRACTOR".

Now therefore, in consideration of the mutual covenants herein, the parties agree as follows:

1. **REPRESENTATION OF CONTRACTOR:** The Contractor makes the following representation upon the Town of Hope and the Town of Hope is justified in relying without further inquiry, to wit:
 - a. FORT HALIFAX APPRAISALS is a sole proprietor company operated by C. Vernon Ziegler. Caitlin D. Anderson is a subcontractor to Fort Halifax Appraisals.
 - b. The person assigned to the Town of Hope will be C. Vernon Ziegler, a Certified Maine Assessor or in his absence, Caitlin D. Anderson, a Certified Maine Assessor. No other person will be assigned or subcontracted without the prior approval of the Town of Hope Board of Selectmen.
2. **TYPE OF SERVICE:** The Town of Hope enters into this agreement for assessors' agent services as a CONTRACTOR. FORT HALIFAX APPRAISALS will be the primary assessors' agent to the Town of Hope.
3. **REPORTS:** Any periodic progress report requested by the Town will be presented in written form.
4. **ACCESS TO THE TOWN OFFICE:** Access to the areas of the town office necessary for completing the specifications of the contract will be made by providing the contractor with keys to the town office. Contractor's monthly work schedule will be provided to the town office prior to the first of the month. The contractor recognizes the importance of being available to the citizens of Hope and will be reasonably available during normal business hours. Contractor will make reasonable accommodations to be available to taxpayers when not in the town office. The parties acknowledge that the contractor provides services to other small municipalities in Maine. Maine municipalities have a long-standing tradition of cooperation. When Town employees or Selectmen need assessing services and the contractor is not scheduled at the town office, C. Vernon Ziegler is available to them by phone and e-mail. To provide that service, the Town agrees to provide the contractor with secure remote access to the assessing department's computer. Other hours and days will be scheduled as needed at the discretion of the contractor and at the need of the service.
5. **SUPPLIES:** The Town of Hope will provide a budget for supplies for completion of the duties such as professional completion of the town tax maps, stocks of real estate record cards, copy paper and all other items currently located in the office utilized by the Town of Hope for its assessing functions. The contractor will be responsible for work items such as measuring tapes, clipboards, digital camera, etc.
6. **OTHER REPRESENTATION:** The Town of Hope agrees that the contractor will represent the Board of Assessors with appropriate assistance provided at the expense of the town when completing other town business such as abatement appeals to District Court, state board or other required representation type function.

7. **PAYMENT:** The Town of Hope agrees to pay FORT HALIFAX APPRAISALS, the primary contractor an amount not to exceed \$14,400 for the contracted period of July 1, 2020 to June 30, 2021. Payment is to be made to FORT HALIFAX APPRAISALS from invoice at a rate of \$480.00 per full day of service. A 'day' of service will be as reasonably equivalent as possible to the normal business hours of the town office. Payment will be made on a pro-ration in one half-day increments only, as necessary. Payment is to be made by invoice. Taxpayer identification number is to be presented on all invoices.

The primary contractor will be available to the Town not to exceed 29 days for the period July 1, 2020 to June 30, 2021. The Town of Hope agrees to pay the Contractor the daily fee for one day of continuing education class approved by the Maine Revenue Service. Primary contractor will consult with Town Administrator on monthly schedule. Exceeding the contract days will be at the mutual agreement of the Town of Hope and the contractor on an as needed basis with prior notice.

8. **SEVERANCE:** Should the contractor not be performing to expectations of the Board of Assessors, the contractor will receive in written form from the Board of Assessors areas of concern. Items pertaining to legally obligated duties for assessing standards will not be deviated from in any manner and will not be grounds for severance.

This agreement shall terminate on June 30, 2021.

9. **ADDITIONAL COSTS:** The Town of Hope will not be responsible for any additional educational costs beyond those specified in the contract.

10. **DUTIES OF THE CONTRACTOR:** The Contractor shall update tax cards, process deeds, perform inspections, prepare state returns, prepare tax commitment, update ownership records and other reports and all other duties that are responsible to the Board of Assessors except for those items bound to the Board of Assessors by laws of the State of Maine such as signing valuation abatements, supplemental assessments, and the municipal commitment. Such duties will be completed by the due dates, and submitted on time to the requesting agency. The Contractor shall advise the Board of Assessors and the current Town Manager or their successor in office.

