

## MINUTES OF SELECT BOARD MEETING

### Hope Select Board

Tuesday, December 22, 2020

6:30 PM

Via Zoom

*View the meeting in its entirety at*

[https://townhallstreams.com/towns/hope\\_me](https://townhallstreams.com/towns/hope_me)

#### **Board Members Present:**

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

#### **Others Present:**

- Samantha Mank, David Herrick, Seth Haskins, Ashley Haskins, Mark Benjamin, Caleb Lincoln, Dick Crabtree, Chris Pinchbeck, Ari Meil, Ellie Goldberg, Betty Ingraham, Olivia Powers, Molly Luce, Paul Smith, Bill Jones, Ron Smith, Amy Powers, Nancy Ford, Lindsay Pinchbeck, and Chuck Markowitz

#### **Call to Order:**

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

#### **Agenda Adjustments/Approval:**

- Thom made a motion to approve the agenda and to request that Mr. Haffner be given an opportunity to respond the Select Board Statement given on December 8, 2020. It was seconded by Amy. Bruce stated that he wasn't on the agenda, so he did not prepare a statement and asked to be on the agenda for the next meeting.

**Motion passed 5-0**

#### **Public Comment:**

- Betty Ingraham read a prepared statement: "I have three minutes, so I'll be brief. I wrote these comments almost two weeks ago, so some of it seems dated. I know how much time the Board spent to review Maria Fox's report and to present an action plan to help remedy the substantial problems it outlined. I appreciated Amy's kind words about working with the Board and her wish to help the town. Brian's emphasis on best practices for Select Boards and the fundamental importance of integrity was clear and to the point. And I appreciated Thom's attempt to place the difficult issues we've faced into context and his appeal for all of us to "recommit to working with each other patiently and respectfully."

As for Chair Sarah Smith's citizen comments – I found them mean and disheartening. She had the chance to help the Town to heal, but instead chose to launch a diatribe against Langley Willhaeur – who was not the subject of the inquiry. Sarah also suggested that Ellie, Bruce, Langley, and perhaps myself conspired to undermine the Town Administrator. She finds evidence of this in four emails sent by Ellie. When Sarah read portions of the emails at that

meeting she did not make it clear that these emails were sent one day after Langley was fired and then again three days later. We should remember that in the first days after the firing, virtually everyone in town was shocked because no one knew there was a problem. The only two people who knew about any of this was Samantha and Sarah, who evidently did not inform the other members of the Board. If the rest of the Board had been informed of problems as they should have been, they could likely have handled things appropriately. Had this happened, perhaps the Town could have avoided the trauma and expense of the events and inquiry that followed.

If you read the emails Sarah posted you can tell that Ellie, whose good friend was just fired, was upset and angry. She suggested that people “keep their powder dry” – in other words, try to remain calm and put together a well-thought-out response. Sarah also pointed out that the email used the term “get rid of Sam” and a few other choice words. That is the basis of Sarah’s conspiracy.

Words matter, and so does context. How is the term “get rid of” when used in a private email sent to one person worse than the public submission of a false narrative by the Chair of the Select Board and her suggestion that three neighbors and colleagues resign? And if they did not, Sarah reminded us that there is now an option to “Recall” these elected officials. Think about this. Instead of calling for people to put this behind them and work together, the Chair of the Select Board reminds the citizens of Hope that they could consider recalling one, two, or maybe even three elected officials and also remove an appointed one! And indeed – this is exactly what is now in the works.

Sarah Smith certainly has the right to promote this and so does Paul Smith and the others that have now signed on. But just because they could, does not mean that it is best for the Town. And putting the Town through more division while promoting a conspiracy theory is certainly not a way to help it heal.

No one person is responsible for all of the mistakes that brought us here. It takes three pages of the Select Board’s report to outline the remedies. A lot of dust has been kicked up by this recall business, but it should not take the focus off of the Action Plan and fixing the problems in Hope’s administration. When the Board does begin this work, I hope that they will reach out to others in a way that can bring people together in a spirit of cooperation and good will. In my opinion, this would have been a better focus for the Chair of the Select Board. Thank you.”

- Ron Smith began by saying that it seemed like everyone was finger pointing and he didn’t want to miss out on the fun, so he wanted to point his finger too. He went on to say that he did not like the presentation given by the Select Board Chair during the last meeting either. He said that he thought it was quite harsh. He acknowledged that she spoke as a private citizen while sitting in the chair as a Select Board Chair and that people tuning in late to watch the meeting may not have known that she had passed control of the meeting over to the Vice Chair. It would appear to any late comers that she was making the presentation as the Chair of the Select Board and not as a private citizen. Therefore, he thinks there should be a directive drawn up and issued that states

how a Select Board member acts at a Select Board meeting when they are speaking as a private citizen. Other private citizens were not allowed into that meeting and could only participate through the video. He went on to say that she should remove herself from the room if she wanted to speak as a private citizen since other private citizens were not allowed in the room during the meeting. Otherwise, she should have kept her thoughts to herself.

**Minutes:**

- 12/8/20: Thom made a motion to approve the December 8, 2020 minutes as written. It was seconded by Bruce.

