

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, April 2, 2013
TOWN HALL COUNCIL CHAMBERS
7:00 P.M.**

Pledge to the Flag

Roll Call

The following were in attendance:
Vice Chair Bolduc
Councilor Coleman
Councilor Dayton
Councilor Furtado
Chair MacDonald
Councilor Mailhot
Councilor Quinn

ACKNOWLEDGEMENTS:

A tribute to Roger Stevens, a 30 year Employee at the Department of Public Works.

Bill Robertson made a presentation to Roger Stevens. It was a vest and coat with the Public Works logo and his name on them. Roger said it was nice to work in his home town. He said the only down side was when there were major storms you were away from your family. Archie got up and told several entertaining stories about Roger. He said Roger is known for telling stories all the time.

Fire Chief John Glass has advised that the Fire and EMS Department has recently received a \$440 Safety Enhancement Grant from Maine Municipal Association to apply towards the cost of a Hazardous Gas Monitor to detect dangerous gasses in confined spaces. This is the fifth safety grant applied for and awarded to the department since 2002 for a total of \$6,950.00 awarded to offset equipment costs to the Town.

ACCEPTANCE OF MINUTES: Emergency Town Council Minutes of March 12, 2013, Town Council Minutes of March 19, 2013, Special Town Council Minutes of March 20, 2013, and Special Town Council Minutes of March 21, 2013.

Councilor Mailhot mentioned that on the March 20th minutes on page three at the top that Councilor Furtado had seconded that motion.

Motioned to approve with a correction Councilor Mailhot Seconded Vice Chair Bolduc 7-0

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL: Opened 7:16 Closed 7:17

AT LAST Seashore Vacation Homes LLC (303-2-7), 4 & 6 Scollard Road, two year round rentals; John & Carolyn Morich (316-13-2-3), 3 Pearl Avenue Unit #3, one year round rental; The Edgerly Ocean Park Trust (319-3-1), 7 Dune Street, one seasonal rental; The Edgerly Seaside Trust (321-25-2), 43 Seaside Avenue, one year round rental; and Scooters Etc. Corporation (David J. DiLibero) (311-1-7), 125 Saco Avenue, rental of merchandise.

Motioned Councilor Coleman Seconded Vice Chair Bolduc 7-0

PUBLIC HEARING LIQUOR LICENSES: Opened 7:17 Closed 7:18

Bradley H & Sherry A. Foster / Base Distributors Inc, d/b/a Fat Bellies Deli (307-1-5), 33 West Grand Avenue, m- v in a Restaurant.

Motioned Councilor Quinn

Seconded Councilor Coleman

7-0

TOWN MANAGER’S REPORT:

The Town Manager wanted to thank the Councilors and the staff for all the kindnesses and the help they have shown him in the past few days. He also wanted to thank the citizens that have stopped by to meet him. He said his door is always open. His focus has been on the budget. He thanked Diana, our Finance Director for all her work on the budget. He also noted that they will be working on negotiations in the next couple of weeks. Public Works is set up for April 12th.

TABLED ITEMS:

#5869 Discussion with Action: Rescind the purchasing policy entitled “Purchasing Manual” adopted 9/17/1991, and replace it with the “Purchasing & Procedures Policy Manual”, drafted on January, 2012 and revised March, 2012.

Councilor
Robin Dayton

Councilor Mailhot had several questions. First was regarding the Procurement Limits. Some purchases of \$5,000 dollars or more may require an RFP”. Councilor Dayton and Diana explained that some projects require more detail than the usual request for bid. Some projects are more standard and don’t require as much detail.

Councilor Mailhot also noted that under that same topic, she didn’t see where anything over \$5000 needed Town Council approval. Councilor Dayton said verbiage could certainly be added. Diana said that this is a starting point for us. Councilor Mailhot suggested we add “Purchasing shall be carried out in accordance with the ordinance and the Charter on page two under Purchasing Authority .” Councilor Mailhot suggested that under Purchase Orders the PO Bids should be \$0.00 - \$999. Councilor Dayton agreed.

