

## MINUTES OF SELECT BOARD MEETING

### Hope Select Board

Tuesday, December 8, 2020

6:30 PM

### Hope Town Office/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, Clarence Keller, John Monroe, Paul Smith, Dick Crabtree, Ellie Goldberg, Amy Powers, Chris Sewall, Bill Jones, Nancy Ford, Kate Bracher, Jessica Snyder, Mike Ames, James Kimmett, Elizabeth Dickerson, Molly Luce, and Sandie

#### Call to Order:

- The meeting was called to order at 6:30 PM by Sarah.

#### Agenda Adjustments/Approval:

- Brian made a motion to approve the agenda without any adjustments. It was seconded by Amy.  
**Motion passed 5-0**

#### Public Comment:

- None

#### Minutes:

- 11/24/20: Brian made a motion to approve the November 24, 2020 minutes. It was seconded by Bruce.  
**Motion passed 5-0**
- 11/25/20: Thom made a motion to approve the November 25, 2020 minutes. It was seconded by Amy.  
**Motion passed 4-0-1 (Bruce)**
- 12/1/20: Amy made a motion to approve the December 1, 2020 minutes. It was seconded by Thom.  
**Motion passed 3-0-2 (Bruce & Brian)**
- 12/7/20: Thom made a motion to approve the December 7, 2020 minutes. It was seconded by Amy.  
**Motion passed 4-0-1 (Bruce)**

#### Town Administrator Report:

- Eight resumes for the Clerk position and seven for the Bookkeeper position. The

submission deadline is Dec. 18<sup>th</sup> and I hope to begin scheduling interviews shortly after.

- Three requests for quotes/estimates for the repair work of the window, post, and electrical outlets have been sent out. So far, only one has responded. They will need to come to the Town Office to look at the jobs before providing any numbers on costs.
- There also appear to be some new leaks in the roof as there are new places in the ceiling that have been water stained. I will call and see if I can get someone out to replace the shingles that have blown off.
- There will be an EMS Performance Review Committee meeting to hear updates from North Mobile Health. This is different than the meetings that have been taking place with Mr. McGinnis. The meeting will be held via Zoom.
- There will be a Public Hearing to discuss the 2021 County Budget on December 10<sup>th</sup> at 6:00 p.m. via Zoom.
- Speaking of Zoom, with the increase of Covid-19 cases and deaths, would it be appropriate to halt in person meetings until this part of the pandemic subsides? HES was closed today (only) due to Covid-19. The Select Board agreed to suspend all in-person meetings until further notice. All meetings will be conducted via Zoom.
- I spoke with the Road Commissioner and he said that there were no substantive complaints regarding the snowplowing.
- In the past, the Town Office has closed at noon on Christmas Eve. This year, Christmas Eve falls on a Thursday. David has already asked for the day off as he will be traveling. What are your thoughts on being closed on Christmas Eve? Bruce made a motion to close the Town Office for both December 24<sup>th</sup> and 25<sup>th</sup>. It was seconded by Amy.

**Motion passed 5-0**

Sarah also added that the Select Board should review the Town Office hours of operation in the near future and make possible adjustments.

- I will be out of the office tomorrow but will be back on Thursday.
- 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.
- There are 24 outstanding 2020 RE accounts totaling \$45,439.17 with liens that will to automatic foreclosure on February 10, 2022 if accounts remain unpaid.
- There are 1015 RE accounts for 2021, totaling \$1,595,810.08. The second half of taxes are due on April 30, 2021.

**New Business:**

- Select Board Statement Regarding Personnel Matter #1: Sarah briefly explained what Executive Sessions are and how they are conducted. In addition, she reminded everyone that all information in an Executive Session is confidential and may not be shared outside of the confines of Executive Session.

- Statement: Sarah read the Official Select Board Statement regarding Bruce Haffner, Select Board Member. The statement is as follows:

“Statement regarding Mr. Bruce Haffner, Select Board Member  
Approved by Sarah Ann Smith, Brian Powers, Jr., Thom Ingraham and Amy Gertner  
Mr. Haffner’s comments earlier this year regarding the Town Administrator, whom he supervises as one of the five SB members and whom he threatened, were completely inappropriate. Additionally, his public comments regarding her job performance should have been expressed in a confidential review process *only* but were not. Mr. Haffner has been asked to write a letter of apology to Ms. Mank expressing his regret for his words and actions and acknowledging that he was wrong in doing what he did. To date, he has not done so. He has also been asked to cease making any comments about any employee’s job performance in public.

Ms. Mank requests that Mr. Haffner only meet with her in the presence of another person or in public settings. She has also asked that he limit communication with her to email only. Mr. Haffner is aware of these requests.

Further, the Select Board wishes to express to Town Administrator Samantha Mank, town employees, citizens of Hope, and the general public that such conduct is completely unacceptable and will not be tolerated. The Select Board expects anyone affiliated with the Town of Hope to behave professionally, in accordance with the law, and work to serve the townspeople of Hope with courtesy and respect.

December 8, 2020”

- Response: Bruce stated that this was the first he had seen this document and would make a statement at the next Select Board meeting.
- Select Board Statement Regarding Personnel Matter #2:
  - Statement: Sarah read the Official Select Board Statement regarding Samantha Mank, Town Administrator. The statement is as follows:

“Statement from the Town of Hope Select Board

**SUMMARY**

The Select Board has reviewed a confidential personnel report assigned to address an inquiry into allegations regarding the Town Administrator, related issues regarding running of the Town office, and the conduct of a Select Board Member regarding this personnel matter. Importantly, Select Board Members have been directly involved and aware of substantial information based on personal knowledge and observations made during the spring and summer, which was the period which gave rise to many of the allegations of misconduct. The Select Board has also read the many emails and correspondence that in-part formed the basis of the allegations and listened to the comments from several public meetings. Additionally, the Town Administrator has presented her information in an executive session setting format, as is legally required in this personnel matter.

