

**TOWN OF OLD ORCHARD BEACH  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, MARCH 5, 2013  
TOWN HALL COUNCIL CHAMBERS  
7:00 P.M.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 5, 2013. Chair MacDonald opened the meeting at 7:00

**Pledge to the Flag**

The following were in attendance:

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

**PRESENTATION**

Community Development Update

By Community Development Director, Jeffrey Hinderliter

During 2012, I completed my first full year as your town planner and what a year it was! There was a considerable amount of new development proposals, conclusion of some ongoing projects, staff changes, and long-term planning efforts. I'd like to provide an update on some of the planning department highlights from 2012 and 2013 projects.

Planning Board. During 2012, the Planning Board had the busiest year since 2003. Their work included 36 development applications, 4 ordinances and an educational workshop. The Board had several agenda's that had over 10 items and we had some late nights. Many fine development proposals came before the Board but two of note are the new Alouette building and a 44 lot single-family subdivision off Portland Ave. All projects will increase the desirability of OOB whether you're a long time resident, new resident, business owner or visitor. Also, this work will no doubt increase the town valuation and tax base. (Jeffery noted that there are two openings on the committee).

Design Review Committee. The Design Review Committee's (DRC) work was steady throughout 2012 with 9 development projects and approximately 10 administrative reviews (admin reviews are performed by the Planner). The DRC ventured away from their normal duties and began to research the creation of Museum in the Streets program as a joint effort with the Historical Society (including a meeting with the creator of Museum in the Streets). As you may know, Museum in the Streets is an international program that promotes a municipality's history through plaques placed at specific historic or culturally significant locations. These plaques describe a location or event that happened in the area where the plaque is located. Also, the DRC began reviewing the ordinance regulations associated with their review to determine if adjustments need to be made. The DRC will continue working on Museum in the Streets and DRC related ordinances throughout 2013. (Jeffery noted that there were openings for 1 regular member and 2 alternates)

Comprehensive Plan. Although (and understandably) it appears that creation of the new comprehensive plan has been going on for a long time, the real work began during the fall of 2011 and it typically takes 2 years to complete a plan. Below is a brief update on the plan's status.

- There are 3 primary steps towards creating the comp plan:
  1. Initial Public Process: Gather public comment associated with each section of the comp plan. This will provide crucial info to help create the goals, policies and strategies
  2. Inventory and Analysis: Document and evaluate existing conditions for each section of the comp plan (e.g., transportation, land use, natural resources, economy). We inventory what exists, analyze and identify potential issues and then address these issues in the Goals, Policies, Strategies section.
  3. Goals, Policies, Strategies: This is where we take public input, apply existing condition and create the plan that outlines the future vision of our town. The real action takes place here and is the part of the comp plan most used to guide the towns direction

#### A. Public Process

- We've completed the initial public process. This included public meetings and surveys.
  1. 4 public meetings, including 1 televised. Approximate 75 attending
  2. Survey- mailed to every tax payer address; available at public locations, town website and through a web-based survey service named 'Survey Monkey'. 447 returns. The attached survey data hand out documents the initial survey results (excluding written comments).

#### B. Inventory and Analysis

- The Public Facilities section is the remaining inventory and analysis item to be completed.
- The data in this section of the plan is critical for the creation of the Goals, Policies and Strategies
- Much of what goes into this section is controlled by state statute. Statute identifies specific matters that must be addressed.

#### C. Goals, Policies and Strategies

- During December 2013, we began working on the goals, policies and strategies. I expect this will be complete during early fall of 2013.
- This is the critical section of the plan because this is where the real action steps are developed- this is where we chart the town's direction for the next ten years, including future land use.
- Once this section of the plan is complete we'll basically have the framework for the 1<sup>st</sup> complete draft of the entire comp plan complete.

#### D. Next Steps

- Once we complete the Goals, Policies and Strategies, we'll assemble a first draft of the complete comp plan and present this to the public for discussion and comment.
- We'll continue to refine until we develop a plan that, to the best of our ability, represents the vision of our town's people.
- The comp plan will then be presented to the Council for adoption and the State for acceptance. I expect this to be late 2013.
- One final note- the most critical part of the comp plan is the implementation of all the work completed. A comp plan should not sit on a shelf until someone decides to do something with it. Implementation should begin immediately after adoption

Amtrak. I've been trying to secure year-round Amtrak service and have hit some unfortunate obstacles. Originally, it was thought that to offer year-round service the town would need to complete 3 primary tasks:

1. Platforms and access to platforms need to be clear of ice and snow (see attached Wright-Pierce memo for construction options and costs)
2. Ticket machine needs an accessible location during the fall/winter/spring for Amtrak customers
3. Designated parking area that is free of ice and snow for Amtrak customers

After more in-depth conversations with Pan-Am RR, Amtrak and especially New England Passenger Rail Association (who all have some responsibility), I found that in addition to the three primary tasks listed above, we will need to prove why OOB is destination for passenger *drop-off's* during the winter months. As of now, according to New England Passenger Rail Association (NERPA), there is not enough demand for OOB to become a destination for drop-offs.

I partnered with Stephanie Hubbard of Wright-Pierce to develop a plan to resolve the three primary tasks, including options for a trial period (1 or 2 years) where we could work on proving the town is a destination but limit the town's monetary investment for train station improvements and maintenance. But, NEPRRA and Amtrak are looking for a long term commitment by the town which means we will need to clearly establish why we are a destination and most likely incur a significant monetary investment for train station improvements.