Councilor Mailhot suggested that on page 6 top sentence it should read “In all cases the bid most advantageous to the Town shall be awarded accept as noted below”. On page 6 Councilor Mailhot suggested a sentence read

“In addition, the Town shall publicize the invitation for bids through a minimum of three avenues to prospective bidders, posting on the bulletin board at Town Hall and in the office of the department(s) involved, advertising in a newspaper with local and/or regional circulation, or any other means that the Town Manager determines is appropriate.” Councilor Dayton mentioned that the Kennebunk Journal would be a good venue to use for larger RFPs but she has not been able to convince Councilors to use it. Councilor Coleman said that was used for more statewide searches and was very expensive. He also disagreed with changing the word to shall (from may). Vice Chair Bolduc disagreed. Councilor Coleman said that shall denotes a should do when that might not be the most appropriate venue. The Chair said if we add a minimum of three that should clear it up. The goal was to make sure it was not just on the website. Councilor Mailhot point out on the last page under Surplus Material, the old policy stated that anything that sold that had a value of \$500 or more would be put up for sealed bids. It also said the Council had to approve transactions for the sale of equipment over \$1000 and that those funds went into the General Fund. Councilor Dayton said in the past there have been disagreements as to what something was worth, so to be fair they just made it everything.

Councilor Quinn said that on page three under Procurement Limits \$0.00 to \$4,999 he would like to add “All purchases of \$1000 or more from business owned by town employees, elected officials or their immediate family must come before the Town Council for approval.” He thinks this would add more

transparency. He feels it would hold the Town Council and town employees to a higher standard of transparency. He stated that he would consider immediate family as husband, wife, significant other, brother, sister, father, mother and grandparents. The Chair said she loved that idea and she thinks it should be anything over \$100 to make sure everyone is on the same playing field. She feels this has to do with her sister's excavation company and the work she has done for Public Works. Vice Chair Bolduc agreed with lowering the amount as she has been approached about the same thing but it was about a town employee whose husband repairs the police vehicles. She feels if there is any perception of conflict of interest it needs to be addressed immediately.

Councilor Dayton suggested we use the Charter definitions for immediate family. She said it covers everything Councilor Quinn had noted. Councilor Quinn agreed with the \$100 amount and said in some towns it is not allowed at all but we don't want to stop it all. It is just to get transparency.

Councilor Quinn asked if the policy needed the following found on page 4 "*Any elected official, employee, including seasonal and temporary hires, appointed committee member, and appointed commission member that conducts business with the Town separate from their official capacity shall file a report annually to the Finance Office declaring the full amount of funds received for work provided to the Town. This report shall be a simple declarative statement due June 30th of each year.*" He said he is not sure we can enforce that. Councilor Dayton is not opposed to taking this out as long as the changes requested are made for the Procurement limits. Vice Chair Bolduc agreed. Diana asked if we would not want this info filed. The Chair explained her father's business as an example. Councilor Dayton said after hearing that explanation, since the town has businesses that do business without a purchase order (and that doesn't need to stop). Vice Chair Bolduc asked if Robin participated in writing the policy. Robin said no, she had pushed it with Jack Turcotte and he worked on it with Holly and made it effective January 2012. It did not come to a vote and then Catherine made some changes. Vice Chair Bolduc said she didn't mind asking for a statement that they do business but asking for a financial report is information we should already have. Councilor Dayton said she had no objection to that change. Diana said she thought it would be good to leave a declarative statement in. She suggested we table it to get all the changes done. Councilor Dayton had no problem with that. The Chair agreed with that. Councilor Quinn asked for the document in underlined format so they know what the changes are. Diana agreed.

Motion to Table by Councilor Coleman Seconded by Councilor Quinn

Jerome Begert suggested looking at spending history. If there is a business that doesn't have a contract but earns in a fiscal year beyond what would usually call for a contract, those work categories should go out for bid.

John Bird suggested all RFPs go through the Town Clerk. The Chair said that we have Department Heads that we pay to be Managers and that burden should not be on the Town Clerk. Councilor Coleman agreed.