11. **PROHIBITION OF CONFLICTING REPRESENTATION:** During the time of the contract period, the person assigned to the Town of Hope as the Assessors' Agent will not perform any other services within the Town of Hope pertaining to property valuation in any way, shape or form for any reason unless so directed by a court of competent jurisdiction.

12. **CONFLICT OF LAWS:** This agreement shall be governed by and construed in accordance with the laws of the State of Maine.

13. **SEVERABILITY OF PROVISIONS:** In case any one or more provisions contained in the Agreement should be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

14. EMPLOYMENT STATUS: FORT HALIFAX APPRAISALS is an independent contractor and not an employee of the Town of Hope. As a sole proprietorship, FORT HALIFAX APPRAISALS is not required to provide worker's compensation insurance for the owner and the Town is not required to provide coverage for the independent contractor.

15. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties with respect to the subject matter thereof, and the Agreement supersedes all previous negotiations, discussions, and agreements between the parties as to the subject matter thereof, and no parole evidence of any prior or other agreement shall be permitted to contradict or vary the terms hereof. Amendment of the contract will be in written form only and such amendments will be made at the agreement of the contractor and the Town of Hope.

16. CONTRACT COMPLETION: This contract is valid only when:
a. The contract is signed and witnessed with original signatures. Facsimiles and other copies are not valid;
b. The contract is without any handwritten corrections, Blank lines (ex.) or other non-typed items; and
c. This contract is of three pages only with two (2) original copies, one to the Town of Hope, and one to Fort Halifax Appraisals.

IN WITNESS THEREOF, THE PARTIES OR DULY EMPOWERED REPRESENTATIVES, EXECUTING THIS AGREEMENT ON THE TWENTY-FOURTH DAY OF AUGUST, 2020.

FOR FORT HALIFAX APPRAISALS

(Witness)

C. Vernon Ziegler CMA

FOR THE TOWN OF HOPE

(Witness)

Town of Hope Appointment for Registrar of Voters

The Town Administrator is hereby requesting that the Alexenia Payor be appointed to the position of Registrar of Voters for a period of 2-years in accordance with 30-A M.R.S. §2601, beginning August 25, 2020.

Deputies: In accordance with 30-A M.R.S. §2603 & 21-A M.R.S. §102

- The Registrar of Voter's shall appoint the deputy registrar of voters

The select Board have appointed the above stated personnel to the specified position for a period of 2-years, commencing August 25, 2020.

Sarah Ann Smith

Brian Powers Jr.

Thomas Ingraham

Bruce Haffner

Amy Gertner

Dated: August 25, 2020

Title 21-A: ELECTIONS
Chapter 3: VOTER REGISTRATION
Subchapter 1: REGISTRAR OF VOTERS

§101. Registrar

1. Qualifications. The registrar must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not be an employee of a party or candidate or be an officer of a municipal, county or state party committee. In the electoral division in which the registrar is appointed, the registrar may not:

A. Hold or be a candidate for any federal, state or county office; [PL 2015, c. 447, §1 (AMD).]

B. Be a treasurer for a candidate; or [PL 2009, c. 538, §4 (NEW).]

C. Be a municipal officer as defined by Title 30-A, section 2001. [PL 2009, c. 538, §4 (NEW).]

[PL 2015, c. 447, §1 (AMD).]

2. Appointment. The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk is not appointed to serve as registrar, the clerk must be appointed by the registrar to serve as a deputy registrar and has the same authority as the registrar to make determinations of voter eligibility and to perform the duties of voter registration as provided in this Title.

[PL 2005, c. 568, §3 (AMD).]

3. Oath required. Before assuming the duties of office, the registrar must be sworn and the oath recorded as provided in Title 30-A, section 2526, subsection 9.

[PL 1997, c. 436, §16 (AMD).]

4. Secretary of State notified. The clerk shall notify the Secretary of State of the name of the registrar within 10 days after the registrar is appointed and sworn by revising the election official's information listing within the central voter registration system.