As such, the Select Board believes that it has had a full and fair opportunity to hear from all involved and issues this statement as a final resolution to the pending personnel issue. The Select Board has taken an integral forward-looking approach that proactively addresses systemic problems and policies which are larger than any one individual. There is work to be done, and the Select Board will diligently pursue it. This statement has been prepared by four Select Board members, as Bruce Haffner was recused from participating in this confidential personnel inquiry.

The Select Board review panel is satisfied, after consideration of a perfect storm of circumstances, that while mistakes were made by a several people, including the Town Administrator, there is not cause for disciplining the Town Administrator or any other employee. Select Board and Town Office staff are working on a list of items to clarify and set explicit goals to improve procedures.

The Town of Hope, including the Select Board Members and Town Staff, look forward to serving the citizens of Hope with the highest possible level of service in the coming months and years.

The Select Board review panel in this matter was comprised of Sarah Ann Smith, Brian Powers, Jr., Thom Ingraham, and Amy Gertner. Bruce Haffner was recused from participating in this matter.

#### **INDEPENDENT INQUIRY**

As the allegations and comments involved many employees, members of the public and Select Board members, it was clear that an experienced person with no connections to Hope or the issues would be required to investigate as the first step of a formal personnel matter inquiry.

The Town of Hope, at the suggestion of Town Attorney Bill Kelly, in mid-September hired Maria Fox of MittelAsen, a law firm in Portland, Maine, to conduct an inquiry into the allegations which centered around, but were not limited to, Town Administrator Samantha Mank and the related conduct of Select Board Member Bruce Haffner. Attorney Maria Fox is a partner at the law firm of MittelAsen, LLC in Portland, Maine. She has practiced employment law for over 20 years. Over the last 10 years, Maria has also provided neutral services including mediation, arbitration and independent investigation in employment matters. This made her an ideal neutral party to look into the complaints and issues that have faced the Town of Hope in 2020.

Ms. Fox was hired in early September and completed her report in late October. Because the report deals with a personnel matter, it is by state law a confidential document and cannot legally be released to the public. Ms. Fox, as an investigator, is essentially a witness and not a fact-finder, as her job involved interviewing witnesses and gathering relevant documents. As there will be no final written disciplinary action, that report must remain a confidential personnel record.

#### **SELECT BOARD PROCESS**

In a series of executive sessions, the Select Board began its review of the Fox report,

emails, correspondence and related Town records as soon as possible. Town Attorney Bill Kelly has been present at some of the Executive Sessions to advise the Select Board on correct legal procedures, as this is a technical and confidential process. As Mr. Kelly has explained to us, The Select Board members involved in reviewing the report and evaluating the employee(s) are the decision-makers regarding what actions are warranted and how to proceed. Mr. Kelly described the completion of the Fox report as the *beginning* of the inquiry process wherein Select Board members who are unbiased sit as judges to evaluate the facts, interview the Town Administrator, and then take such action as it deems appropriate, pursuant to a strict process that requires due process and an evaluation of just cause if there were to be disciplinary action. Just as in a court of law, when a Judge has a conflict of interest in a case, they must recuse themselves or be removed from the panel. For this reason, SB member Bruce Haffner recused himself from deliberations and is not allowed to participate in the matter.

The Select Board is not allowed to present the substance of the Fox report in whole or in part. However, as your elected officials, we feel that it is important to advise the community that the report was comprehensive and of significant aid to the Select Board. The report along with all comments received from the public in writing and in meetings and the interview of the Town Administrator have sufficiently informed the Select Board to proceed with this Statement and not impose disciplinary action.

#### **COSTS INCURRED**

The fees for the Fox report were \$13,255. So far, there have been additional costs for consultations (ongoing) with the Town Attorney and for necessary work by the town's digital services provider, Harbor Digital. The total to date is \$2944.25 plus the \$13,255 noted above. A \$15,000 rollover from last year's budget in the Professional Services cost center means that we have not currently exceeded the Town Professional Services Budget for the current fiscal year which ends June 30, 2021. Continued FOAA requests, including from the local press, and need for Town Attorney guidance may change that bottom-line cost.

#### **SOME RELEVANT OBSERVATIONS**

As a result of the inquiry, the Select Board is convinced that there were elements of disorganization due to inexperience and a confluence of circumstances; some errors were made. However, there was no evidence of fraud or attempts to subvert the electoral process.

It is important to recall the context including multiple complicating factors. These included but are not limited to a multi-day hospitalization for the Town Administrator in June and tragedy in late June that affected both the Town Clerk and the Town Administrator that involved the deaths of family and/or friends. There were also COVID restrictions as well as late and incomplete guidance from Augusta on the conduct of the elections. Very shortly before the election, the unexpected and extended absence of the Town Clerk just before the election led to staffing shortages. There ensued confusion

from running an election with two town employees neither of whom had experience or had been able to receive training on this important function.