The Chair called for the vote to table without prejudice

Councilor Dayton	Yes
Councilor Furtado	Yes
Councilor Mailhot	Yes
Councilor Quinn	Yes
Councilor Coleman	Yes
Vice Chair Bolduc	Yes
Chair MacDonald	Yes

7-0

NEW BUSINESS:

#5877

Discussion with Action: Approve Liquor License Renewals of Thomas H. Humphreys d/b/a Tom's Restaurant (306-4-4), 15A & B East Grand Avenue, m-s-v in a Restaurant; and Richard Payette, d/b/a The Landmark Restaurant (306-5-6), 28 East Grand Avenue, m-s-v in a Restaurant.

Chair
Sharri MacDonald

Motioned Councilor Coleman

Seconded Councilor Mailhot

7-0

The following Agenda Item will be run by Chair Sharri MacDonald

#5878 Discussion with Action: Approve the line item transfers from the Public Works Department; transfer \$10,500.00 from Sewer Maint/ Imp, account number 20151-50508, with a balance of \$26,977.01, to Vehicle Repairs, account number 20151-50453, with a balance of \$2,596.80. Transfer \$6,352.08 from Seasonal Wages, account number 20151-50108, with a balance of \$15,440.08, to Overtime Wage Expense, account number 20151-50111, with a balance of \$10,085.43. Transfer \$11,088.00 from Overtime Construction, account number 20151-50110, with a balance of \$17,297.91, to Overtime Wage Expense, account number 20151-50111, with a balance of -\$1,002.57.

Councilor Quinn asked a question about seasonal wages and a negative balance on a previous statement. Public Works Director Bill Robertson gave an explanation that the previous report didn't have the transfer of over \$15,000 into the account. Bill said that during his medical leave the department spent \$49,000 in over time. One occasion for overtime would have been the storm we had in February. With Diana's approval they took one of the seasonal people away and took some money out of the construction overtime account to make sure there is money in the overtime account.

Motioned Vice Chair Bolduc

Seconded Councilor Furtado

7-0

#5879 Discussion with action: Approve Bill Robertson, Director Public Works Contract.

Interim Town Manager
Robert A. Peabody

Town Manager Peabody said this was before the Town Council for discussion and confirmation. It is a two year contract as previous and salary stayed the same but after 90 days a pay review would take place. Merit increases were given back to July 2013 (I THINK THIS SHOULD BE CORRECTED TO 2012). If there were to be any merit increases this would revert back to July 2013.

Councilor Coleman said there was active litigation regarding this matter, where the Town of Old Orchard Beach is a defendant and at this point since it is a matter of pending litigation he would like to table the motion without prejudice until this can be resolved. He thinks to be on the safe side, he believes that Mr. Robertson condition of employment should not change at this time. He believes that he should continue under the terms of his old contract. Chair MacDonald said they had sent a message to the Town Attorney about that and the formal letter of that has not been officially sent to the town yet. It was sent to Superior Court but no certified letter has been sent to Town Hall.

Councilor Coleman said he understands the attorneys are aware of the suit and other details he said they should not go into. He asked again for it to be tabled because they did not know if the issue would change due to the outcome of litigations and the fact that Mr. Pearson had said Mr. Robertson's contract would not be renewed. He would like to get a better read of what the exposure to the Town is. Councilor Dayton asked him if that was a motion. He said yes. Councilor Dayton seconded

- Councilor Coleman Yes
- Councilor Quinn Yes
- Councilor Mailhot No
- Councilor Dayton Yes
- Councilor Furtado No

Vice Chair Bolduc No
Chair MacDonald No

Fails 4-3

Vice Chair Bolduc made a recommendation that on page 3 item 8 the next to the last word be changed to and. Councilor Quinn said there were obviously some refinements to this document. One is the wage line is probably not correct and the insurance benefit level has been changed. The more important issue is there are issues with this employee and they need to be vetted and he thinks it should be in Executive Session. The contract needs to be gone over with a fine tooth comb. The Chair checked with Finance regarding the new and old salary level and Council Quinn said it varied by 16 cents. Councilor Dayton corrected the amount.