No matter how much time and money the town invests in this project, it appears we need to prove to both NEPRRA and Amtrak that OOB is a drop-off destination during the winter. Unless we can prove OOB is a winter destination and fund the required improvements, it will be doubtful Amtrak will provide year-round service anytime soon. To prove we are a drop-off destination, we'll need to partner with our businesses and community organizations to find a way to clearly show our town is a winter destination. Also, the town will need to budget train station improvement costs and consider a plan and funding for long-term maintenance.

New Freedom Grant. The town applied for and received grant funding for pedestrian access improvements at the intersection of First St. and Heath St. through the New Freedom Program. The New Freedom Program is a Federal Transit Administration funded program, administered by Maine Department of Transportation, for projects that provide improvements to overcome existing barriers for people with disabilities. The improvements must include work on pedestrian systems such as sidewalks, accessible ramps, etc. that is connected to fixed-route public transportation systems (e.g. bus). Grant funding is 100% for design and construction.

The First St. and Heath St. project includes relocation of the crosswalk and accessible sidewalk ramps on First St. and accessible sidewalk ramps on Heath St. Construction will take place between 1 February 2013 and 31 January 2014. I cautioned MDOT about our summer congestion in that area and recommended they avoid work June – August.

Little River Marsh Dredging. The Little River Marsh Dredging project consists of dredging 950 linear feet of the Little River behind Davenport Condominiums. The purpose of this work is to help alleviate flooding issues around Walnut Street. The dredged materials will be temporarily stockpiled on-site to allow for partial dewatering. It will then be transported to BBI Waste Management Facility. This work needs to be done when the ground is frozen to avoid impacts to the marsh land. Works will last approximately 4 – 6 weeks. (Councilors Quinn and Dayton noted that this is not a Public Works project and asked if we are having bids resubmitted. Due to several issues including weather EPA will need contacted for an extension.

The project has been in the planning, engineering and permitting phase for several years and we secured the last DEP permit on 12 February. The project will need to go out to RFP before work begins and we hope there is still

time this winter (weather conditions pending) to complete construction. Note- funding for this is part of the Public Works budget.

2013 Projects. There are a number of projects I plan to work on during 2013. Below is a brief list of the primary projects.

1. My priority is the completion of the first draft of the new comprehensive plan. I expect this will be presented to the Council and public during late 2013.
2. Create a newsletter highlighting planning, code and business license activities. I hope to make this informative and interesting.
3. Comprehensive review pages of the town's website as it relates to planning, codes and business licensing. This needs to be updated so it is more informative; has the most recent information (e.g. permits); becomes a useful tool for those who want to learn about the town; be more attractive.
4. Work with the DRC on Museum in the Streets and ordinance revisions.
5. Seek ways to create a more efficient office including streamlining permitting and proactive approaches to issues.
6. Begin creation of a formal economic development program.
7. Get out of the office and visit business owners, residents and community organizations. I'd like to create a visitation program that allows people to have one-on-one interaction with staff- something more personal.

### **ACKNOWLEDGEMENTS**

**Chair MacDonald noted that the Alumni basketball game was scheduled for Friday and she invited everyone to attend. 5 scholarships would be given out. Also that a resident of Old Orchard Beach who had made donations in the past was once again giving a \$500 donation to the General Assistance Fund and also one to the Libby Library and to the Old Orchard Beach Food Pantry. Councilor Coleman wanted to acknowledge and thank the American Legion Post for their donation of \$350 and the use of their facility to Pack 350 Boy Scouts.**

**Chair MacDonald noted the Town Attorneys (Glen Israel and Rob Crawford) were in attendance.**

### **ACCEPTANCE OF MINUTES: Town Council Minutes of February 19, 2013, and Town Council Workshop Minutes of February 25, 2013.**

Vice Chair Bolduc wanted to have an email included into the 2/19 Town Council Meeting minutes that clarified a statement by a citizen regarding money spent on attorney fees for a personnel issue.

Councilor Dayton said that should be included in the 3/5 minutes not the 2/19 minutes and she also wanted a correction made to her comment regarding a vote to rescind a letter of termination. She stated it should be: "This motion is out of order and illegal; there is no question about it." The email Vice Chair Bolduc wanted included is at the end of the minutes.

Motion made by Linda Mailhot to accept the minutes of 2/19 and 2/25 with the change noted by

Vote was 6-1 With Councilor Coleman saying that things were out of order and the minutes were illegal.

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL: Opened at 7:30 Closed at 7:31**

Tuan M. Le (301-7-1-4), 180 East Grand Avenue Unit # 4, one year round rental; Joshua & Olgalucia Filler (305-4-1-607), 1 Cleaves Street Unit # 607, one year round rental; and Preston R. Savarese (314-15-8), 82 Ocean Avenue, two year round rentals.

Motion to approve as written Councilor Coleman      Seconded by Councilor Quinn      Vote 7-0

**PUBLIC HEARING SPECIAL AMUSEMENT PERMITS: Opened at 7:32 Closed at 7:33**

Dunegrass Golf LLC d/b/a Dunegrass Golf Club (105A-1-200), 65 Wild Dunes Way, Live Music Outside & Inside 8:00 am – 1:00 am; New England Restaurant Group d/b/a Pirates Patio & Galley (304-2-9), 2 Walnut Street, Amplified Music, Dancing & Karaoké, Clubhouse Outside & Inside 12:00 pm – 8:00 pm; Jeanne LaChance d/b/a JJ’s Eatery Too (306-5-1-F), 12 B Old Orchard Street, Single Acoustic 6:30 pm – 10:30 pm; and Dale C. Tarbox d/b/a Sunset Bar & Grill (307-1-6), 6 Fernald Street, Live Music Outside 2:00 pm – 10:00 pm.

