

MINUTES OF SELECT BOARD MEETING

Hope Select Board

Tuesday, April 13, 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., and Bruce Haffner

Others Present:

- Samantha Mank, John Monroe, Molly Luce, Dick Crabtree, Margaret Morse, Rick Bresnahan, Paul Smith, Mark Benjamin, Seth Haskins, Ari Meil, Caleb Lincoln, Amy Gertner, Ellie Goldberg, Susan Longley, Betty Ingraham, Bill Jones, Melissa Hall, Alan Hinsey, Josh Gerritsen, Amy Powers, and Saili

Call to Order:

- The meeting was called to order at 6:33 PM by Sarah.

Agenda Adjustments/Approval:

- Sarah asked to include the results of a question asked by Dick Crabtree during the last meeting under Old Business.

Brian made a motion to approve the agenda as amended. It was seconded by Bruce.

Motion passed 3-0

Public Comment:

- Susan Longley, a resident of Liberty, ME, read a prepared statement which is included at the end of these minutes.

Minutes:

- March 13, 2021: Bruce made a motion to approve the March 13, 2021 minutes with minor typo corrections. It was seconded by Brian.

Motion passed 3-0

Warrants #'s 74, 75, 76, 77 & 78:

- The Select Board reviewed the warrants. Bruce made a motion to approve warrant #'s 74, 75, 76, 77 and 78. It was seconded by Brian.

Motion passed 3-0

New Business:

- Discussion w/ Lincolnville Communications, ConnectME Grant Concepts – Alan Hinsey:

Alan Hinsey is asking that the Town of Hope send a letter of support so that LCI could submit an application for the first round of the ConnectME Grant on behalf of the Town of Hope. Originally, Lincolnville, Hope, and Appleton were to be apart of the grant. However, Lincolnville has opted to pursue broadband options through the Mid Coast Broadband Internet Coalition.

113 households received access to broadband through the Cares Act funding. There are approx. 30 households still waiting to have the lines installed.

This first round grant will include all but approximately 70 households that can access to the broadband. Those 70 properties will be included in the second round of grants.

Alan estimates that it could take around 18 months to get all of the fiber ran throughout the Town. Ultimately the goal is to have not just fiber access from the street to every property in Hope but to have fiber from the street to every home in Hope.

Melissa Hall raised questions about being rushed into signing on with LCI. She explained that LCI is pretty much well positioned to be a monopoly. She said that she would just like to have more information.

There was also some discussion that Hope could possibly not be permitted to seek opportunities with the Mid Coast Broadband Coalition should the Town sign on with LCI right now.

Rick wanted to know if there was any chance that the installation fees from LCI could be waived. He also said he didn't understand how saying yes to LCI would affect our opportunity for becoming a part of the regional group in the future. Right now, LCI is predicting an 18 month turn around for residents to get access to fiber. The Mid Coast Coalition is a minimum of 4 years away before they could offer any broadband access at all.

Bruce thanked both Alan and Melissa for the work they have done. He then asked Melissa if she knew if the Town would be hindered from participating with the Mid Coast Broadband Coalition if we did decide to go forward with the first round of grants with LCI.

Bruce said Lincolnville Telephone (LCI) already owns everything. All of the lines and infrastructure that exists, belongs to LCI, this is a natural monopoly. LCI can match any price if a competing company comes in at lower cost. It makes sense to go with LCI.

Brian didn't realize that the Select Board was expected to make a decision tonight. This was supposed to be a discussion. He said that he was not comfortable voting tonight. The Select Board may need to have an internal discussion.

The deadline for the grant submission is April 29th. The Select Board agreed to have this item on the agenda for the Special Meeting scheduled for next week, April 20th.

Old Business:

- Final Language for Botany Ordinance Amendment: Sarah reviewed some of the revisions made by Town Attorney, Bill Kelly. One substantive change includes removing the phrase: “resident of Hope” to “caregiver in Hope”. This should prevent any residency challenges that could arise in the future. Another change centered around a “grandfathered caregiver”. Bill reminded Sarah that this is still illegal on the federal level but would be legal in the State.