Even though some people were aware as soon as two days after the election that there was an issue with the totals tallied on the Town Referendum, no one raised this fact until more than 30 days later. At that point, nothing could be done legally. If the Town had been aware within the 5-day limit set by state law, we could have taken immediate corrective action. Once 30 days pass, the results of an election are considered final. No further action can change the results according to state law.

Much has been said about the election. Due to COVID, there was no in-person Town Meeting as is customary. The Select Board instead offered an informational meeting via Zoom (internet streaming service for meetings) on the Town Referendum on July 2<sup>nd</sup> that had very few attendees. Accordingly, the Select Board opted to do a mailing and have a second session on July 9<sup>th</sup> so that the citizens of Hope would be informed about the items on the town referendum. Of course, that means the July 4<sup>th</sup> holiday weekend was in between, with post offices closed. Mailing of postcards was complicated by a variety of factors, including significant limitations of the US mail system at that time. These mistakes were collective and not the result of any intentional act of any one employee.

Additionally, it is clear from the public record that allegations of impropriety including violation of separation of powers, dishonest conduct, the handling of the Town Report, speaking with a member of the public, were made; in every instance we see no evidence of intentional wrongdoing. In a few of the many issues raised, there may be best practices that can and will be implemented to reduce future misunderstandings. These will be addressed at the end of this statement with the plans the Select Board and Town Administrator have for the future.

## **RECOMMENDATIONS MOVING FORWARD**

The Select Board has identified a number of actions for the future. The Town Select Board and Office Staff have agreed and have already begun working on a wide-ranging set of recommendations. The Board and Staff are committed to providing the highest level of service to the citizens of Hope.

### **1. Town Administrator**

The events of this year have been a set of painful circumstances for both the Town Administrator and the Town. This has been an extremely difficult year for Ms. Mank. Several have described it as a “perfect storm,” of medical issues, staff absences, deaths of family/close friends just before the election, and the stresses and difficulties of the COVID-19 pandemic.

That said, the Select Board is looking prospectively and has begun this process which will involve ongoing communication, specific goals and scheduled evaluations, with the participation of the Town Administrator.

## **2. Code Enforcement Officer duties**

The Select Board learned even before Maria Fox was hired that Hope is the only town remaining in all of Maine to combine the Town Administrator and CEO positions. Clearly, there is a reason why. The Town of Hope has combined these roles for at least the past decade, since the first Town Administrator was hired. Separating the CEO role into a part-time, as-needed position additionally benefits the Town since the tasks currently assigned to the Town Administrator take more than a 40-hour week on a routine basis. By adding a part-time CEO, the Town Administrator will then have adequate time to focus on managing the Town Office, serving the public, and working on workflow improvements.

## **3. Town Administrator's Contract**

The Select Board and Town Administrator are working on a formal contract for the position and a list of specific goals for the coming year.

## **4. Management Training and Oversight**

The Select Board has consistently encouraged and supported training and oversight and will continue to do so. Just this past June, the SB conducted a review of SB roles with Town Attorney Bill Kelly. In most years, the Town Administrator attends a four-day Managers' Institute each year. For 2020, with two brand new employees early in the year, Ms. Mank opted out of that training to stay in the office with the two new employees. When COVID-19 hit in March, the Maine Municipal Association and state essentially discontinued almost all training for what turned out to be the remainder of the year. The SB continues to support ongoing education and training for its employees.

## **5. Cross Training and Increased Oversight of Staff**

The SB has been reviewing the entire structure of the Town Office and staffing since late 2019. This has been somewhat sidelined due to COVID-19 restrictions and the turmoil associated with the allegations and complaints that surfaced this past summer. The SB is now looking at the bigger picture for the Town Office.

Cross training has always been essential in an office as small as Hope's with one Town Administrator and two part-time employees. Those three persons must learn and then do what takes a dozen or more individuals in larger towns, and the scope of work and requisite knowledge is daunting to say the least. The SB is considering a number of options including but not limited to:

- adding a part-time, as-needed Code Enforcement Officer / Plumbing Inspector
- reallocating duties between the current two staff positions, the Clerk and the Bookkeeper
- increasing the weekly hours for the clerk
- adding a deputy clerk to provide greater redundancy / overlap

Some of these can be implemented sooner, others will require town approval and funding at the next Town Meeting or election.

One of the difficulties in recruiting employees to work in such a small office is that it is

well known in municipal circles that it is extremely difficult for employees to take time off, for either annual or medical leave or personal days, given the lack of “coverage” when they are out. By adding a third part-time employee, the Town would be able to offer better service, better working conditions for the employees, and adapt to circumstances as needed.

The SB will be presenting its recommendations during the upcoming Budget Cycle and will ask the Town to support any recommendations at the next Annual Town Meeting or election.

#### **6. Communication with Community**

The Select Board had begun assessing and implementing improved communication strategies in mid-July due to COVID restrictions and especially in the wake of the postcard mailing which proved snail mail ineffective in reaching town voters. Thanks to the approval of the voters in November, a budget item for a Zoom online meeting subscription and service from TownHallStreams.com passed. Zoom permits not just the Select Board but other town boards and official meetings to be conducted via Zoom, including eventually implementing a way for the School Board meetings to be “Zoomed” and live streamed since the school budget, which comprises about 75 percent of the annual town budget, is of great importance to many in the Town.

Citizens are encouraged to sign up at [hopemaine.org](http://hopemaine.org), the town website, for e-alerts. Look in the top right corner of the page. The e-alerts are separated various categories so citizens can receive as much or as little information as they choose: All e-alerts, Select Board agendas, News and Announcements, Planning Board Agendas, and Budget Committee Agendas.