Motion to approve as written Councilor Coleman      Seconded by Councilor Dayton      Vote 7-0

**TOWN MANAGER’S REPORT:**

He had a meeting with Department Heads on department budgets and is working on the budget with the Finance Director.

**NEW BUSINESS:**

**#5837** Discussion with Action: Accept, with regret, the resignation of Leigh Traci Gikas from the Recycling Committee. Chair Sharri MacDonald

Motion to approve as written Vice Chair Bolduc      Seconded by Councilor Furtado      Vote 7-0

**#5838** Discussion with Action: Approve Liquor License Renewals of Dunegrass Golf LLC d/b/a Dunegrass Golf Club(105A-1-200), 65 Wild Dunes Way, m-s-v in Restaurant and Golf Club; New England Restaurant Group d/b/a Pirates Patio & Galley(304-2-9), 2 Walnut Street, m-s-v in a Restaurant; Jeanne LaChance d/b/a JJ’s Eatery Too(306-5-1-F), 12 B Old Orchard Street, m-s-v in a Restaurant/ Lounge; and Dale C. Tarbox d/b/a Sunset Bar & Grill(307-1-6), 6 Fernald Street, m-s-v in a Restaurant.

Motion to approve as written Councilor Dayton      Seconded by Councilor Coleman      Vote 7-0

**#5839** Discussion with Action: Accept the bid of \$79,315.45 for a five year lease purchase agreement from Specialized Purchasing Consultants for Printers and Copiers for the Municipality as a result of a municipality bidding process. The first lease of \$10,791.24 will be due in FY2014 in the Proposed FY2014 Budget under Debt Service. Town Mgr. Mark Pearson asked it to be tabled.

This item was tabled to get more information first

Motion to table Vice Chair Bolduc                      Seconded by Councilor Dayton      7-0

**#5840** Discussion with Action: Accept donations in the amount of \$21,356.65 from Account Number 30146 - 40802, (Program Donations Revenue), with a balance of \$21,356.65 to be used for the purchase of a Life-Like EMS Patient-Simulator Training Mannequin for the Fire/EMS Department.

Vice chair Bolduc asked for an overview. Chief John Glass said about two years ago they started a fundraising effort... they reached almost all the funds. **The Chief thanked Capt John Gilvor and EMT Paramedic Don Pelliter** for spearheading the fundraising effort.

Motion to approve as written Councilor Furtado

Seconded by Councilor Dayton Vote 7-0

**#5841** Discussion with Action: Accept the bid of \$22,848.80 from World Point, 1326 S. Wolfe Road Wheeling, Illinois for the purchase of a Life-like EMS Patient Simulator Training Mannequin for the Fire/EMS Department using \$21,356.65 from Account Number 30146-40802, (Program Donations Revenue), with a balance of \$21,356.65 and \$1,492.15 from account number 20138-50251 (Fire-EMS Conferences & Training) with a balance of \$5,270.00 as of 2/22/2013. Chief John Glass said we could have it in a couple of weeks

Motion to approve as written Vice Chair Bolduc

Seconded by Councilor Furtado Vote 7-0

**#5842** Discussion with Action: Approve the Special Event Permit for the New England Parkinson's Ride on Saturday, September 7th, 2013 from 6:30 a.m. to 5 p.m. Insurance listing the Town of Old Orchard Beach as additionally insured to be given to the Town Clerk's Office at least one month prior to the event. Conditions Town Clerk are listed on the permit. Request to waive the fee.

Kim McLaughlin

Motion to approve as written Councilor Coleman

Seconded by Councilor Dayton Vote 7-0

**#5843** Discussion with Action: Approve the Pole Permit from Central Maine Power Company to construct and maintain buried cables, conduit, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein under Mullen Avenue, beginning at existing pole 28 on East Grand Avenue traveling easterly along the right side of Mullen Avenue for approximately 165 feet.

Chair Sharri MacDonald

Motion to approve as written Vice Chair Bolduc

Seconded by Councilor Dayton Vote 7-0

**#5844** Discussion: Proposal for seasonal business on the beach. Planner Jeffrey Hinderliter introduced Mr. Rafi Jacobi as he had approached Jeffrey to discuss his desire to operate a seasonal business on the beach that would offer rentals of beach related items such as chairs and umbrellas. Although Jeffrey likes the idea, he believe a proposal to use our beach must be carefully thought out. Mr. Jacobi wanted to purchase 500 chairs and some umbrellas to rent (perhaps \$6 or \$7 dollars) out to visitors to our beach. There would be no permanent building structures. There might be 20 stations and there would be two employees per station. They would clean up the areas and perhaps the umbrellas could have signage on them.... Such as "Thank you for not smoking".

Councilor Coleman brought up what square footage would be involved. Councilor Quinn said others already rent items for the beach. Chair MacDonald asked Chamber Director Bud Harmen to perhaps check with some Chamber members. Mr. Rafi said he would give the Town \$10,000 and 10% of the business to be able to do this. Councilor Dayton said the Beach belongs to everyone. Councilor Mailhot and Vice Chair Bolduc said we should hold a workshop regarding this as there were many areas of concern including liability issues and other business opportunities. Mr. Jacobi said he would take care of Liability Insurance. Chair MacDonald said this would not be something that could be done for this year's season.