The Select Board agreed that the ordinance amendment will be voted on by secret ballot at the June 8th election. The Public Hearing date was set for May 18, 2021 and 6:30 p.m. via Zoom.

Bruce made a motion to approve the final language of the amendment to the ordinance prohibiting the sell of marijuana in retail establishments and/or social clubs, and to have the vote by secret ballot on June 8th, and having the public hearing for all ballot items, and warrant articles on May 18th. It was seconded by Brian.

Motion passed 3-0

- Broadband Internet Coalition Guidelines: Sarah let the Select Board know that for this coalition, all votes are equal. One Town, One Vote. The guidelines are non-binding.

Melissa Hall spoke stating the coalition is still in its infancy. It could take 4-5 years before any services can be provided to our residents whereas, LCI could be a short as 18 months for many of our residents.

GWI and Pioneer are the two internet providers who want to work with the Mid Coast Coalition.

Camden and Rockport are paying to have a feasibility study done. The main reasons Lincolnville opted out of LCI is the customer service, the high costs, and the lower than national average speeds. Melissa said that is a big question for LCI, can they provide and sustain higher speeds?

By going with the LCI grant, residents are going to be required to have a landline and sign a 3-year contract.

In addition, LCI can still apply for a grant on Lincolnville’s behalf even if they don’t want to go with them. Therefore, Lincolnville is going to write a letter directly to ConnectME stating they will not be participating.

Dick noted that this really isn’t a philosophical issue but rather an economic issue. Which of the two companies can provide the best service for the best price?

The Coalition’s plan is to run “dark” or empty fiber lines and then lease the space in the lines, “open lines”. This is extremely costly. Also, LCI owns the poles. Maybe there isn’t space for the “open lines”. Just something to think about.

- Dick's question from the last meeting: Did Thom, Amy, Sarah, Brian, or Samantha give emails to Dan Dunkle? Sarah sent messages to all of the mentioned people asking if they were the ones who had released the emails directly to Mr. Dunkle. Neither Thom nor Bruce responded to the request. Amy, Brian, Sarah and Samantha all said they did not send any emails to Dan Dunkle other than for appropriate business.

Other Business:

- None

Town Administrator Report:

- Absentee Ballots are available now at the Town Office for the April 27, 2021 Special Election. These will not be mailed out to residents. However, they can be picked up by residents and mailed back. All ballots are due back no later than 8:00 p.m. on Tuesday, April 27, 2021. There is a Ballot Drop Box available outside the door at the Town Office.
- The Select Board will need to schedule a Special Meeting, to have their final vote on the budget prior to Thursday, April 22nd. Would next Tuesday, April 20th at 6:30 p.m. work for everyone? The Budget Committee is scheduled to have their final vote on April 22nd.
- There is a lot of election preparation happening at the Town Office right now. The April election cycle began this morning. Then there is the June 8th election followed by the annual Town Meeting. The CMP Corridor question will be on a November ballot, so we now know there will be an election in November. Then any other special elections or Town Meetings that may happen. There is a strong emphasis on elections.
- I put a message in to Bill Brewer asking for a draft audit. He has not returned my message yet. Jen Connors has started getting the financial reports for the town together. I don't know her exact timeframe. I do know that she and the Bookkeeper have been in contact with each other on a regular basis.
- There are 15 real estate 2020 accounts totaling \$34,517.72. Unpaid 2020 real estate taxes will automatically foreclose on February 10, 2022 if the accounts are not paid in full.
- There are 811 RE accounts for 2021, totaling \$1,249,013.35. 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.
- There have been pre-payments on 25 accounts for the 2022 real estate taxes totaling \$3,762.76. This is largely due to small over payments of the 2021 taxes.