#### **7. Complaint and FOAA Processes**

The Town has a logbook for FOAA requests. However, staff changes and lack of training from the MMA (Maine Municipal Association) and Augusta due to COVID restrictions, meant that logging and responses were not handled as well as they might have been between early February and early November. The Town Administrator and SB are working together to establish processes, including creating a digital file for all FOAA requests and all Complaints, to make it easier to find these requests and make sure they are tracked and answered appropriately.

#### **8. Policy Revision**

The Select Board has reviewed all public comments, and also recommends the following proactive actions be implemented:

- A. Adopt a whistleblower policy that tracks the WPA [Whistleblowers’ Protection Act] and encourages employees to report matters they believe are unlawful or negatively impact health or safety and lets them know they are protected from retaliation for making such reports. The policy should include an explanation of the process for reporting retaliation concerns and how they will be reviewed.



- B. Update the wage and hour policy to include the expectation that all hours will be accurately reported by the employee on the timecard.
- C. Add a policy prohibiting the removal of Town property from the Town office or include it as an example of unacceptable behavior in Section 5:05 (Rules of Conduct).
- D. Add a policy that no Town employee may serve on a Town Board or Committees except with prior review and approval by the SB.
- E. Improve Section 3:08 (Policy on Harassment) by including not only “illegal harassment from a co-worker(s) or a supervisor,” but also any employee, SB member, Town official, vendor, resident, or other third party. The SB should consider including the Vice Chair as the person to whom a report may be made if the matter involves the SB Chair.

Over the coming months the Town Administrator and the Select Board will be working to update and adopt all of these policies.

Prior to the Hope Solar effort, the Town Administrator had been regularly reviewing all of the Town Policies and Ordinances to see if they needed to be updated. Over the past eighteen months, the town office has been very busy with important and time-consuming work that is outside the usual tasks. This work interrupted that process. As soon as the busyness of daily work allows and the Town has a full, trained and functioning office staff, we plan to return to that review as well.

### **CONCLUSION**

The Select Board has made significant effort to fully investigate and process all information with the help of outside experts in investigation and legal process. We are confident that our conclusions as described herein are fair and in the best interests of the Town and employees. The Select Board takes this opportunity to thank the residents of Hope for their patience. We also thank the citizens of Hope for placing their trust and confidence in the Select Board and in this document.

DATED: DECEMBER 8, 2020”

- o Response: The Town Administrator read the following statement in response:  
 “I want to thank the Select Board for the enormous amount of time and due diligence that each of you spent in making sure the inquiry was thorough and complete. This process seemed like it took a long time. I am confident that the process remained neutral and fair.

Hope is a wonderful town and I’m now starting my fifth year here. Many Administrator’s or Manager’s would look at Hope as a stepping-stone to moving on to a bigger town or city and a whole lot more money. When I interviewed for this job, I was very clear that I was not in search of greener pastures or bigger towns. I saw a Hope as a place where I could commit and strive to being the best small town Administrator in State of Maine.

As the main subject of the inquiry, I will admit it has at times been difficult because we are all bound by certain laws to remain silent on particular issues. I am of course pleased although not at all surprised at the outcome and I look forward to continuing to serve all residents of Hope.”

### **Individual Select Board Statements:**

- Sarah Ann Smith: Sarah asked Brian to assume the duties of the Chair position while she read her statement. “The results of the inquiry are as I hoped and expected. I look forward to working with the Select Board and Town Administrator Samantha Mank to take Hope into a bright future. Hope is fortunate to have an intelligent, hard-working employee like Samantha. Many municipal employees look at small towns as stepping stones: places to gain experience before moving on to larger towns and cities with a chance for promotions and upward mobility. Sam has told me many times, she wants to stay in Hope, to spend the rest of her career serving the town and be the Best Small Town Administrator in Maine. I for one am grateful to have her here and believe Hope will be well served with her to lead the town office in the coming years. I hope the rest of Hope realizes how lucky we are to have her. Leaving that aside for the moment, today I must speak up and speak out.

Words matter. So do people’s actions. It’s time to face some difficult truths and information. It is time to speak out honestly, no matter how difficult it is to speak these words or for others to hear them.

For months I have had to be silent despite what I have known. Since August 11 when Mr. Willauer started this mess, we have had to remain silent and allow the inquiry process to take its course. Mr. Willauer has made defamatory statements laden with half-truths and innuendo, but any information that I or others have had to rebut his claims went unspoken to protect the integrity and impartiality of the inquiry process. It is now time for the public to hear information beyond what is in the Select Board and Town Administrator’s statements.

As a bit of background, in the professional world in which I worked as a US Foreign Service Officer in the 1980s and 90s, our jobs were to serve the United States of America, the public, the citizens of the United States, and to support our superiors and colleagues as loyal public servants. Events, behavior and accusations like those that have plagued the Town of Hope since August of this year would never have occurred. The caliber of people with whom I worked was very high, and I was honored to be among them. When I was in the Foreign Service, about 15,000 people took the written entrance exam each year, the first step in the process to being hired. Of those, roughly 1500 passed the exam and were offered a day-long “interview” / oral examination process. Of those 1500, maybe 200-300 passed the exam and underwent physical and background checks before being placed on a roster for hiring. Approximately 100-150 were hired each year. It was a severe winnowing process, so the nation ended up with the best and brightest. I offer this to show that the environment where I worked was filled with people who knew what professional behavior should be.