Vice Chair Bolduc made a motion to approve the contract with the correction made to the compensation under 5A and the one change under 8. Councilor Furtado seconded with discussion about the insurance contribution amount. Vice Chair Bolduc noted that Mr. Robertson does not carry that insurance. The Finance Director said the amount should be corrected in the contract in case Mr. Robertson ever selected to take the insurance. Vice Chair Bolduc said to include that in her motion. Councilor Dayton wanted a better understanding of the car allowance. She wanted clarification on what area it covered. Mr. Robertson said he got the car allowance and never put in for mileage. He only put in for two trips to Augusta. She is not sure mileage should be in the contract if never used so she feels it should be taken out and her concern to tag along with Councilors Coleman and Quinn in what has transpired in the last month or so, she is stunned that an Interim town Manager, who has been here less than a week and who was publicly tasked with what to focus on (budget and negotiations) found this to be a priority. And not only that but could claim or apparently claim that all due diligence has been done to make sure that the Town is protected. She wanted to publicly state that she doesn't believe for a minute that that is true and she has deep concerns as to how this came about.

Councilor Dayton No
Councilor Furtado Yes
Councilor Coleman No
Councilor Quinn No it would be premature to do this at this time
Councilor Mailhot Yes
Vice Chair Bolduc Yes
Chair MacDonald Yes

4-3

#5880

**Discussion with action: Advertise for Town
Manager Position.**

Chair
Sharri MacDonald

The Chair said this had been talked about and it was agreed to put it on the agenda. She has provided a copy to all Councilors with the exact language that is in the Charter and she put a month for applications as they had agreed. May 2nd is that date and she put May 6th as a date for the Councilor to sit down, open up and review those applications like they have done in the past. Interviews would be scheduled for the last week in May as a timeline of something to start with. Councilor Mailhot said she was satisfied with the timeline and the language. Councilor Quinn would like the interview period changed to beginning the last week in May. Vice Chair Bolduc thought that was a great idea as that was also a short week. Councilor Dayton said that that sentence wasn't even necessary. All agreed.

Councilor Mailhot motioned to accept the ad with the last sentence being stricken

Seconded by Vice Chair Bolduc

Councilor Coleman	Yes	
Councilor Quinn	Yes	
Councilor Mailhot	Yes	
Councilor Dayton	Yes	
Councilor Furtado	Yes	
Vice Chair Bolduc	Yes	
Chair MacDonald	Yes	7-0

#5881 Discussion with action: Authorize the Town Manager to Explore Natural Gas opportunities for Old Orchard Beach.

Councilor
Linda Mailhot

Councilor Mailhot said she has been approached by several citizens about purchasing Natural gas as a utility especially since the natural gas runs through Old Orchard and is currently used on a limited basis. She would like someone to look into the pricing and feasibility of this. Vice Chair Bolduc asked what department other than the Town Manager would be involved in this. The Town Manager said he would be the one and would get the appropriate departments involved. Vice Chair Bolduc said she knew there were some places already using it.

Motioned Councilor Furtado

Seconded Councilor Mailhot

Councilor Dayton	Yes	
Councilor Furtado	Yes	
Councilor Mailhot	Yes	
Councilor Quinn	Yes	
Councilor Coleman	Yes	
Vice Chair Bolduc	Yes	
Chair MacDonald	Yes	7-0

#5882 Discussion with Action: Move Robin Dube from alternate to regular on the Board of Assessment Review, term to expire 12/31/15; appoint Francis Manduca as an alternate member of the Board of Assessment Review, term to expire 12/31/13.