Executive Session: Pursuant to 22 M.R.S. §4306 General Assistance Matter & Executive Session – Pursuant to 1 M.R.S. §405 (6)(A)(1) Personnel Matter:

- Brian made a motion to enter Executive Session Pursuant to 22 M.R.S. §4306 and 1 M.R.S. §405 (6)(A)(1) at 9:03 p.m. It was seconded by Bruce.

Motion passed 3-0

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

Adjournment:

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

Motion passed 3-0

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Apr. 12, 2021

Good evening.

I appreciate this opportunity to speak.

My name is Susan Longley. I come from a family of public servants and have served as a State Senator, where I sat on the Legislature's State and Local Committee as well as its Judiciary Committee. I also have been teaching law for many years at the college level, most recently at UMaine in Orono. And, until my retirement last year, I most recently and for many years have served on the Judiciary itself.

In short, I come before you tonight with the idea that you consider holding one well-organized Annual Town Meeting this year on June 22nd with all matters brought properly before the body, including proper elections. In doing so, you can forego the time and expense of holding two additional "special" town meetings on special election matters, at least one of which has been improperly presented, for a total of three town meetings in a relatively few weeks.

As currently proposed, you are asking yourselves, your staff, and the citizens to vote three times: (1) on Apr. 27th at a special town meeting to fill Select Board vacancies, (2) on June 8th at a 2nd special town meeting to vote on other public official positions and on ordinance issues, and (3) on June 22nd Annual Town Meeting to debate and vote on important budget and other policy matters

For a number of reasons, including legal ones addressed shortly, one well-organized "annual" meeting on June 22nd makes good sense because it buys you and your staff needed time to prepare. And one meeting also offers you and your staff a chance to avoid mistakes. Also one vs. three meetings better honors the fundamental right of each citizen of Hope to debate and vote on town budget and policy matters.¹

As legal support for making the Annual Town Meeting on June 22nd the meeting to get all town business done, Maine municipal law provisions in Title 30-A, under the heading "Meetings and Elections," opens with, "Each town shall hold an annual meeting."² Then follows statutory supports for the town's Annual Meeting" being the time and place for Hope's Select Board and citizens to do its town business³

To explain this idea, here's a quick review of matters currently set for your two special town meetings:

1. **Hope's 1st Special Town Meeting (currently scheduled for Apr. 27th):** This town meeting is for the election to fill the two vacancies on the Select Board.

Of course, this cited Maine municipal law allows you to call a special town meeting to fill Board vacancies."⁴ However, with only two nominees' names set for the ballot to fill these vacancies, I think we all know who the winners will be.

And though you may think you need these two new Board members immediately, think about the following. You decide to buy yourselves time and save the money by re-scheduling this special town meeting for elections to fill Board vacancies as a 1st item of business at your Annual Town Meeting on

¹ See State of Maine, Governor's Executive Order (dated June 3, 2020).

² 30-A M.R.S. §2525 (1) (Annual meeting).

³ *But see e.g.* n's 10 and 11.

⁴30-A M.R.S. §2602 (3).

June 22nd.⁵ In the meantime, as you await the election of your new Board members, you can continue to do just as you have been doing, namely allowing your soon-to-be Board members opportunities to speak at Board meetings, thereby giving yourselves the benefit of hearing their thoughts. Further, at the June 22nd Annual Meeting, again, as a first order of business, upon their election, your two new, vacancy-filling Board members could be sworn in by the Town Clerk so that they also could preside with you at this June 22nd Annual Town Meeting.

As a very important final point about this Apr. 27th special town meeting, if you decide to go forward as planned on Apr. 27th, your doing so requires great care, as there are several administrative requirements and also special handling, with violations and penalties appearing severe (in the form of some violations rising to the worrisome level of Class C criminal convictions).⁶

To set the record straight (and contrary to how the Town responded to excluding the Budget Committee unanimous decision to not recommend the roads budget item,⁷ followed by ballot count and tally sheet irregularities of July 14, 2020), Maine's Title 21-A election laws does applies for Hope elections.⁸ Also,

⁵ 30-A M.R.S. §2528 (Select Board is secret ballot item immediately after election of Moderator); *see also* 30-A M.R.S. §2525 (1) (Annual meeting). “. . . A vote by secret ballot takes precedence over a vote by any other means at the same meeting. . . .”).