**Motion passed 5-0**

**Town Administrator Report:**

- The deadline for accepting applications for the town staff vacancies have passed. I have been reviewing them and anticipate conducting interviews during the first week of January. The goal is to fill the bookkeeper position first as David as indicated he would stay on as we work through the hiring process. A total of 12 resumes for the Clerk position and 14 for the Bookkeeper position.
- An e-mail from Lindsay Pinchbeck was received stating, “WE have decided not to use the town office in December, and we are reviewing whether we will use the space in the new year. I would like to suspend our rent at this time”.
- The Knox County Budget was passed last night. Hope’s new share of the County taxes is \$294,000 which is an increase of \$6,000 next year.
- The Town office will be closed on Thursday and Friday in observance of the Christmas holidays.
- There have been no changes in the 2019 real estate taxes. There are 7 outstanding 2019 RE accounts totaling \$12,913.85 with liens that will go to automatic foreclosure on February 16, 2021 if accounts remain unpaid.
- Three accounts have been made current since the last Select Board meeting. There are now 21 outstanding 2020 RE accounts totaling \$40,748.10 (a difference of \$4,691.07) with liens that will to automatic foreclosure on February 10, 2022 if accounts remain unpaid.
- There are 1015 RE accounts for 2021, totaling \$1,587,009.16. The second half of taxes are due on April 30, 2021.

**New Business:**

- NEMHS (Ambulance) November Report: Sarah gave an update regarding what is going on with the future of the ambulance service. The EMS review committee is looking at possible options to include in the next contract. The November report was accepted

without comment.

- Donation for Camden Real Estate for Hope Chest: Brian made a motion to accept the \$250 donation from Camden Real Estate to be used for the Hope Chest. It was seconded by Thom. Thom added that the Town should also send a note of thanks. Thom has the cards at his home.

**Motion passed 5-0**

- Committee Service Application for Planning Board: The Select Board review the Committee Service Application submitted by Molly Luce to serve on the Planning Board. Bruce made a motion to appoint Molly Luce to the Planning Board. It was seconded by Brian. Molly will complete the term vacated by John Fallows (June 30, 2023)

**Motion passed 5-0**

- Discussion Amending the “Retail Marijuana Establishments and Retail Marijuana Social Clubs Prohibition Ordinance” – Seth Haskins: Seth made an introduction of himself and his wife Ashley. Seth is currently a nurse and a medical marijuana provider. He already grows cannabis and distributes it for medicinal purposes. He does not have customers ever come to his home. He would like to change his designation from medical to recreational and sell to retail stores in Rockland and Camden. Changing his designation to recreational is a way to keep the market local and controlled. If it is not supplied by local growers, the big companies from out-of-state will potentially flood the market and the local control could be lost. In order for this designation to be changed, he is requesting that the Hope Select Board allow an amendment to the “Prohibiting retail Marijuana establishments and Retail Marijuana Social Clubs in the Town of Hope, Maine” Ordinance to be placed on the next warrant for Town Meeting or election. After much discussion, Seth was asked to provide the Select Board with sample ordinances from other towns that have similar language as his proposed amendment request.

*(Full discussion can be seen at [https://townhallstreams.com/towns/hope\\_me](https://townhallstreams.com/towns/hope_me))*

- Discussion July 14<sup>th</sup> Election Ballots: Sarah spoke with Town Attorney, Bill Kelly, regarding a court order to open the ballot box from the July 14, 2020 election. The attorney indicated that it would be very costly to get the court order. Sarah also noted that the tally sheets were likely also sealed in the ballot box with the ballots. She spoke with former Town Clerk, Florence Merrifield, who explained to her how tally sheets are handled. If the tally sheets were to be available to review, then it is likely that many of the questions regarding the ballots would be answered.

Bruce said that he spoke with Julie Flynn at length and was told that the State allows Home Rule in cases such as this. Particularly if the Town does not have a Charter and has not voted to run an election under Title 21-A. If that is the case, then the Town would fall under title 31-A. Bruce went on to say that basically the Town can do whatever it wants

with the ballots because we don't fall under State rule. Bruce also made it clear that he does not want the ballots to be discarded.

Thom said that it looks like there is an opportunity to take a step in the right direction. Thom asked Bruce to type up the notes from his conversation with Julie Flynn and then to see what the Town Attorney says. He also said that he wants to make it clear that this is not a recount but if we do something, he would like to volunteer to be a witness.

Sarah said that no one is trying to change the results of the election.

Brian said that it would make sense to reach out to the Secretary of State's office and find out if there are attorneys who specialize in election law who isn't going to need to take many hours of research to provide an answer.

In addition, Brian said that he would be in favor of having David Herrick taking charge of this and nobody who had anything to do with elections recently should be involved. All of the Select Board agreed.

Thom will call Julie Flynn to get a recommendation for an election attorney.

Sarah asked Bruce to look into the details of a charter.