Town Clerk
Kim McLaughlin

Motioned Vice Chair Bolduc

Seconded Councilor Furtado

Councilor Dayton asked if the applications were sent to them. They are supposed to be sent to them, The Town Clerk said Mr. Manduca’s was. Robin Dube’s would not have been since she was being moved from an alternate. Councilor Dayton does not remember getting it. The Town Clerk said it would have been at least a few weeks ago. Councilor Dayton said she wanted to be clear that they are getting all applications, that none are being withheld from them. She continued “When you get them, we get them.. There is no delay”. The Town Clerk said there is a delay. She said she receives applications from people, as she receives them whether by email, mail or in person, she forwards them to the Chair of the Committee before she sends them to the Council so that they can invite the person to a Committee meeting or a Board meeting. They can sit down and talk to them and

See if they are going to make a good fit. The Chair of the Committee then gets back with the Town Clerk and lets her know if it could be a good fit and then the Town Clerk forwards the application to the Town Council. Councilor Dayton said the problem is if nobody does anything with the application and the applicant runs into her they ask her and she has no knowledge of it and she is embarrassed. That has happened more times than she can shake a stick at and she doesn't like it. She wants applications when they come in. The Town Clerk said she would do that if the Council wants to change the procedure. Vice Chair Bolduc said that sounded like micromanaging.

Councilor Dayton continued to say it was embarrassing and not okay. The Town Clerk said she follows up with Committee or Department Heads to make sure things are followed up. The Chair said when she is asked, she directs them to the town Clerk or she follows up herself. Councilor Dayton said again that she doesn't understand why they can't be notified. Chair Mac Donald suggested Councilor Dayton submit that as an agenda item to make that change. Vice Chair Bolduc said they were not notified when the town was hiring temps. Council Dayton disagreed and said it was in the Managers reports. She said the Town Manager hires the temps but that the Council approves Board Members. Jerome Begert suggested if someone was interested they could come and address the Council. The Chair thanked Robin Dube and Francis Manduca and all other Committee members and volunteers for their service. Vice Chair Bolduc said she checked her records and the Town Clerk sent an email on March 2nd regarding Mr. Manduca's application. Councilor Dayton said there have certainly been many more applications we have known nothing about.

The Chair asked if there was any further discussion.

The vote carried 7-0

#5883

Discussion with Action: Approve the Special Event Permit application for a "Tommy Bahama" photo shoot on the beach by the Pier on Friday, April 12th, 2013, from 7 a.m. to 11 a.m. and 4 p.m. to 6 p.m.

Town Clerk
Kim McLaughlin

Town Clerk, Kim McLaughlin, said we are starting to attract new things on the beach. She said this outfit is like a Lands End Company. She has included a postcard in the Councilor's packets and also a copy of the website. Hotels had also called to see how they could offer the photo shoot folks places to stay while they are here.

Motioned Councilor Coleman

Seconded Councilor Dayton

7-0

#5884

Discussion with Action: Approve the Special Event Permit application for the OOB Recreation Department to hold their 2nd Annual OOB Girls High School Beach Slam Classic at the Memorial Park Basketball Courts on Saturday, July 27th, from 7 a.m. to 7 p.m., with a rain date of July 28th, 2013, same times. Request to waive the fee.

Town Clerk
Kim McLaughlin

Motioned Councilor Quinn

Seconded Vice Chair Bolduc

7-0

#5885

Discussion with Action: Approve the Limited Scope Engagement with RHR Smith & Company for the Fiscal year ending June 30, 2013, for the estimated fee of \$4,500.00.

Finance Director
Diana Asanza

Motioned by Councilor Coleman

Councilor Quinn suggested a change in language on a sentence after the comma for a fee not to exceed \$4500. Councilor Coleman accepted that as part of his motion. Vice Chair Bolduc would like to include a deadline on when the work would be completed. We are still waiting for an audit by this firm. The Finance Director said she should be seeing an audit draft by next week. Councilor Coleman said it was his understanding that they would not be invoicing us until the work was done, so that is an incentive to complete the job. Vice Chair Bolduc said we had already paid them for part of the audit but didn't have anything to show for that. The Finance Director said it is common procedure to pay partial billing for audits. She wants this done as we are 90 days until the end of the Fiscal year. The Chair suggested Diana email the Council on when they should be seeing the audit. Councilor Coleman noted that this agenda item has nothing to do with the audit. Vice Chair Bolduc said all were aware of that but it is not a good business practice to put good money after bad. She said she wants to get this handled and that is why she ran but we need to put some timeframes on it so we can wrap it up. She said 30 days to do 30 hours worth of work would be reasonable. Diana agreed. That is for this agenda item. For the audit the Chair said ... Councilor Dayton interrupted and then yielded the floor to Councilor Coleman who said May 31st for this agenda item. He said RHR has a good reputation throughout the state. It is not to exceed \$4500; they are not going to get paid until it is complete. Councilor Quinn asked if it could be done sooner. Diana said it would be done before the 31st. She said the company's goal was to have type of guidance before June 30th. She said there will be some management comments that it will take time to do. Councilor Dayton said there is a Town Council Meeting May 7th; Councilor Coleman again said he didn't want to tie hands.

