

MINUTES OF SELECT BOARD MEETING

Hope Select Board

Tuesday, March 9, 2021

6:30 PM

Via Zoom

View the meeting in its entirety at

https://townhallstreams.com/towns/hope_me

Board Members Present:

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

Others Present:

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

Call to Order:

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

Agenda Adjustments/Approval:

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

Public Comment:

- None

Minutes:

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

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

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

New Business:

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

Motion passed 3-1 (Brian)

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

Motion passed 4-0

Old Business:

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

Motion passed 4-0

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

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

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

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

At this point, six months past the election, my advice is to proceed with reliance on the election outcome. The information you may glean from tally sheets should be used as

guidance to ensure against errors in the future, but probably could not be used to change the results of the election.

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

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

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

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

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

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

For State and Federal elections, you are required to have training every two years. Unfortunately, this was not possible for the July election. Under the circumstances, I would say the election officials did quite well.”

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

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

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

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

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

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

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

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

Let's recap what has happened:

- The June 2020 votes in question cover the town budget for the current fiscal year, of which there are barely 3 ½ months left.
- We discovered some processing errors attributable to lack of training/knowledge, COVID requirements, and being understaffed, for which we have apologized and taken successful steps to correct as demonstrated by the November election. There was and is no evidence of fraud, malfeasance or intentional mishandling.
- The results on the election inquiry and other unfounded allegations were reported in the Select Board's extensive statement, which may be found in the minutes for the Select Board meeting of December 8, 2020, which found a few errors but no cause for discipline or dismissal.

- Finally, the election was by state law deemed final 30 days after the election. There is no purpose served by continuing to discuss the June 2020 election because the results cannot legally be changed.
- Any further action now will end at the same place: we made some mistakes, we have corrected them, and there are insufficient facts to determine everything that transpired.

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

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

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

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

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

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

Some members of the Select Board have been frustrated by this inability of this Board to work cooperatively for the good of the town and many townsfolk are as well. This constant assault on the time of the Staff and Select Board impedes the

ability of the office and the Board to serve the Town. There are many other things we need to take care of and should be taking care of.

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

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

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

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

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

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

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

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

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

Other Business:

- None

Town Administrator Report:

- There have been 3 Select Board meetings, a Planning Board Public Hearing and meeting, a PB Site Walk, and public notice event (opening the ballot box) since the last regularly scheduled Select Board meeting on Feb. 23rd. Most of the contents of the meetings have already been reported on in the Village Soup.
- Amy Gertner and Thom Ingraham have resigned from the Select Board as well as their other affiliate boards and committees.
- Nomination papers are now available for two different elections. The deadline to return nomination papers for both elections is Friday, April 9, 2021.
- The April 27th election is solely for the purpose of filling the vacancies created by the resignations of the Select Board members, Amy and Thom. So far, two people have taken out papers for this election. Dick Crabtree for the 2 year term and Wendy Pelletier for the 1 year term.

- The June 8th election is for the town business which is required to be voted by secret ballot. As of the close of business today, only William Matteson, has taken out papers for a seat on the Budget Committee.
- Today, marks one month since the appointments of the new Clerk and Bookkeeper. Both are doing well. There is a lot to learn and get acquainted with. Some online training is now being offered and I am getting them signed up for the ones that pertain to them for now.
- Work on the budget continues to get close to the finish line. However, with so much activity happening it has been difficult to set aside a block of time to finalize the books. In addition, it is time to start writing the articles for the Town Report. The hard deadline to have everything in for the Town Report is Wednesday, April 21, 2021.
- Dedication of the Town Report is also something that needs to be decided. Keeping it a surprise is likely to be very hard.
- There are 16 real estate 2020 accounts totaling \$34,784.47. Unpaid 2020 real estate taxes will automatically foreclose on February 10, 2022 if the accounts are not paid in full.
- There are 983 RE accounts for 2021, totaling \$1,480,665.39. 30 day lien notices will be mailed out for the first half of the 2021 taxes in July. The second half of taxes are due on April 30, 2021.

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

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

Adjournment:

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

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