

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

Board Members Present:

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

Others Present:

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

Call to Order:

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

Public Comment:

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

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

written assurance on June 14 from Samantha that her portions would be delivered in two days. After the July 24 meeting nothing was said to me. On Friday, the day after her promised report, Samantha sent me her reports. Nothing more was said to me. CLOSING In closing, I will offer the following: Here I have provided ample information of such serious breaches of trust by Samantha Mank that these should result in her immediate suspension from Office, with investigation to follow. If these offenses are allowed to pass, our governance is undermined, no matter who is in office. Second, I would respectfully, but unequivocally request that the Town of Hope immediately reinstate me to my job. I am here because I recognize the sanctity and fragility of our institutions of democracy... and the necessity of taking a stand for them. We ARE "the government." "We the people" doesn't just refer to our rights, it calls upon us to take individual and collective responsibility, even when it is terribly difficult. Thank you for your consideration of these matters and thank you for your service. Langley"

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

Minutes:

- June 12, 2020: Brian made a motion to accept the June 12, 2020 minutes. It was seconded by Thom.
Motion passed 5-0
- June 16, 2020: Thom made a motion to accept the June 16, 2020 minutes. It was seconded by Brian.
Motion passed 5-0
- June 23, 2020: Brian made a motion to accept the June 23, 2020 minutes. It was seconded by Thom.
Motion passed 4-0-1 (Amy)
- June 30, 2020: Brian made a motion to accept the June 30, 2020 minutes. It was seconded by Thom.
Motion passed 4-0-1 (Amy)
- July 9, 2020: Brian made a motion to accept the July 9, 2020 minutes. It was seconded by Thom.
Motion passed 3-0-2 (Amy, Bruce)
- July 14, 2020: Bruce made a comment about adding a statement that he made to the record of the July 14th minutes. Thom made a motion to accept the July 14, 2020 minutes to include the statement from Mr. Haffner. It was seconded by Brian.
Motion passed 4-0-1 (Amy)
- July 28, 2020: Thom made a motion to accept the July 28, 2020 minutes with two revisions. It was seconded by Bruce.
Motion passed 5-0

Town Administrator Report:

- Worked with Clarence on the Fire Truck Bid ad. The fire truck has been moved to the South Hope Fire Station and has a for sale sign on it. There is no minimum bid. The deadline is Thursday, September 3, 2020 at 2:30 p.m.
- Currently there is a Bookkeeper vacancy in the Town Office. I have been in contact with

someone to fill in as temp, while the Bookkeeper search is ongoing.

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

New Business:

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

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

for example, for animal cruelty.

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

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

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

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

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

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

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

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

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

Motion passed 5-0

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

Motion passed 4-0-1 (Brian)

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

Motion passed 4-0-1 (Sarah)

Board of Assessors:

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

Motion passed 5-0

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

Motion passed 5-0

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

Motion passed 5-0

Old Business:

- Update Discussion Regarding Broadband Internet: Thom gave an update regarding the Broadband Committee. The folks on the Committee are working on formalizing a survey. The Town Administrator has made it into a fillable online form. They're still waiting to email the survey; they are waiting to get some feedback from the Committee to approve the newly created form. Rick wanted to know if this was a Select Board approved Committee; Thom told him that the Select Board had created the Committee earlier this year just prior to the Pandemic.

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

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

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

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

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

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

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

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

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

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

Motion passed 5-0

Other Business:

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

Motion Passed 5-0

Adjournment:

- Thom made a motion to adjourn the meeting. It was seconded by Amy.
Motion passed 5-0