Motion by Councilor Coleman with not to exceed \$4500 and due by May 31st

Seconded by Councilor Quinn

- Councilor Coleman Yes
- Councilor Quinn Yes
- Councilor Dayton Yes
- Councilor Furtado Yes
- Councilor Mailhot does not like the 60 day timeframe No
- Vice Chair Bolduc feels May 7th is ample time No
- Chair MacDonald feels May 31st is too much time No 4-3

The Chair asked the Council to move Good and Welfare up as they will need to go into Executive Session for the next two items.

GOOD AND WELFARE:

Neil Weinstein said he witnessed Robin Dayton yelling at the Town Clerk. He said the Town Clerk probably had three times as many votes as Robin Dayton did. He said Robin was constantly interrupting people. The Chair asked him to address the whole Council. Neil continued that one of the members is rude and unprofessional and it brings down the entire level of the Town and the Council. People see that and he feels there is a serious apology owed to the Town Clerk and anyone else she yelled at.

Francis Manduca got up to say he thought there were many vacancies on the committees and he is here if any one has questions to ask him. The Chair thanked him for applying.

Dennis Robillard said he was here as a concerned citizen. He said we have been in the news a little too much. He has been interviewed by newspapers, TV folks. In his opinion the news is a little too negative. He was here tonight to ask each and everyone of the Councilors one question which he would like a yes or no answer to as to the recall "If the other side drops the recall position, would you? Councilor Dayton said none of them are on the committees. She thinks he is misdirecting the question. Dennis said she was right he had not seen any of their names but there certainly is contact with those people and he thinks that if the councilors were to go to those committees and say for the good of the town please stop, he thinks that would have an influence. He wanted to ask all again.

Councilor Coleman said he couldn't speak for the members of either recall committee. It is not up to him it is up to them. They have decided that they need to take this course of action.

Mr. Robillard said he just wanted a yes or no.

Councilor Quinn does not think it is an appropriate question when they are in Good and Welfare. He is in a listening mode. He usually does not comment in G&W and certainly will not on this matter.

Councilor Mailhot Yes

Chair MacDonald Yes

Vice Chair Bolduc said she would certainly support all efforts for the betterment of Old Orchard Beach

Councilor Furtado Yes

Councilor Dayton said she would never ask a citizen not to exercise their right

Jerome Begert Talked about Social Media. He said the mutual well being and the soul of our Community depends on many ongoing efforts. These efforts must be nourished. Our town deserves better than the tidal wave of negative venom that is drowning our long fostered civility.

Richard Greenlee Said he enjoyed living in the town. He said the recall is not being used here for what it was intended for. He said recall was intended for criminal acts. Proved and debated in court. He said nothing here has been debated or proven in court. He said people want to see the continuation of good in the town. We do not want to see the divide. He said we realize sometimes good doesn't get its way because those who wish to prevail for personal reason will push until there is a break. His people know all about that. Be careful what you ask for, you might get it. And if you get something that you don't really want to get, you won't have a town any more. It is not about the state law, it is not about the federal law, it's about the people's law. Don't forget the people. Yes you can get signatures on a line and yes you can tell people we want to make a change. There was an election in November, be happy with it. There have been some unfortunate circumstances around the Town Manager, it can't be changed. You are not going anywhere, either side, except to destroy a town. I think the sadness I see out of this is mostly misconception. This is not the truth. Really look in your soul, find the truth and you will find this is wrong. Do what you will. Remember I walk with people who have seen and heard a lot and have suffered a lot in this country. If you really want it you will get it but you may get more than you bargained for.