⁶ 21-A M.R.S. §674 (3)(A).

⁷ 30-A M.R.S. §2528(5)(B)(1) (“Secret ballot. If a particular article to be voted on by secret ballot requests an appropriation of money by the municipality, the article, when printed in the warrant and on the ballot, must be accompanied by a recommendation of the municipal officers. If by town meeting vote or charter provision, a budget committee has been established to review proposed town expenditures, the recommendations of the budget committee shall be printed in addition to those of the municipal officers.”)

⁸30-A M.R.S. § 2501 (1) (“Applicability of provisions: . . . the method of voting and the conduct of a municipal election are governed by Title 21-A. “. . . the municipal clerk shall perform the duties of the Secretary of State prescribed by Title 21-A.”).

the absentee voting procedure outlined in Title 21-A applies.”⁹ Specific to absentee balloting, below in the long footnote, you can see just a few of the many administratively-laden absentee voter provisions ¹⁰

In short, the serious, absentee ballot promotion for these special town meetings for elections presents yet another common sense, cost-beneficial reason to spare yourselves and especially your staff the extra time, work, and worry and to decide instead simply to make the vacancy elections a first item of business and get all other important town business done at the one Annual Town Meeting already scheduled for June 22nd.

2. **Hope’s 2nd Special Town Meeting (currently scheduled for June 8th)**: This “special town meeting” also involves elections as well as ordinance issues.

To forewarn, this 2nd special town meeting (for June 8th) also comes with additional problems. Thankfully, and if you so choose, you can solve these in advance.

Again, issue by issue, the following:

A. Elections to Fill Additional Town Positions.

In short, in trying fill the additional open positions on the June 8th date, you may want to be aware of the following issues.

⁹30-A M.R.S. §2529 (Municipal use of absentee ballots).

¹⁰ 21-A M.R.S. §2501. (“Applicability of provisions. Except as otherwise provided by this Title or by charter, the method of voting and the conduct of a municipal election are governed by Title 21-A. (1)Clerk to perform duties of Secretary of State. When Title 21-A applies to any municipal election, the municipal clerk shall perform the duties of the Secretary of State prescribed by Title 21-A. (2). Qualifications for voting. The qualifications for voting in a municipal election conducted under this Title are governed solely by Title 21-A, section 111”); 21-A M.R.S. § 23 (7-B) Absentee envelopes and applications. For 2 years following any election, the clerk shall keep the absentee ballot envelopes, including the unopened envelopes containing rejected absentee ballots, the applications for absentee ballots and the list of voters who were issued absentee ballots in the clerk’s office or other secure location under the control of the clerk. The clerk of the MUNICIPALITY is the supervisor of all elections and is entitled to a reasonable compensation as determined by the municipal officers and has the following duties: (1) Absentee voting. Administer the absentee voting procedures; See also e.g. 21-A M.R.S. § 673 (Challenges. . . .5) Did not properly apply for an absentee ballot;(6) Did not properly complete the affidavit on the absentee return envelope;(7) Did not cast the ballot or complete the affidavit before the appropriate witness;(8) Communicated with someone as prohibited by section 754–A, subsection 1, paragraph B or subsection 3, paragraph B or D;(9) Did not have the ballot returned to the clerk by the time prescribed”); 21-A M.R.S. § 674 (3)(A) (Violations and penalties. . . . Class C crime. A person commits a Class C crime if that person: Knowingly causes a delay in the registration or enrollment of another or knowingly causes a delay in the delivery of an absentee ballot or absentee ballot application with the intent to prevent a person from voting or to render that person’s vote ineffective;”).