This entire debacle, precipitated by Langley Willauer’s behavior before and after his dismissal as a probationary employee, was entirely unnecessary. The unholy expense to each and every taxpayer in Hope was unnecessary if he had behaved like a responsible employee.

Instead, Langley Willauer chose to jump to erroneous conclusions, issue inflammatory statements, and attempt to undermine his supervisor, the Town Office and the Select Board. He chose to attack, malign, and otherwise attempt to cast doubt about Samantha's integrity and work. But there was absolutely no reason to take the antagonistic and destructive approach that he did.

In the Foreign Service, if we noticed our boss hadn't done something, we didn't attempt to trap them in a mistake, undermine them and fling accusations unsupported by evidence or understanding the complete facts. Instead, we would say to a boss or colleague: "I notice you haven't completed XYZ, which is due. What can I do to help you?" It's that easy.

If Mr. Willauer had approached things with civility, support and courtesy, each and every one of his areas of concern could have been addressed and answered easily without drama or expense to the taxpayers of Hope. Instead he chose hostility and antagonism, with behavior that looks like petty vindictiveness.

I will ask, would anyone want to work with a colleague who behaves as Mr. Willauer has done? Would you want to supervise someone who behaves in such a way? I certainly would not.

Mr. Willauer has said that he was doing things for the benefit of the Town. I have to question that assertion: he apparently realized there was something amiss with the tallying of the Town Referendum within 48-72 hours of the election. Yet he did not come forward or contact anyone: not his supervisor, not anyone on the Select Board, not the Town Attorney, to raise his concerns at the time when something could be done. Instead he waited and acted only after he was dismissed legally during his probationary period.

I expect that every one of you listening, if aware of a potential error and with concern for the integrity of the election, would immediately bring it to the attention of the appropriate people. Mr. Willauer is not a naïve 22-year-old in his first job without experience in the working world. Over my 3 ½ years on the Select Board, he has shown that he is more than willing to speak up and argue in Select Board meetings, sometimes crossing over the line of civility. He is not a shrinking violet. His actions in declining to raise his concerns about the election in a timely manner speak louder than his words, and what his actions say about him isn't good. One can only conclude that the integrity of the election was not his main concern, but that undermining the Town Administrator was.

Shortly after his dismissal, Mr. Willauer contacted me at home leaving a message about an email he had sent (to which I did not respond as it wouldn't have been appropriate). His voicemail message said: "Hello, this is Langley at 763-xxxx. I am checking in with Sarah. You may or may not be wanting to [talk]. This is much better than writing because we can actually talk." Thankfully I was out, and his message went to my answering machine. I declined to return his call, but I did record the audio (in case it got deleted accidentally from the answering machine) and have that recording. Why was he unwilling to put something in writing? Again, in my business experience, you WANT to document things in writing. If you have nothing to hide, you can write it down.

Mr. Willauer submitted a FOAA request for my personal tax records (property tax), but only mine. The FOAA is the Freedom of Access Act, known in Maine as the Right-to-Know law. It is

the Maine equivalent of the federal Freedom of Information Act (FOIA). Why? His FOAA request was legal as tax records are in the public domain, but it smacks of petty harassment and attempted intimidation.

Later, the week our Town Clerk resigned abruptly, no one was at the Town Office at 7:30 am to open the door. At 7:34 a.m. he called me at my home to demand an answer as to why no one was there. The Town Administrator arrived moments thereafter, many hours before her usual arrival time on that day to open up the office in the absence of any staff. (By the way, she has worked untold hours of extra overtime in the past months to keep the Town Office going.) This campaign of constant aggravation pales in comparison to how he treated the Town Clerk as detailed in her letter of resignations published by Village Soup, but it is yet another indication of what I consider to be his unsuitability to public service and is yet another example of his efforts to bully and intimidate.

Mr. Willauer's arrogance and presumptuousness have cost the taxpayers of this town over \$15,000 so far in legal and other related expenses, expenses that would have been entirely unnecessary had he behaved in a professional and reasonable manner. As a taxpayer, I wish there were a way we could bill Mr. Willauer for the time, trouble and expense he has caused this Town. Every single one of us is paying, literally, for Mr. Willauer's actions.

Some time ago I became aware of several emails that were sent to a town email address during the regular course of town business. Given their content, these e-mails were undoubtedly intended to be private, but they are a part of the public record because they were sent to a town address. The Manual for Public Meetings and Public Records.pdf, page 12 of 26 or p. 110 (on the MMA website) says:

*In short, almost any document is a public record, including any drafts, memos, notes, files, correspondence, photographs, videos, recordings, e-mail communications and/or computer data. It does not matter whether that material is in rough draft or final form, or whether that material has been prepared by a municipal official or received from another source. Likewise, the importance or insignificance of the information is irrelevant. It does not matter why the person wants to see or copy the record.*

Personnel documents are the notable exception as they are confidential.

The FOAA is the Freedom of Access Act, known in Maine as the Right-to-Know law. It is the Maine equivalent of the federal Freedom of Information Act (FOIA). I made a FOAA request in November for four emails which I am now requesting be entered into the record in their entirety. For the sake of brevity in a long meeting, I will read only the one in its entirety, and excerpts from the others. However, the full text of all the emails will be available in the meeting minutes once those minutes are approved at the next Select Board meeting.

### **Email # 1:**

**From:** [Elinor Goldberg](#)  
**To:** [Bruce Haffner](#)  
**Cc:** [Town of Hope Finance Dept](#)  
**Subject:** Re: A note from Langley  
**Date:** Saturday, August 8, 2020 9:01:01 AM

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I already had...illegal electoral activity for sure but I don't really think it skewed the roads vote...but definitely illegal...