**The following Agenda Items will be run by Chair Sharri MacDonald**

**#5845** Discussion with Action: Approve the line item transfers from the Town Manager Department for the Budget Overruns; transfer \$6000.00 from Unemployment Compensation account number 20102-50373, with a

balance of \$38,510.00, to Service Contracts, (It was noted by Councilor Quinn that Service contracts should be corrected to Networking) account number 20102-50310. Transfer \$3000.00 from Unemployment Compensation account number 20102-50373, with a balance of \$32,510.00, to Service Contracts, account number 20102-50404. Transfer \$7600.00 from Unemployment Compensation account number 20102-50373, with a balance of \$29,510, to Bank Fees, account number 20102-50530. Transfer \$4925.00 from Unemployment Compensation account number 20102-50373, with a balance of \$24,585, to Debit card fees, account number 20102-50540.

Motion to approve Councilor Coleman

Seconded by Vice Chair Bolduc Vote 7-0

Jerome Begert said that only the Council has authority to transfer tax dollars between accounts. Our Charter is law. The old Charter and the new Charter were all reviewed by and approved by the appropriate commissions and state government before they were voted on by the residents.

Vice Chair Bolduc followed up with the fact that there can't be transfer or overages without Council approval. In November she saw 142 items that were not in the budget or were over budget. Now we are at 258 lines that are like that. For 4 months we have been trying to get this info. We now have a very competent Finance Director and we are working together to get it addressed and to look at the remainder of the fiscal year to make sure we are within budget. No one wants to shut down or make the public at risk like it has been reported by some. Things were not financially or legally working in Old Orchard Beach. Councilor Mailhot asked for a breakdown of the funds in the Contingency fund. Diana said currently there is \$248,645.39 in the fund. Right now we are looking at taking out \$119,396.96 out to cover other accounts plus there will be another approx \$41,000 that will need to come out for raises and salaries. Councilor Dayton said all lines were explained at the workshop. She also said this is the first time we have had a line item budget. We need to have a transfer policy. Vice Chair Bolduc said that we did not go through all the Finance Directors recommendations. She said she thought it was premature to have it on tonight's agenda but she applauded the Finance Directors effects to get us in compliance with the Charter and the law. We do need to go line by line. Councilor Coleman said the budget has not been mismanaged. He said this is about getting rid of the Town Manager. He said again this is a learning year with the line item budget. He agreed that it is technically out of order and illegal and needs to be fixed. Councilor Dayton said there had been chaos in the Finance Department with 5 heads in the last two years. She objected to any laying of the problem at the feet of the Town Manager or anybody else as the Council is responsibility. She even objects to the word over budget because we are not technically over budget. Councilor Furtado asked about the plan for the rest of the year and if we thought we would use up the balance of the Contingency Fund. Vice Chair Bolduc said that supposedly the budget was done properly and was praised by some Councilors still on the Council. Once it was discovered that there were issues those same Councilors are now saying it was a learning year. We paid one Finance person \$90 an hour so we didn't have incompetent people. Councilor Furtado said that people could look at the tape from candidate's night and it was apparent to him that Councilors were not looking at the warrants they were signing. He refuses to take blame for previous Councilors. Diana did a tremendous thing the other day. She sent us the financials so that we could review them prior to a meeting. The Town Manager corrected the figures to approx \$134,000 from within the departments and \$119,000 from the contingency. This does not include the \$41,000 for raises and salaries. The Chair thanked the Town Manager and said that the money will be transferred but that what is at issue is that the Council is to uphold the charter. She believes the department heads knew that couldn't go over their lines. She is supporting the transfers within departments and out of contingency but she would have liked more time to see if there were any better ways to make the funds work.

**#5846** Discussion with Action: Approve the line item transfers from the Tax Collector Department for the Budget Overruns; transfer \$1752.00 from Contingency account number 20118-50350, to Part-time Employee Wage Expense, account number 20104-50107. Transfer \$398.30 from Dental Ins - ER, account number 20104-50211, with a balance of \$1069.48, to MSR-Employer Share Expense 20104-50202. Transfer \$102.00 from Dental Ins - ER, account number 20104-50211, with a balance of \$671.18, to Registry of Deeds Fee Expense, account number 20104-50304. Transfer \$3849.68 from Contingency account number 20118-50350, to Computer Support/Serv Exp, account number 20104-50454.

Motion to approve Councilor Quinn      Seconded by Vice Chair Bolduc    Vote 7-0

**#5847** Discussion with Action: Approve the line item transfers from the Treasurer/Finance Department for the Budget Overruns; transfer \$3141.94 from Contingency account number 20118-50350, to Part-Time Employee Wage Expense, account number 20105-50107. Transfer \$6416.00, from ICMA 457 – ER account number 20105-50203, with a balance of \$7548.44, to MSR- Employer Share Exp, account number 20105-50202.

Motion to approve Vice Chair Bolduc                      Seconded by Councilor Coleman    Vote 7-0

**#5848** Discussion with Action: Approve the line item transfers from the Board of Registration Department for the Budget Overruns; transfer \$90.00 from Admin/Office/Supp, account number 20109-50500, with a balance of \$407.01, to Conference/Training Exp account number 20109-50251. Transfer \$54.00, from Admin/Office/Supp account number 20109-50500, with a balance of \$317.01, to Travel/Food/Lodging Expense, account number 20109-50252.

Motion to approve Councilor Dayton      Seconded by Councilor Furtado    Vote 7-0

**#5849** Discussion with Action: Approve the line item transfers from the Design Review Committee for the Budget Overruns; transfer \$111.00, from Contingency account 20118-50350, to Advertising Exp, account number 20112-50320. Vice Chair Bolduc asked where the money was coming from. The Town Manager said that the budget was tight. Councilor Quinn said it looks like a miscoding.