Maine law may not allow Hope to do so. To explain, absent a State ballot for June 2021¹¹ and/or any Executive Order (EO) for 2021 granting Hope in 2021 the same as was allowed in 2020¹² and/or any timely Select Board secret ballot order for at least one of the positions intended for the June 8th ballot¹³ and/or any special authority,¹⁴ Hope's June 8th elections best be re scheduled for the June 22nd Annual Meeting.

B. The Recall Issue.

Though you will not want to hear or read this, in short, the Board waited too long to order this recall election, thereby missing any additional opportunity to proceed further on the issue.

Sequentially, the explicit requirements of the town's Recall Ordinance state that upon the certification of properly-filed recall petitions, the Clerk shall submit these petitions to the Select Board "*at its next meeting.*"¹⁵

At this "next meeting" of Dec. 22, 2020, the Ordinance next required that "the Select Board *shall at such meeting order an election.*"¹⁶ However, the Board, as stated in the Minutes of the Select Board of Dec. 22, 2020, the Board instead opted not to "order an election" but rather opted instead to put this matter "on the agenda for the next meeting."¹⁷

To re-cap, the Board's delay was in violation of the very specific, carefully-worded, very time-of-the-essence requirements of the Recall Ordinance, making your now-informed decision to proceed with the recall matter regardless would be concerning also for the citizens you serve.

C. Ordinance Revision Matters

As you know, these ordinance revisions on the June 8th ballot relate to ordinances for planning and for marijuana.

¹¹ 30-A M.R.S. §2528 (3)(A). Voting place specified; polls. The warrant for a town meeting for the election of officials must specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. *The warrant for a town meeting for the election of officials that occurs at the same time as voting in federal, state or county elections, but not at the same time as a town meeting held for other purposes, may specify the same voting places as those used by the town for federal, state or county elections.* The warrant must specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours. In the warrant for a town meeting under this section, the municipal officers may designate the date of the election and designate another date within 14 days of the date set for elections as the time for considering the other articles of business in the warrant.")

¹²*Id.*

¹³ 30-A M.R.S. §2528(1) ("Secret ballot. Acceptance by town. When any town accepts this section at a meeting held at least 90 days before the annual meeting, the provisions of this section apply to the election of all town officials required by section 2525 to be elected by ballot, except the moderator, . . .").

¹⁴*See e.g.* 30-A M.R.S. §3001 (i.e. bylaws); *see also e.g.* 30-A M.R.S. §2602 (i.e. charter)

¹⁵ Town of Hope, Maine Recall Ordinance, §D(1) (Nov. 3, 2020).

¹⁶ Town of Hope, Maine Recall Ordinance, §D(2) (Nov. 3, 2020).

¹⁷ Town of Hope Minutes for Select Board Meeting of Dec. 22, 2020.

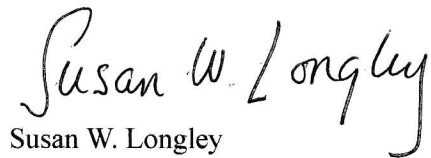
Here, though there possibly is a statutory exception, in light of the above, again, it makes sense to save yourselves, your staff and the citizens you serve the additional time and expense and simply include these ordinance matters and those other town business matters properly and legally before as Articles on the Town Warrant for the Annual Town Meeting on June 22nd.

Such are ideas and concerns for the cost-saving benefits of holding one, well-organized Annual Town Meeting, where only those articles that are properly and legally presented by the Town appear on the Town Warrant for town meeting.

I will be happy to answer any questions, will remain at this meeting in the event you have questions later and also will provide you with a copy of these remarks.

Thank you again for this opportunity to speak and also for your public service.

Respectfully,


Susan W. Longley

Encls.

Recall Ordinance in the Town of Hope, Maine 04847

Any elected official may be recalled and removed by the voters of the Town as herein provided.