So, here is the deal, we can make a huge mess of it by not keeping our powder dry and collecting all the dumb things Sam has done and getting 'witnesses' to those dumb things, creating affidavits with specific witnesses and proceeding to get rid of Sam in an orderly fashion that cannot be disputed...

Or we can make a lot of noise and have Sarah and Brian push it under the rug as they did your work on roads...there is a new majority but they will potentially still prevail if the ducks are not in order...

That does not get Langley back to work, but is a step in the right direction...

Because Langley already sent a letter outlining very serious incidents committed by Samantha, they may take that to mean he has already taken all the shots he can...we have a good chance to compile a litany of infractions and lies that would be hard to dispute...

I am waiting to call Langley to see how he wants to proceed, but will be recommending a conversation about a longer term strategy...and intending to go to the select board meeting on Tues to ask : what happened and what is the plan to address the needs of the town...

Anyone with a bit of time Monday morning to chat?

hopes for a healing day, Ellie

On Aug 7, 2020, at 8:09 PM, Bruce Haffner <[brucehaffner@gmail.com](mailto:brucehaffner@gmail.com)> wrote:

Check last line of July 16 letter!

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

From: Langley Willauer <[hopesheart@gmail.com](mailto:hopesheart@gmail.com)>

Date: Fri, Aug 7, 2020 at 2:11 PM

Subject: A note from Langley

To: Sarah Ann Smith <[sarah@sarahannsmith.com](mailto:sarah@sarahannsmith.com)>, Brian Powers EXT <[batman785@hotmail.com](mailto:batman785@hotmail.com)>, Bruce Haffner <[brucehaffner@gmail.com](mailto:brucehaffner@gmail.com)>, Thomas Ingraham <[thomas.ingraham@gmail.com](mailto:thomas.ingraham@gmail.com)>, Amy Gertner <[amy.gertner@gmail.com](mailto:amy.gertner@gmail.com)>

Hello Board,

You may or may not know that I was terminated this morning, no reason given. Sarah was there.

I offer this without prejudice as I am in the process of retaining council.

However, I wrote the attached letter on July 16 for my files. There is evidence in the warrants to back up my statement. A scan of my postcard is attached.

I offer this as a citizen of Hope.

Sincerely,

Langley

--

Langley Willauer  
Hope, Maine  
207.763.3998  
cell/text 207.530.7229

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**Bruce Haffner**

Home: 207-763-4797 Cell/Text: 207-200-1774

Hard Work Always Pays Off!!

<Confidential.pdf><postcard.jpg>

Ellie Goldberg

[egold303@gmail.com](mailto:egold303@gmail.com)

361 Hatchet Mountain Road

Hope, ME 04847

207 215 5911 cell

**Email # 2:**

**From:** [Elinor Goldberg](#)  
**To:** [Betty Ingraham](#); [Bruce Haffner](#)  
**Subject:** trying to hold my fire  
**Date:** Saturday, August 8, 2020 1:12:18 PM

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Just couldn't stop as Sarah is trying to drive me crazy so I reacted...forgive me for doing exactly what I am trying to not do...She is really way over her head as one should expect if they think Sam is someone to believe...

have a lovely day and I will keep out of anything more...for now

Ellie Goldberg

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**Email # 3:**

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**To:** [Betty Ingraham](#); [Bruce Haffner](#)  
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Ellie Goldberg  
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361 Hatchet Mountain Road  
Hope, ME 04847  
207 215 5911 cell

**Email # 4:**

**From:** [Elinor Goldberg](#)  
**To:** [Town of Hope Finance Dept](#)  
**Subject:** the rest about atty:  
**Date:** Monday, August 10, 2020 10:03:14 AM

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if you decide to do the atty route, make sure to keep it focused so you won't pay at atty rates for a lot of questions...and that goes for the paralegal as well...they get paid by the hour so probably don't really need to pay someone to come from Augusta for the select board since Sam has acted legally...

After a long discussion to calm questions from attendees at the board meeting, I will ask about UI and how the town can show gratitude for your amazing work...and you may even be called on to help the next person learn the intricacies...not really will you do that, but OK to say for now...it will follow our asking if your work was done effectively etc....

work on some questions you might ask calmly and others you would like asked and answered by me...or Betty...

love to you, e

Ellie Goldberg  
361 Hatchet Mountain Road  
Hope, ME 04847  
207 215 5911 C  
[egold303@gmail.com](mailto:egold303@gmail.com)

One can conclude that Ellie Goldberg is clearly working in concert with, at a minimum, Langley Willauer and Bruce Haffner, to undermine and attempt to oust the Town Administrator. Why they would want to do such a thing is known only to them. There may well be others involved.

Such behavior is utterly and completely unacceptable in any circumstance, let alone three individuals who are associated with the Town as either elected officials or an appointed member of a Town committee.

*Let me emphasize that: An elected member of the Select Board, an elected member of the Budget Committee, and an appointed member and Chair of the Planning Board.*

*What a disgrace! This is despicable!*

The following requests are, I believe, in the best interests of both the Town of Hope and the individuals mentioned.

The Select Board's statement discussed the unacceptable behavior and language of Select Board Member Bruce Haffner. He inappropriately discussed personnel issues in public and threatened an employee for whom he is one of her five supervisors.