[PL 2005, c. 453, §8 (AMD).]

5. Compensation. The municipal officers shall determine the compensation of the registrar.

[PL 1985, c. 161, §6 (NEW).]

6. Office hours. The municipal officers shall establish reasonable office hours for the registrar consistent with the requirements of the municipality.

[PL 1985, c. 161, §6 (NEW).]

7. Office space, expenses and clerical help. Each municipality shall provide a suitable place in which the registrar may perform his duties, and shall pay reasonable expenses for necessary office supplies purchased and clerical help engaged by the registrar.

[PL 1985, c. 161, §6 (NEW).]

8. Vacancy. When there is a vacancy in the office of registrar, the municipal officers shall appoint a qualified person to fill the vacancy for the remainder of the term of office. If the municipal officers fail to appoint a registrar to fill the vacancy within 15 days after the municipal officers receive notification of the vacancy, the municipal clerk shall appoint a qualified person to fill the vacancy for the remainder of the term of office.

[PL 1997, c. 436, §18 (AMD).]

9. Training. The registrar must attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration.

[PL 2001, c. 415, §1 (NEW); PL 2001, c. 415, §5 (AFF).]

10. Ineligible to serve. When a registrar or a member of the registrar's immediate family becomes a candidate for federal, state, local or county office in the electoral division in which the registrar is appointed, the registrar may not serve as registrar during the period beginning when the candidate files a petition to be a candidate or is nominated to be a replacement candidate until the time of election. The registrar shall instead appoint a deputy who must be compensated by the municipality for the duration of the deputy's temporary employment in that capacity.

[PL 2015, c. 447, §2 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1987, c. 737, §§C62,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1991, c. 466, §1 (AMD). PL 1997, c. 436, §§13-18 (AMD). PL 1999, c. 426, §§2,3 (AMD). PL 2001, c. 415, §1 (AMD). PL 2001, c. 415, §5 (AFF). PL 2005, c. 453, §8 (AMD). PL 2005, c. 568, §3 (AMD). PL 2009, c. 253, §8 (AMD). PL 2009, c. 538, §4 (AMD). PL 2015, c. 447, §§1, 2 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

Data for this page extracted on 2/05/2020 07:54:26.

From: [Alexenia Payor](#)
To: [Samantha Mank](#)
Subject: FW: for the select board meeting this evening
Date: Tuesday, August 25, 2020 11:02:29 AM
Attachments: [Questions & Statutes for Board 08-25-20.docx](#)

Alexenia Payor

Town Clerk & Tax Collector

Phone: 207-763-4199

Fax: 207-763-4195

From: Nancy Ford <fords@midcoast.com>

Sent: Tuesday, August 25, 2020 10:58 AM

To: Sarah Smith ext <sarah@sarahannsmith.com>; Bruce Haffner <bhaffner@hopemaine.org>; Brian Powers <bpowers@hopemaine.org>; Amy Gertner <agertner@hopemaine.org>; Thomas Ingraham <tingraham@hopemaine.org>

Cc: Alexenia Payor <clerk@hopemaine.org>

Subject: for the select board meeting this evening

Dear Town of Hope Select Board members:

Respectfully, I write as a citizen of Hope, hoping to help our town.

In light of current citizen concerns, I write to provide you each with a copy of the following:

1. Questions and Requests

2. Helpful Statutes in Maine Law

With each question, you will see specific, hopefully helpful requests.

As further help, I provide the wording in relevant Maine statutes.

In that the posted Agenda for this week's Select Board meeting does not include its usual Public Comment opportunity, I ask for a Board motion that this letter containing citizen questions and requests be read into the record and discussed.

Thank you in advance for your efforts on Hope citizens' behalf.