A. Procedure for Filing Petition.

- 1.) Any voter may submit an affidavit with the signatures of five (5) or more registered voters of the Town and file that affidavit with the Town Clerk in order to seek the removal of any elected official of the Town provided that such affidavit shall contain the following information:
 - a.) The name and address of the five or more registered voters. The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
 - b.) The name and address of the elected official whose removal is sought.
 - c.) A detailed statement of the reasons why the removal of that elected official is sought.
- 2.) Upon receipt of the affidavit, in proper form, the Town Clerk shall thereupon within five days deliver to the person submitting such affidavit, copies of petition blanks (printed forms of which shall be kept on hand for that purpose). Such blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal thereto attached; they shall be dated and addressed to the Select Board, shall contain the name of the persons to whom issued, the number of blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.
- 3.) The recall petition, to be effective, must be returned and filed with the Town Clerk within thirty (30) calendar days after the filing of the affidavit.
- 4.) The petition, upon being returned and filed, shall contain the signatures of no less than ten (10%) percent of the voters of the municipality voting in the last gubernatorial election.
- 5.) The petition, to be valid, must also contain the following information:
 - a.) The name and address of the elected official whose removal is sought by the petition
 - b.) The name and address of the five registered voters who commenced the circulation of the petition
 - c.) A detailed statement of the reason why the removal from office is sought by the petitioners

B. Signatures to Petitions

- 1.) The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that the circulator, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator's presence and is to the best of the circulator's knowledge and belief the genuine signature of the person whose name it purports to be.
- 2.) With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

C. Filing, Examination and Certification of Recall Petitions.

- 1.) All petition papers comprising a recall petition shall be assembled and filed with the Town Clerk as one instrument.
- 2.) Within ten (10) working days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.
- 3.) If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds.
- 4.) If the Town Clerk's certificate shows the petition to be insufficient, the Town Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) day after the giving of the notice of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition.
- 5.) The Town Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no timely amendment was made, the Town Clerk shall file the petition in the Town Clerk's office and shall notify each of the persons, designated thereon as filing it, of that fact.
- 6.) The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the Town Clerk shall certify the result thereof to the Board of Selectmen at its next regular meeting. If the Town Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

D. Calling of recall election.

- 1.) If the petition or amended petition shall be certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with the certificate to the Select Board at its next meeting and shall notify the member or members whose removal is sought of such action.
- 2.) The Select Board shall at such meeting order an election to be held not less than thirty (30) nor more than sixty (60) days after the Select Board meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

E. Form of ballot in recall election.

- 1.) Unless the member or members whose removal is sought shall have resigned before the receipt by the Select Board of the Town Clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall "A" be recalled? Shall "B" be recalled?" etc., (the name of the member or members whose recall is sought being inserted in place of "A", "B", etc.)
- 2.) In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided however that the total number of votes cast equal or exceed 40% of the votes cast in the last gubernatorial election.
- 3.) Any such vacancy shall be filled at the next scheduled regular or special election. Should the Select Board by vote deem it in the best interest of the Town to fill such vacancy before the next scheduled election, then the vacancy shall be filled within sixty (60) days by a special election called by the Board for that purpose.
 - a.) No elected official that has been recalled shall be employed by the Town for at least twenty-four (24) months.
 - b.) No employee of the Town shall serve as an elected official simultaneously.
 - c.) No former employee, regardless of reason for separation, shall be eligible to be an elected official of the Town for at least twenty-four (24) months.

F. Procedure on refusal of Board of Selectmen.

- 1.) In the event the Select Board fails or refuses to order a recall election, pursuant to the provisions set forth in this Ordinance, then such election may be ordered by any Justice of the Superior Court, upon complaint to the Superior Court by any registered voter of the Town, such complaint shall be filed pursuant to Rule 80-B of the Maine Rules of Civil Procedure and in accordance with the time limits for filing of such complaint set forth in Rule 80-B.

MINUTES OF SELECT BOARD MEETING

Hope Select Board

Tuesday, December 22, 2020

6:30 PM

Via Zoom

View the meeting in its entirety at

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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)

- Discussion July 14th 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)*

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 16th 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. 16th 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 30th 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)*

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

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