Fred Dolgon feels like he is the point man. He has been going around getting signatures. He doesn't know why it is being demonized. He said something he feels was profoundly wrong happened and it is going to cost his town something. It is as though his effort are the cause of Old Orchard Beach being the laughing stock or however people think or perceive it. He said the four grew out of some organic project or goal. The three weren't included in that. So it looks like the three are also guilty of something. He was disappointed, how do you change things, how do you atone for making a mistake. The Town Manager asked why he was being let go. Nobody answered him. Nobody answered us. There is something fishy going on maybe. We are trying to find out why. If this effort fails or however it goes. People were grabbing the petitions out of his hands. I didn't say "Hey these people are bad". They said give me that, give me that. They had experienced something and that was how they felt. I am not alone in my perception and there is nothing wrong with both of our recalls being successful. Our town now has an idea of what is going on and what they are doing, policies and stuff like that. The recall is part of the

democratic process. It is not easy. It is a traumatic experience trying to get people to say what they want. Having elections isn't all it is crack up to be. Some people who get elected are really bad. He has seen people like Strom Thurmond get elected. He doesn't want to go into that but they are idiots. People see signs. When they get in the booth they remember the signs. They don't get an informed opinion. He is not ashamed of what he is doing and if someone else thinks it is not a good thing that's their option. Everybody has their own options but everybody doesn't have their own facts. He doesn't want to compromise because sometimes compromise is worse than nothing. You don't see trouble until it hits you right in the face. What he is looking for in a Town Council is somebody who is not only representing themselves but to be able to have visions of what something can be not only was or is today. We are in for some rough times. We have to have people who are ready for that. Who have visions and don't play games and he thinks there are some games being played.

Neil Weinstein Mr. Dolgon claims he doesn't know why the town Manager left. If he doesn't know he hasn't been in town. Our former Town Manager didn't show up for work 65 days. That's 3 ½ months out of work but he still got full pay. He was getting about \$2000 a week. The Town Manager wanted a clause in his contract; he demanded it be in his contract that said he could be bought out without cause. He said I can be bought out of my contract anytime they disagree so that I can go to my next job in another town and when they ask me why I left my job in old Orchard Beach, it was without cause and he doesn't have to tell them he was out 65 days, didn't show up until 10:00. He won't have to tell them about the \$13,000 he took for buying coffee and dinners on the citizens of the Town of Old Orchard Beach. Councilor Dayton interrupted and said that was a lie. Neil asked her to listen and she said she was tired of the lies. The Chair asked her to let Neil talk. She continued to interrupt. Neil said that Councilor Dayton would know about lying. Neil said Mr. Pearson ran for election in NH. The Council Secretary asked that Councilor Dayton be quiet so she could take notes. Council Coleman then interrupted to say that Mr. Pearson was a moderator. Neil tried to speak over Councilor Coleman and said the two people on the ends are trying to defend the former Town Manager because they know all about recall and they are trying to recall you because they don't agree with what you do. There is a process for that and it is called the next election. You don't disrupt the town because of their own pettiness and jealousy. The people on Recall 4 don't know anything about the Town Manager or his performance. No one ever really knew him because he was never really here. He refused to live in Old Orchard Beach. The fact that he didn't reconcile the bank records for months on end is not justifiable. The fact that he gave out raise to numerous people and called it a reclassification is not justifiable when he was told by the Council at least two times not to give out raises. The fact that he was firing people and hiring private investigators without Council knowledge, hiring surveyors without Council knowledge. Doing background checks on about 50 to 60 people without their knowledge he was doing it. We elected you people to represent us, not the Town Manager. He said it is ripping apart the community and there is no justifiable reason for it.