**Please let me know if you any problems opening the attached documents.
You will also find them printed on your desk at your Select Board meeting,
for your convenience.**

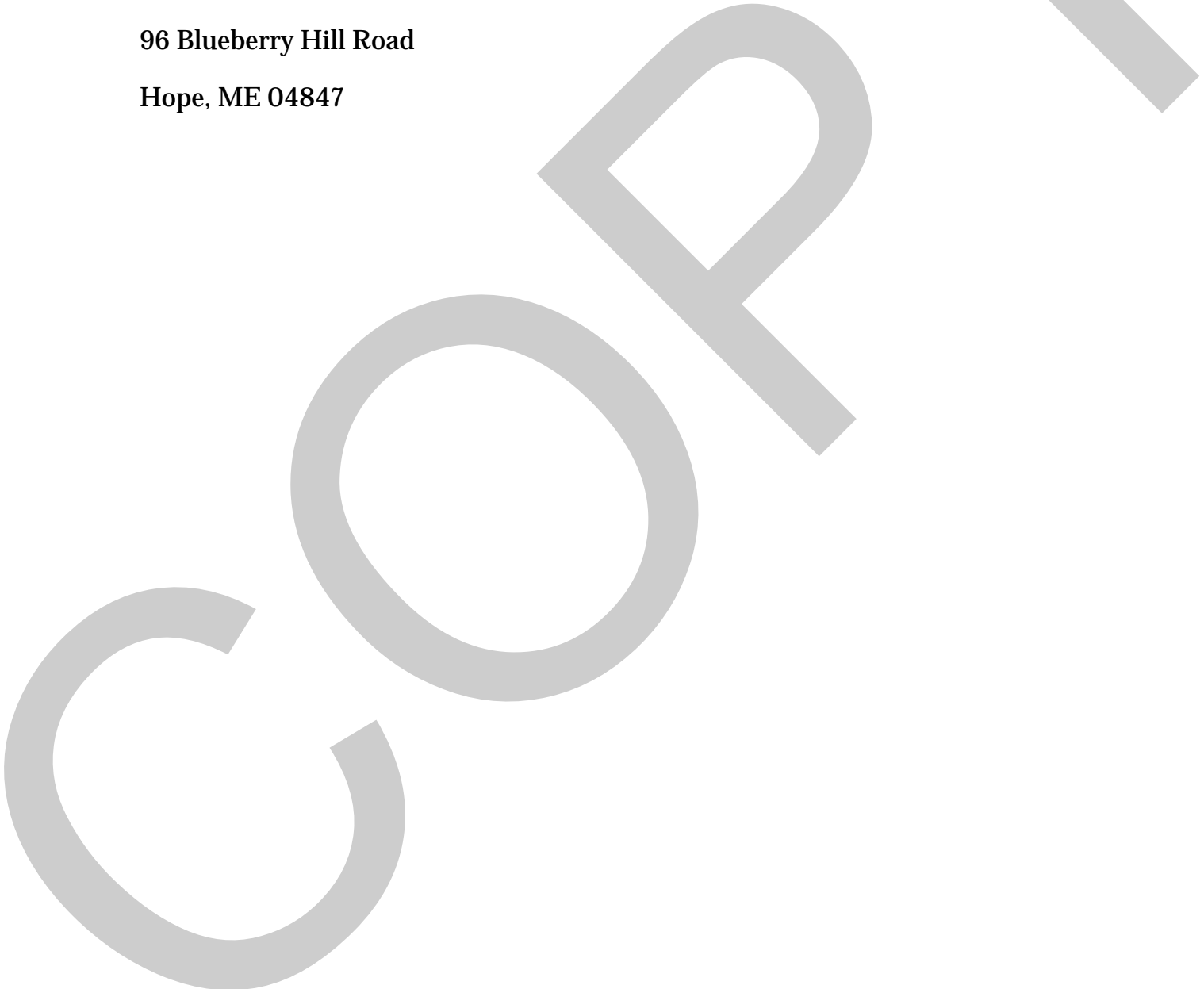
Sincerely,

Nancy

Nancy H. Ford

96 Blueberry Hill Road

Hope, ME 04847



August 25, 2020

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Sincerely,

Nancy

Nancy H. Ford
96 Blueberry Hill Road
Hope, ME 04847

Encls.