Motion to remove without prejudice Councilor Quinn      Seconded by Councilor Coleman    Vote 7-0

**#5850** Discussion with Action: Approve the line item transfers from the Code Enforcement Department for the Budget Overruns; transfer \$2300.00, from Contingency account 20118-50350, to MSR-Employer Share Exp, account number 20113-50202. Transfer \$2773.00, from Contingency account 20118-50350, to Conferences/Training Exp, account number 20113-50251. Transfer \$1177.00, from ICMA 457-ER account 20113-50203, with a balance of \$3100.22, to Phone/Cellular/Paging Exp, account number 20113-50402. Transfer \$561.78, from ICMA 457-ER account 20113-50203, with a balance of \$1923.22, to Admin/Office Supp/Eqt., Non-Cap, account number 20113-50500.

Per a question by Councilor Quinn, Finance Director Diana Asanza will check on the heating fuel costs. Chair said Councilor Quinn brought up at the workshop that we look at the cellular expenses as that was a lot of money and there might be better ways to handle it.

Motion to approve Vice Chair Bolduc      Seconded by Councilor Dayton    Vote 7-0

**#5851** Discussion with Action: Approve the line item transfers from the Town Hall Bldg Maint Department for the Budget Overruns; transfer \$180.00, from TH Water account 20115-50401, with a balance of \$717.10, to Phone/Cellular/Paging Exp, account number 20115-50402. Transfer \$9590.00, from Contingency account 20118-50350, to Heating Fuel Exp, account number 20115-50405. Transfer \$1328.00, from Contingency account 20118-50350, to Vehicle Fuel Exp, account number 20115-50510.

Councilor Quinn questioned the heating issue... he thinks something may have been miscoded. Diana checked and what is in the line is correct. She will check to see if it is for a full year or not. Councilor Furtado mentioned that Catherine was going to look into a locked rate for cost. Town Manager said we do not do spot buying. Diana will look into Councilor Quinn's concern.

Motion to approve Councilor Coleman                      Seconded by Councilor Dayton                      Vote 7-0







Motion to approve Vice Chair Bolduc

Seconded by Councilor Furtado Vote 7-0

**#5860** Discussion with Action: Approve the line item transfers from the Public Works Department for the Budget Overruns; transfer \$15,600 from Overtime Construction, account number 20151-50110, with a balance of \$32,897.91, to Seasonal Employee Wage Expense, account number 20151-50108. Transfer \$1,000.00 from Sewer Maint/Insp., account number 20151-50508, with a balance of \$26,977.01, to Advertising Expense, account number 20151-50320. Transfer 34,859.77 from Contingency, account number 20118-50350, to Equipment Replace/ Lease, account number 20151-50330. Transfer \$10,500 from Road Maintenance Repair, account number 20151-50506, with a balance of \$30,808.12, to Vehicle Repair/ Tires/ Oil Expns., account number 20151-50453.

Motion to approve Councilor Furtado

Seconded by Vice Chair Bolduc

Vote 7-0

John Bird, Vice Chair of Former Charter Commission and current member of the Finance Committee thanked the Town Council and Finance Director and all involved for following the Charter in getting all these issues handled.

Town Manager said he want to present a written request on the following agenda item to hold it in public.

The Chair handed the letter to the Town Attorney Glen Israel who said Executive Sessions are held to discuss personnel issues as well as to discuss charges or investigations. It is his understanding this one was being held to discuss personnel issues. He said that the person being discussed need not be at that meeting. But if the session was being held to discuss charges or an investigation the person could request it be public.

John Richardson, Attorney for the Town Manager said if they vote was not passed to go into the Executive Session, Mr. Pearson would like public discussion be held.

Council Chair MacDonald said this is the third time they have tried to go into Executive Session just to talk. And she hoped they could out of courtesy do that.

**#5861 EXECUTIVE SESSION** - Discussion with possible action: Personnel Matters related to the Town Manager (Note: This item discusses privacy issues defined under Title 1, M.R.S.A. Section 405(6) (A), and the Council anticipates that the discussion portion will occur in Executive Session.

Motion to go into Executive Session Vice Chair Bolduc

Seconded by Councilor Furtado

Councilor Dayton asked Mr. Israel if he knew what the Executive Session was about. He said his understanding of the Executive Session was to discuss personnel matter concerning the Town Manager. She asked if he had details. He said yes. She said she has zero, none, she hasn't been given anything. She has no background information on this meeting what so ever. She told Mr. Weinstein she appreciated his comment (not audible). She again said she has no idea, no discussion what so ever, no communication. She said she still had the floor. The Town Manager said he wanted to make a point of order that a certain person not be allowed to make a personal attack (it was not audible).

The Chair tried to read the Council rules (interruption by Councilor Dayton "I would like to know if the Town Manager was informed about what this meeting was about." The Chair started to talk and Councilor Dayton interjected again. "Since it was about him was he given any details of the information at all or perhaps his attorney?" "Or is Mr. Israel the only one who has any idea what this is all about".

The Chair tried again to call for the vote and Councilor Dayton interjected again. "Mr. Richardson do you know what this is about?" Mr. Richardson tried to speak over the Chair but was not recognized. He continued to interrupt and say this was about the continued attempt to terminate the Town Manager. The Chair told him he was out of order.

Council Chair ask the police chief that if anybody speaks out of turn or heckles or says anything and is not recognized by the Chair of the Town Council that they be removed from the building.

The Town Attorney Rob Crawford read the Council's Rules of Order.