Additionally, he has attempted to undermine the decisions of the Select Board concerning awarding the snowplow contract; his words and behavior in that instance could even expose the town to legal action against it if the contractor were so inclined. He has demonstrated repeatedly that he is unwilling to cooperate and work with the will of the majority of the Select Board when he disagrees with the majority decision. I condemn his behavior, language, and comporment.

Mr. Haffner should resign his position, as a member of the Select Board effective immediately and in writing. He has previously declined to resign. Prior to this past election, there would have been no recourse to such a refusal other than to wait for his term to expire. As of November 4, the Town now has an ordinance allowing for the recall of elected officials. It would be inappropriate for me, since I am Chair of the Select Board, to initiate a recall petition. However, if any citizen of the Town feels strongly, they at least now have an avenue for requesting a recall.

Ellie Goldberg is also an elected official in the Town of Hope as a member of the Budget Committee. Conspiring to undermine the Town Administrator, The Town Office, and by association the Select Board, is heinous. Back room machinations to malign someone, to attempt to smear their reputation based on a motley assortment of incomplete facts and half-truths is unworthy of the Town of Hope. I call for Ms. Goldberg to resign her position on the Budget Committee effective immediately, in writing. Again, it would be inappropriate for me, since I am Chair of the Select Board, to initiate a recall petition. However, if any citizen of the Town feels strongly, once again they at least now have an avenue for requesting a recall.

One of the recommendations in the Select Board report is to prohibit any town employee from serving on a town committee. Mr. Willauer and Ms. Mank agreed at the start of his employment that he could continue his nearly four years of service on the Planning Board, currently as Chair. However, that situation complicated the employment situation. Further, because of the difficulties during his employment and his dismissal during his probationary period, the situation has become untenable. His treatment of the Town Administrator and efforts to damage her reputation are such that he should resign effective immediately, in writing. If he refuses to do so, I call on the Select Board to



review his appointment to the Planning Board and rescind its approval, thereby removing him from the Planning Board.

A handful of people have caused all this truly unnecessary turmoil and expense. What a shame for all of the rest of us. Let us leave this unpleasant chapter behind. Let's live up to the name of our town, Hope, and return to being the good place that it can be.

I ask that this statement and the attached emails obtained under FOAA be entered into the record.

Thank you."

Brian passed control of the meeting back to Sarah.

- Thomas Ingraham: "Two nights ago, one of my sons, a doctor in California, called. We had, as we always do, a good talk. When he was answering my question about how things are going in the 15-story hospital he works in, the tenor of our conversation changed. He had worked all day admitting patients: 80% of them were suffering with Covid-19 and had to go directly to the ICU. He is the most even-keeled, and analytical person I know and yet his growing concern about this second surge was clear when I listened to him speak.

This morning I received a phone call and an email from Hope Elementary School. My grandson, who lives with my wife and I, is in the 6<sup>th</sup> grade at HES. The school had cancelled classes because someone in the community had tested positive and the staff had to determine who else might have been exposed. That HES made it this far before having to interrupt school is a testament to the staff, students and school families.

And yet, here we are. Anyone who reads the news understands where things seem to be heading and we have 290,000 American already gone.

Back in the Spring when the virus first hit and medical people and the State government were trying to determine the safest way forward, this Board voted to have Hope residents vote by ballot rather than in a traditional Town Meeting. The Board's decision was not unanimous and was done with great reluctance. And though this decision, and other effects of the pandemic continues to complicate our decisions and practices, I would, without hesitation, make the same decision again.

We are living or attempting to live. Through historically difficult and unprecedented times. For example, Hope citizens attending this meeting are not physically here but present through Zooming. You think communications can be difficult? Well add in a good pandemic to the mix and it makes it even more so. You think training and retraining and retaining good staff is difficult? Well add a pandemic and that makes it harder. Running an election added to substantial medical issues, family tragedy, and an untrained, ill-prepared election clerk, and as we now see, things don't automatically go well.

I do not offer any of this as an excuse. Other Towns did not experience the same range of problems that Hope has and yet to discount the pandemic effects on all of this would be naïve and an exercise in selective memory.

And so once again, here we are. I'm personally committed to improving communications. I want to help revamp relevant policies and set goals that help draw us out of this quagmire that we've been so stuck in.

I believe that it is definitely time that the people of Hope consider drafting and adopting a Charter, that would help us provide structure and guidance for citizens and Select Board members in the future.

This is not a moment of celebration or really even of vindication. It is instead a complicated moment wrapped in an increasing crisis that will continue to challenge each of us – each and every one of us. We must work honestly and with clarity; we must recommit to working with each other patiently and respectfully and do well to remember in looking back, how fortunate we all are to be in Hope.”

- Brian Powers Jr.: Brian read an excerpt from the June 25, 2019 Select Board meeting minutes: “Brian began the new business portion of the meeting by explaining the basic idea of how Selectmen meetings are conducted:
  - Attendance is key. If you must be absent be sure to let someone know.
  - Everyone on the Board of Selectmen is equal.
  - Everyone’s thoughts and opinions are welcome.
  - Everyone is to be respectful regardless of personal thoughts and opinions.
  - Meetings are always open to the public unless in executive session. Hope residents should always be given an opportunity to speak.
  - All meeting or thoughts are open. There is no “good ‘ole boy” system, there are no back room deals.
  - All emails are public.
  - If you think there is a potential for a conflict of interest or the appearance of a conflict of interest, recommend recusing yourself from that particular vote.
  - As the Chair, Brian said he does not make motions because he does not want to guide the meeting since he is the moderator.
  - When making a motion, please do so in the affirmative or positive.
  - Sarah added that any time 3 or more Selectmen are together it is considered a public meeting, so do not discuss Town business in that setting should it occur.”