With Hopes for Helping Our Town
My Questions for Our Select Board
Aug. 25, 2020

1. **Action Plan for Town Governance:** In your executive session and in your discussion with MMA and/or our town lawyer, did you decide on an action plan to address citizen concerns regarding not only potential election irregularities but also any needed performance measures, accountability checks and public access of public records?
2. **Formation of Investigation Committee:** In that Maine law allows a town to address concerns such as our current ones for performance, accountability and public record access with the formation of an investigation committee, would the Select Board consider an investigation committee comprised of neutral, well-respected and knowledgeable local citizens?
3. **Investigation Costs:** If we appoint neutral and skilled local residents, we save ourselves additional costs while also receiving far better results for our taxpayers.
4. **Investigation Ideas:** What additional ideas do Board members currently have to insure greater accountability and transparency?
5. **Executive Session Discussions:** I understand that the motion for executive session was to discuss the duties of public officials. At this executive session, the discussion of duties necessarily involved discussion of more than one public official in our town office, especially in light of the recent Town Administrator's firing of our Town's Bookkeeper and Deputy Clerk.
My question is this: To learn from mistakes, how can we be sure that potentially libelous mistakes made are not repeated?
6. **Prompt Public Access to Town Records:** As one example, I note the long delays (weeks!) in accessing the recording of the meeting and so I have a question concerning what can be done to promote the Town's providing prompt access to its citizens of these records, including recordings of meetings.
7. **Results of After-Executive Session Calls:** What did the MMA and/or our Town lawyer tell us concerning the decision last week to deny complainants what appears to be their statutory right to attend last week's Executive Session?

Helpful Maine Statutes

Here are various, relevant and hopefully helpful citations to Maine Law (with copy of any statute available upon request).

These statutory provisions concern

1 M.R.S. §405 - Executive Sessions

1 M.R.S. §412 - Public records and proceedings training for officials and public access officers

1 M.R.S. §413 - Public access officer

30-A M.R.S. §2635 - Administrative service to be performed through town manager and Select Board appointment of investigative committee.

30-A M.R.S. §2636. Powers and duties of town manager

1 M.R.S. §405. Executive sessions

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions.

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.
2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.
3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.
4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.
5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and mat-

ters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

1 M.R.S. §412. Public records and proceedings training for certain officials and public access officers

1. Training required. A public access officer and an official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. . . . not later than the 120th day after the date the official takes the oath of office to assume the person's duties as an official or the person is designated as a public access officer pursuant to section 413, subsection 1.

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and

C. Penalties and other consequences for failure to comply with this chapter. An official or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

3. Certification of completion. Upon completion of the training course required under subsection 1, the official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The official shall keep the record or file it with the public entity to which the official was elected or appointed. A public access officer shall file the record with the agency or official that designated the public access officer.

4. Application. This section applies to a public access officer and the following officials:

A. The Governor; B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; C. Members of the Legislature elected after November 1, 2008; E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; F. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments; G. Officials of school administrative units; and H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

1 M.R.S. §413 - Public access officer

1. Designation; responsibility. Each . . . municipality, . . . shall designate an existing employee as its public access officer to serve as the contact person for that . . . municipality, . . . with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the . . . municipality, . . . concerning freedom of access questions and compliance.

...

4. Training. A public access officer shall complete a course of training on the requirements of this chapter relating to public records and proceedings as described in section 412.

30-A M.R.S. §2635 - Administrative service to be performed through town manager and Select Board appointment of investigative committee.

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of select-

men shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town. Concerning town officials, Select Board can appoint citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

30-A M.R.S. §2636. Powers and duties of town manager

1. Executive and administrative officer. Is the chief executive and administrative official of the town;
2. Administer offices. Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;
3. Execute laws and ordinances. Shall execute all laws and ordinances of the town;
4. Department head. Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;
5. Appoint department heads. Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;
6. Appoint town officials. Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the board of selectmen;
7. Purchasing agent. Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;
8. Attend meetings of selectmen. Shall attend all meetings of the board of selectmen, and the town manager may attend meetings when the manager's removal is being considered;
9. Make recommendations. Shall make recommendations to the board of selectmen for the more efficient operation of the town;
10. Attend town meetings. Shall attend all town meetings and hearings;

11. Inform of financial condition. Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;
12. Collect data. Shall collect data necessary to prepare the budget;
13. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and
14. Remove appointments. Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.

Executive Session

Possible Motion:

I make a motion to enter Executive Session Pursuant to 1 M.R.S. §405(6)(E) for communications between the Select Board and the Town Attorney.