Persons wishing to address the Council on an item which appears on the agenda shall wait til the Chair person announces the consideration of the item at which time they may address the council on that particular item. Remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. No person other than the members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the Chair. However once the Council has begun deliberations (this is when the public proceedings will be done) then the comments are no longer in order. Persons wishing to address the Council on an item not appearing on the agenda (that is not relevant here). Persons wishing to address the Council shall signify desire by raising his or her hand, recognized by the Chair such person shall request to address the council, giving his or her name, address and designating the subject matter of which they desire to address the Council. Persons present at a Council meeting are requested not to applaud or otherwise express approval or disapproval of statements made. Person addressing the Council on an item prior to the start of deliberations by the Council shall be permitted to speak only once on a item and shall limit his or her remarks to only 5 minutes per item unless permission to speak longer is requested and granted by a majority vote of the Council. Persons attending the council meeting shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council, any person making personal impertinent or slanderous remarks or becomes boisterous while attending the Council meeting shall be removed from the room if a police officer is so directed by the Chair.

The Chair called for the vote

Councilor Coleman said he had a point to make. He was not recognized by the Chair. The Secretary called for the vote starting with Councilor Dayton who asked Councilor Coleman if he had something to say. That was also not recognized by the Chair. Both Councilors Dayton and Coleman continued to try to open the motion up for discussion.

The Chair made a motion to open to allow for discussion:

Councilor Dayton Yes

Councilor Furtado No

Councilor Mailhot No

Councilor Quinn Yes

Councilor Coleman Yes

Vice Chair Bolduc No

Chair MacDonald No

This failed. Councilor Coleman stated that the gang of 4 had just shut down debates

The Chair asked the Secretary to call for the vote to go into Executive Session

Councilor Dayton No

Councilor Furtado Yes

Councilor Mailhot Yes

Councilor Quinn No

Councilor Coleman Before I vote, I asked the Chair three questions on Friday, I have yet to receive a response. Those questions were:

Will the town have its own legal representation present?

Why are you claiming privacy issues?

Why do you persist in going down this foolish path? No

Vice Chair Bolduc Yes

Chair MacDonald Yes

This failed as 5 votes are needed

Councilor Coleman was not recognized by the chair but said if the Chair had answered his questions he may have decided to go into Executive Session but that the chair was arrogant and disrespectful and did not answer a reasonable question from a fellow Councilor.

Councilor Mailhot was recognized by the Chair and said that given the fact that the Town Manager has already today filed one lawsuit against the inhabitants of Old Orchard Beach, I am not willing to give specifics about these personnel matters at this time. I am also dismayed and disheartened that my fellow Councilors will not go into a discussion in Executive Session and some of these Councilors tried to pit resident against resident. The right thing to do is often not the easy thing to do. To keep kicking the can down the road is irresponsible to say the least and the people who know me know what I do only after careful consideration and deliberation. So in an effort to prevent the tax payers of this town from possibly being filed with a second suit from the Town Manager, I will not comment on these personnel details publicly whether he waives his right or not because it can come back on us. At this time, I move that the Council provide the Town Manager with written notice as follows, pursuant to section 4 of the employment agreement with the town of Old Orchard Beach and Mark Pearson dated February 13, 2012, you are hereby notified of the town's intention to terminate that agreement for no cause with such termination to become effective as of the close of business April 3, 2013 and further move that the Council authorize the Town Manager to take a leave of absence with full pay and benefits during that four week period following his receipt of notice of the town's intent to terminate his employment agreement for no cause and the date on which that contract is terminated.

Seconded by Vice Chair Bolduc

Council Coleman said since that specific charge was not on the agenda, it is out of order and I believe it to be illegal to be brought up at this time. If you need to bring that up put it on the agenda.

Chair MacDonald asked the Town Attorney to speak regarding Councilor Coleman's comment.

Attorney Rob Crawford said the agenda item seeks the Executive Session which is a procedural means of getting to the point but it is clearly related to the personnel on the Town Manager and what is proposed here is in regard to the Manager's contract. So in my view, I think this is in order for the disposition of the Council tonight. It may not be my preference or some others preference to proceed this way but I think it's here and is present and should be acted on and disposed of.

Councilor Dayton asked Rob if what the Chair just said is applicable to what was just stated. She said the Chair was referencing something that just happened today. She also mentioned an illegal vote last week. The Town Attorney said their hope was to have this in Executive Session related to the matters that have been brought forward at this time but that failed. So the matter is still on as regards to the personnel issue. Councilor Dayton asked if the public could ask questions and said they probably should.

The Chair said there was a motion and a second on the table. Councilor Coleman interjected and said that if there was a vote now he imagined there would be a recall in the morning. The Chair said if there was a majority that wanted to allow the public to speak she would do that. Council Coleman interjected again and said he would let them speak Councilor Coleman motioned to allow the public to speak and Councilor Dayton seconded.

Councilor Coleman No than changed to Yes

Councilor Quinn Yes

Councilor Mailhot No for the reasons I stated

Councilor Furtado No

Councilor Dayton Yes

Vice Chair Bolduc No due to legal liabilities

Councilor Coleman interjected and said the liabilities are going to be much greater if we proceed.

The Chair said he was out of order

Chair MacDonald No

That failed.

The Chair called for a vote on the original motion. Both Councilors Coleman and Dayton interjected. Both continued to talk as the Chair called again for the vote. Councilor Dayton said she wanted to be clear on what just happened.

The Town Attorney said he was going over procedures and it says that persons wishing to address the Council would be given an opportunity to do so in accordance with the procedures we outlined earlier. He said he doesn't think allowing the people to speak would relate to liability issues. He said people could be allowed to speak but should be mindful of the rules set earlier.

The Chair said anybody who lives in Old Orchard Beach is allowed to speak as a tax paying resident.

Jerome Begert said any non resident attorney has the right to speak about his non resident client in an Executive Session. He asked the Councilors who said no to an Executive Session to change their votes and allow the Executive Session.