Dick Crabtree made a comment stating, "I can't figure out for the life of me what you hope to accomplish by looking at the tally sheets. I mean, don't you know what happened? What happened was, there were different votes on different issues and they didn't count the people that didn't vote on an issue and so you ended up with different totals on each of the 25 issues and if that is the case, which I'm pretty sure it is, all the tally sheets are going to tell you is how many people voted yes and how many voted no. It's not going to tell you how many people did not vote on that issue".

*[The Select Board is allowing the previous statement noting that the Select Board has not verified the information in the statement and the statement may not necessarily reflect the opinions or views of all of the Select Board members in whole or in part.]*

Dick concluded his statement, "As a member of the public, if it will make people happy for \$500, I'm in favor. I am not interested in making people happy for \$10,000 because it is not going to change a thing".

After much discussion, Thom made a motion to first attempt to find an election attorney who can advise us for a reasonable sum and second to have the Town Clerk be in charge of sorting and separating the ballots from the surplus tally sheets into two boxes marked for disposition with the requisite number of witnesses. It was seconded by Bruce.

Brian wanted to make sure that the Select Board was all on the same page with what was being proposed: a.) get a recommendation from the Secretary of State's office for an election attorney, b.) bring that information back to the whole Select Board for discussion and authorization because we may find out from the attorney that we can look in the

ballot box. Thom agreed with Brian and was hopeful that there is some kind of Home Rule option. *(Full discussion can be seen at [https://townhallstreams.com/towns/hope\\_me](https://townhallstreams.com/towns/hope_me))*

**Motion #1 passed 5-0**

**Motion #2 passed 5-0**

- Presentation of Recall Petitions: The Interim Town Clerk, David Herrick read the following statement: “Pursuant to the Recall Ordinance in the Town of Hope, Maine 04847: On December 11, 2020 a Town of Hope Affidavit of Intent to File a Recall Petition of an Elected Official was requested for Select Board member Bruce Haffner, as well as a similar Affidavit for Budget Committee member Elinor Goldberg.

The requested affidavits were provided and the requisite five signatures of registered Hope voters for each affidavit were collected and certified by the Town Clerk. As a result, signature collection sheets were issued within the five day period required by Ordinance.

Between December 16<sup>th</sup> and December 18, 2020, completed signature sheets for the recalls of both Bruce Haffner and Elinor Goldberg were returned to the Town Clerk, well within the 30 calendar day timeframe required.

In conformity with the aforementioned Recall Ordinance, the Petition must contain the signatures of not less than 10 (10%) percent of the voters of the municipality voting in the next gubernatorial election, in this case requiring 98 certified signatures.

The number of signatures required was exceeded and all signatures were certified by the Town Clerk.”

- Bruce Haffner, Select Board Member: See the above statement from Town Clerk.
  - Elinor Goldberg, Budget Committee Member: See the above statement from Town Clerk.
- Discussion Next Steps & Process for Special Election: Sarah said that the Select Board is no obligated to hold an election within the next 30-60 days. A possible date of February 16, 2021 was suggested. Sarah also mentioned that if there is going to be a special election that other things could also be included on the ballots such as funding for a separate CEO/LPI and possibly the Ordinance amendment discussed earlier.

Thom mention that Feb. 16<sup>th</sup> is within four months of the next election in June.

Brian wants to wait on changing the CEO/LPI until it can be properly vetted through the budget committee process. He said that it could be a contentious issue since we are going to be asking people to spend more money. He went on to say that the average lay person may not follow Town politics and could feel like it is getting slid in without much discussion.

Brian also said that this whole thing changes Sam’s job schedule as well, we need to decide if her pay is going to change as well. We need to look at the entirety of the Town Office as a whole. To change one thing will automatically change other things. What will

the transition look like? When will it happen?

Sarah disagreed stating that there isn't any need to wait since we know we're going to end up with a different CEO/LPI anyway. We would only ask the voters to approve funding through June 30<sup>th</sup> and then the new budget year would be presented to the Budget Committee.

The Select Board did not set a date for the Special Election. It will be on the agenda for the next meeting. Brian made a motion to accept the Certified recall Petitions. It was seconded by Thom. *(Full discussion can be seen at [https://townhallstreams.com/towns/hope\\_me](https://townhallstreams.com/towns/hope_me))*

**Motion passed 4-0-1 (Bruce)**

**Old Business:**

- None

**Other Business:**

- Bruce made a motion to close the Town Office at 4:30 pm on Thursday, December 31, 2020 in observance of New Year's. It was seconded by Amy.

**Motion passed 5-0**

**Warrants #'s 47, 48 49, & 50:**

- The Selectmen reviewed the warrants. Brian made a motion to approve warrant #'s 47, 48, 49, and 50. It was seconded by Bruce.

Brian noticed that the propane at the Town Office had been filled two weeks in a row and it appeared to be using a lot more than expected. He wanted to know if the calculations that were made were correct. He asked Thom to ask Hope Solar what the production rate has been.

**Motion passed 4-0-1 (Thom)**

**Adjournment:**

- Brian made a motion to adjourn at 8:36 pm. It was seconded by Thom. Sarah concluded the meeting by wishing everyone a happy, healthy, peaceful & love filled Christmas and New Year.

**Motion passed 5-0**

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