Brian went on to say that looking back on this, if some of this had been heeded, we potentially wouldn't be in the predicament that we've been in for the past several months.

Brian read a prepared statement: “Integrity is, ‘the choice between what’s convenient and what’s right,’ as simply stated by Tony Dungy. Having integrity is being able to do what is right, be honest, be fair, and having strong moral character. This is a personal choice that every person

has, but some neglect to pay attention to the truthfulness of their actions and end up violating their moral code. But in addition to all of this, the quality of integrity is the having the ability to perform to ones best, under any circumstance. Someone with integrity is able and willing to live an authentic life to their best ability. This person is able to gain and acquire, while maintaining trust, and living and operating to their full potential. They are also accountable, consistent, and dependable.

Integrity is a quality that comes deeper from one's character than just their morals and ethics. It creates a wholeness of character that is necessary to reach full potential. Having personal integrity is a choice that allows people to become a more complete and better person.

Someone with integrity will be better suited to succeed in their lives, financially, socially, and in the sense that they will be able to live more happily. They will be more prepared to face the real world and the problems that come with adulthood in and outside of the workforce. They will be able to deal with these more effectively and become leaders because of their trustworthiness and reliability. They will also be able to create and sustain better relationships with friends, peers, and partners. These relationships will be stronger and will last longer if they are between individuals that have integrity.

Integrity is important because it is a characteristic that helps to create better people. And people with integrity help to create other people with integrity. Integrity is a trait that can be passed down through generations and generations. It is important for integrity to be taught at an early age so that the trait will start from the beginning and be more apt to potentially last an entire lifetime.

Integrity, although sometimes tempting to overlook and forget about, is a characteristic that is very important for anyone to have and will help create a better, happier life. It is important for people to keep their honesty, maintain trustworthiness and credibility and most importantly, live a long happy, healthy life."

Brian said that this was written five years ago by a then 15- year old and that it is his belief that if current and future public officials and employees of the Town of Hope do not adhere to what was written in this short paper, The Town will continue to have issues and problems like we've dealt with over the past several months. So, he is hoping going forward, integrity will be the driver and will be the most important thing that we all do on a daily basis for the Town of Hope to get us through whatever difficulties that may come down the road.

Brian concluded his statement time by commending Sarah on her performance as the Select Board Chair since July. He said he wanted to personally thank her for the huge amount of hours she has put in since becoming the Chair. He publicly thanked her for her willingness to try to get this whole debacle right. He went on to say that the moral compass she has inside of her is unprecedented. Finally, he commended her for all she has done and appreciates the hard work and personal sacrifice she has given up in her life to deal with these issues.

- Amy Gertner: “I didn’t prepare a statement. I appreciate everyone’s professionalism and level of eloquence; and I would echo Brian and hope to learn and grow as the newest member and serve the Town of Hope with integrity because I care so deeply about the Town. Thank you.”
- Bruce Haffner: “This is all new to me. I’ll have something in a couple of weeks.”

There was some additional discussion about how the processing of ballots during an election is conducted. It was noted that not all of the residents returned all of their ballots or they did not vote on each question which would cause a different number of votes on each ballot question and would vary the total number of votes cast for each different ballot. During the July 14<sup>th</sup> election, neither the Town Administrator nor the Bookkeeper/Deputy Clerk knew until after-the-fact to mark the envelopes of returned absentee ballots indicating any missing ballot contents at the time those were processed.

The Select Board will research the details of obtaining a court order to open the sealed July 14<sup>th</sup> ballot box and discuss this matter further during the December 22<sup>nd</sup> meeting.

**Public Comment** *(Regarding Select Board Statements. Please limit comments to 2-3 minutes):*

- Ellie Goldberg posed two questions in the chat: The first was regarding what the inquiry discovered about Langley’s involvement and responsibility in the July 14<sup>th</sup> election. Sarah explained that the Select Board could not answer that question because it was a personnel issue. The second was asking where the 150 missing ballots are. Sarah said that the Select Board would discuss this further at the Dec. 22<sup>nd</sup> meeting.
- Paul Smith spoke for approx. three minutes about how Town officials, Mr. Haffner, Mr. Willauer, and Ms. Goldberg had betrayed the implicit trust placed in them by virtue of their positions in Town government. He commended the work of the special investigator and the Select Board.
- Amy Powers stated that she was appalled. We have just learned that three town officials were working in the shadows to oust the Town Administrator, this is the definition of swampy behavior and not be tolerated or accepted here in Hope. She called for the resignations of Mr. Haffner, Ms. Goldberg, and Mr. Willauer.
- Bill Jones: There was a lot said tonight that he does not want to comment on. However, he did say that he would like the issue surrounding the July 14<sup>th</sup> ballots to become clear because it is at the least, very sloppy.

**Old Business:**

- None

**Other Business:**

- None

**Warrants #'s 44, 45, and 46:**

- The Selectmen reviewed the warrants. Brian made a motion to approve warrant #'s 44, 45, and 46. It was seconded by Amy.

**Motion passed 5-0**

**Adjournment:**

- Thom made a motion to adjourn at 8:25 PM. It was seconded by Amy. Sarah concluded the meeting by thanking the Select Board, Town Administrator, and the Citizens of Hope.

**Motion passed 5-0**

DRAFT