Fred Dolgon said he had a right to talk. The election gave us strange bedfellows. The MacDonald four consisting of Chair Macdonald and by followers Laura Bolduc, Linda Mailhot and Dana Furtado. The losing three in any vote of importance Mike Coleman, Bob Quinn and Robin Dayton. Quinn and Dayton received the highest number of votes. He said Mark Pearson has been around small town politics for a long time and he could smell an illegal and immoral act of small town tyranny. He went on to talk about phony allegations. He said Mark was uncovering unusual practices in the finance department. What was the real story behind the Library scandal? We need serious minds and decent motives to lead us. Personal power plays are definitely not the answer. We need transparency and democracy. Maybe it is time for some recalls.

Maria Turner said she didn't know if Fred and Mr. Coleman had the same script writer but that she knew the three questions he emailed Sharri MacDonald because he posted them on Facebook. And when he did this he also posted "it appears the OOB gang of 4 are aiming to fire Town Manager, Mark Pearson this Tuesday. They are acting recklessly and not in the best interest of the residents and the tax payers of our town. She continued to say that Councilor Coleman stated that it appears they are acting in their own interest not for the betterment of the town. She asked who was perpetuating the issues. Councilor Coleman interjected that he will answer questions when a reporter asks. Maria said can't you say no comment... She asked Councilor Dayton through the Chair why she is saying she knew nothing about what was going on. If so why didn't she call someone when she saw the item on the agenda? Councilor Quinn said "Point if Order all questions are to be addressed to the Council in general not to a particular councilor.

Todd Bassett said he was deeply distressed. He spent 2 hours with the chair reviewing information that she had. I also spent time with others that came to him with information that could show areas of conflict of interest. With members of the council as it relates to this whole situation with the Town Manager. He has tried to maintain a neutral position. He said the budget process is not simple as one councilor has suggested. More than 50% of the overages are under a \$1000 and most are being handled within the same department budget. As it relates to the Town Manager there is not enough info to warrant any action. You may want to put him on probationary status. He brought up the issue that three short time people were looking to get rid of the Town Manager. He said this was irresponsible. He said documentation that has been shared with him shows some councilors should recluse

themselves for a potential, conflict of interest. He said the final audit needs to be shared with everyone because what has been shared is not enough to recall someone. He believes there is a neutral solution where the community does not need to be torn apart.

Pat Brown asked Maria Turner to give her address to the Council Secretary as she has never given it.

Maria Turner said that since the illegal fight club she does not give that information out publicly. She did verify she lives in Old Orchard Beach.

Pat Brown wanted to thank Councilors Coleman, Quinn and Dayton for prevailing. It is clear that it is in the best interest of some for the Town Manager to be gone despite the fact that a number of us clearly support him. Why is there such a rush? Is it because to the pending audit? Why not wait? There are some things lying out there that seem out of sorts. If I found it I am sure the Town Manager has found it and is looking deeper. It seems to me we should keep this Town Manager and as Freddy suggested can some of the Town Council. Why are we giving jobs amount to less than \$5000 to a sibling of a Councilor. The Town Manager would know those don't need approval by Town Council. She also questioned dates paid. She brought up several examples including a local gas station being paid \$2000 for a printing job and another \$1000 for a banner. Why didn't the Councilor recluse themselves from signing the warrant?

She said councilors need to not only avoid conflict of interest but also the appearance of conflict of interest... This council seems to pick and choice which parts of the charter they want to follow. She said Maine earned a high mark in corruption studies and had copies if folks wanted them. Her biggest concern was that the word Maine in the study would be replaced by Old Orchard Beach. She went on to say that if the Town Manager was let go, who would want to come and replace him... or perhaps that is the plan. To have the town managed by the Chair. Darker days are ahead.

Neil Weinstein said the person holding the recall sign was being disrespectful. He wanted to thank the four councilors who voted honestly and respectfully and courageously in view of the personal attacks people like Pat Brown spoke of which have nothing to do with the Town Manager but the Town Manager's attorney went up to her and told her to speak. Pat Brown came up to the podium and said that is libel. She continued to talk as the Chair asked her to stop. Police chief Dana Kelley and Tim LeDuca came up and Tim escorted Pat out of the meeting. Councilor Coleman said he couldn't believe that a citizen with Pat Brown's standing was removed from this hall. He said "You have gone too far. You have gone way too far."

Neil Weinstein continued to say the actions and grandstanding of the three and their cronies, I think is the most disrespectful thing these people have done to Old Orchard Beach. These three used to be the majority when there were 5 on the Council. Thier actions were much worse than what they are claiming you are doing here today. Now that they are in the minority everything is different for them. Everything is bad any time there is a vote. He has told Councilor Coleman that if he spent 10% of his energy working with the four others things would be different. Councilor Coleman said he is not looking for favors. The Town Manager has been absent from his job of \$96,000 60, closer to 70 days. That means he was not at he job for three months of his first year. Did he give the money back...no. This was the person the three hired to be the full time Town Manager. He recently ran for elected in another state. What kind of a commitment to Old Orchard Beach does that show? He put the terms in his contract that he could be bought out. He has chosen to not even rent a motel room but to stay at the Fire Station. And as far as the budget is concerned it is not simple but the issues are at \$258,000 over I think and we have 3 months to go. I am a member of the Board of Trustees of the Library and members of the board and employees have quit because of bullying by the Town Manager who tried to shut us down with the help of the three people here that voted against every library funding brought up... except for the last one.