Pat Brown finds the whole process interesting. She finds it extremely interesting that Neil Weinstein continually spews misinformation and is never stopped. Never ever stopped. She has been her 14 years. She knows this is still from away. She has been involved in a lot of things. She has been quietly working behind the scenes. There was a Moratorium Committee and she was coming out of her house with her folders and there was a person who was born and raised in this town and they gave her some valuable advice that she ever got. They said "Remember why you moved here, don't change things that made you want to live here." She has carried that with her forever. Since that time and she measures every single thing she does against that this is changing why she moved here. The things she has been involved in and the actions she has done, she feels are at the very heart of why she moved here. During this whole process, things have happened that she could have never conceived. Her husband getting a phone call on the job saying that they are hearing rumors that she is on drugs. She doesn't barely drink adult beverages and she finds it interesting that they have to start doing that kind of thing. People taking pictures through my living room window and posting it on Facebook. Other people telling her that a cataclysmic event is about to rain down on me and that I had better speak to my maker. All kinds of things that I never thought would come from people in this town. What people are losing sight of is the people she knows on the

Recall4 committee are not evil people. They are not bad people. They have hope for this town and their hope is that they will have a Council that will follow procedures. It is not about Mark Pearson, it is not about him being fired. It is about the procedure that was not followed. If the procedure had been followed and the decision to fire him was made, there would be no recall because it is the Council right to fire that way. Procedure wasn't followed. There is a recall and there is a recall for that. If the procedure isn't followed for the Town Manager, if the rights of that visible a person are violated than who is next? That is the reason for the recall and she thanked all.

Vice Chair Bolduc said when she looked at the Recall4 petition it said the reason was because she fired the Town Manager for no cause. However the reason the Recall4 have stated publicly change weekly. First they wanted it done publicly, they wanted to know why, they said it wasn't according to procedure when they had followed the language of the contract to the letter of the law on the recommendation of the attorneys. Now the most recent one is it isn't a personal vendetta, it is about the 14th Amendment. She would say that every civil rights activist in the country would be offended by that reference. And she hopes Martin Luther King and Rosa Parks are at the pearly gates the day those people arrive.

Pat Brown said the reason has never changed and that it is not just the people on the committee (Councilor Bolduc interrupted and said correct the reason never changed it was the November election). Pat Brown continued to say the reason was the lack of procedure and it has always been that reason. She said thank you, I have had enough.

Jerome Begert Said he has been hearing the same sentence over and over again and has even seen it in a social media website that the process was not followed. There is a short sentence in the Charter that refers to a particular process for firing a Town Manager for cause. But apparently he needs to repeat something he said several months ago that in Charter Section 103 4th paragraph, It says that mention of a particular power (which could be one simple sentence) shall not be construed as restrictive or to exclude the powers that the municipal officers of the Council representing the Town would have if in other powers conferred by state law or contract law if that pervious sentence had not been mentioned. So the contract law that pertains to the Ex Town Manager's contract which he himself put in a buy out clause is not rendered dead and mute because of one incomplete thought and one incomplete sentence about process. He put that clause in his own contract. It was for the purpose of avoiding controversy so that he could walk away with a bundle of money and without any tarnish to his reputation. He chose to have some allies raise a stink and have his attorney issue proclamations to the news media threatening law suits. But the process was followed. The town attorney said do it this way. Do the buy out clause and say nothing because if you do say something about if there were causes and you said them, the employee could say you are lying and I am taking you to court and that cost more than the buy out. The rightful process was followed.

Motion made by Vice Chair Bolduc to go into Executive Session Seconded by Councilor Furtado

Councilor Quinn said he had nothing in his packet about the abatements. The Chair said nothing could be put in because it is private. Councilor Quinn said he didn't think he could go in and make a decision as he had more information when this happened before. The Chair said this is how all this type of abatements have been handled in the past.

The Financial Eligibility Specialist for General Assistance she is privy to the information. She will provide basic facts and they will make a decision based on that. This is different then others. Nothing is pre determined. Councilor Coleman understands Councilor Quinn's concerns and he understands this information is confidential. He said if we have gotten a property tax abatement, we have gotten a packet in advance and they would turn it that paperwork when they had the meeting. He suggested they go into Executive Session.

The Chair called for the vote