The Town Manager directed the police chief not to tell the library what happened on the investigation. He has asked the police chief for a copy to give to the board and was told the police chief worked for the Town Manager and the Town Manager told him not to do it. Mr. Richardson (the Town Manager's Attorney) yelled out that was

a lie and a slander issue. The Chair asked Mr. Richardson to be quiet... he continued to say that Mr. Weinstein should not be allowed to say anything that would defame his client. Mr. Weinstein said he would suggest that the Council proceed with the vote per the contract the Town Manager signed to buy him out and move on with it.

David Francoeur said he wanted to give the Council a chance to resign or face recall.

Kathy Smith said when is this going to stop. Everyone should be treated the same. There shouldn't be favors done for people because they own businesses in town or because you hold positions in town. She thinks the Town Manager has done a great job. As an employee it has been wonderful to work for him. The 3/2 vote was moving us in a better direction than the current 4/3 vote. It has got to stop. Who would want to come here? Mike Tousignant has said of all the candidates, Mark was the best. Apparently her opinions don't matter. It makes her sick. Please take back that vote. It takes time to adjust. Like the Code Officer we have he needs to learn. She is really really really concerned. She asked to get rid of the term "the majority of the Council." I don't mean to be disrespectful but please make up your own mind.

Tom Gillis Asked to have \$250,000 transferred to the legal fund as he thinks that is what this action will cost the town. Between \$250,000 and \$400,000.

Chris Johnson made a comment about Pearson's place. This is a disgrace for our town. He does find fault with the manner in which replacing a Town Manager is done. Transparency should be described as clarity. That the people understand why decisions are being made. Whether they agree or not is a matter for the ballot box. Mr. Pearson has done nothing that he can see wrong. He said he would no take the course Councilor Mailhot made. He said to discuss the issues and it would be clear to all present.

Shawn O'Neil said take a step back to the bond in 2008. A forensic audit needs to be done. He asked the Council to reconsider the motion and to try to treat each other with respect. He said there is more behind this than what is thought to be.

Bill Daley said we are at a point where our government is broken here in town. He said the attacks on the Chair were uncalled for. He apologized for the town. He said what Pat Brown said was uncalled for. He said Councilor Mailhot was one of the most fastidious people he knows as far as reading all the information presented and making sure she understands that information. Council Mailhot does not make decisions that are going to be bad for this community. We need to fix the problems. We have come to irreconcilable differences. Doesn't mean he's wrong, doesn't mean you're wrong. It means we need to move on. I want this fixed and I want to trust the people on the Council to make decisions. I know Linda Mailhot, I know Sharri MacDonald. He referred to Vice Chair Bolduc and Councilor Furtado and said he didn't know them but saw how they worked on the Council and that the four are doing a great job. It is time for us to fix the problem.... Stop blaming each other.

Scott Dumais things are not clear as to why you are asking for his termination. He doesn't think it is fair to have private conversations. It just looks like you are hiding something and he doesn't think it is fair.

Councilor Dayton said she would like that gentleman to get an answer. What is the answer? Without cause? Really? I would like an answer and I think that gentleman deserves and answer and other people have asked that same question over and over again including Kathy. Councilor Dayton said she doesn't know the answer either. What is the reason?

King Weinstein said that they should take the vote and move the town along.



Councilor Coleman said in the interest of fairness to the person you are intending to terminate we should hear from him or from his counsel if he so chooses. You owe him that much. To do anything else other than to allow him that would be unconscionable.

Phil Weyenberg said the problem is we don't know why you don't like him. He was away for 60 days... let's hear the explanation or the non explanation. There is nothing solid you have in your case. Tells us what your case is or you are going to look like fools.

Guy Fontaine said he thought a lot of the confusion could have been eliminated if they had gone into Executive Session. He doesn't need to know all the details that's what he elected the Council for. To go on Facebook and stir everything up and then refuse to go into Executive Session that is what causes all this chaos.

Mark Beaudoin said how about this idea. Let's use Mr. Pearson's rational. Let's put him on Administrative Leave, do an investigation, find nothing wrong and fire him. Isn't that his preferred solution?

Jody Belesla said she just moved here in November and this is her first Council Meeting. She is surprised at how many people have come and gone so quickly. She doesn't think it is the Town Manager. She thinks we need to find out why we can't hold on the Town Officials.

Gregg Kidd said he was watching at home and when saw some get up and tarnish someone he has known for a long time, he came down. That person is Sharri MacDonald. He said the issue of conflict of interest came up several years ago and at that time he sent a document that cleared that up. He said he told Sharri that he like the Town Manager. That he is the only one who has addressed the noise issue at Kate's Butter but if the Council doesn't like working with him, he is their employee. That's your decision. He commented the Councilor Coleman's comment about recall was despicable.

David Putnam said he thought things would have been a lot better if the Council got together as a group and talked things out. You are the parents of the town. This could have been a much easier process to sit down together. That can't help but make things better.

Mark Pearson asked if his attorney could speak for him.

John Richardson said that his client filed a complaint to determine if he has the right to non renew or not. Or whether the Council has a right to be involved. Can't we find some middle ground; the answer is of course we can. We can ask a court, we can ask a judge. What is the answer? I think you need a 3<sup>rd</sup> party to come in with an answer. He predicted we would have had 6 Town Managers in 6 years. Who really is the CEO of this municipality? Who runs the personnel issues? Mark did not non renew lightly. He sought out 3 attorneys to see if he had a right to non renew. Glen Isreal helped draft the letter for Mark.

You believe you have the right to step in to a personnel issue, he doesn't think you do, the Town Attorneys don't think you do and a lot of the people in attendance don't think you do. And three of your councilors don't think you do. If you do and all of us are wrong then we can defer to the Council going forward. As a result we had to file and I think you will have an answer rather quickly from a judge as to who it is who has a right to make these decisions. The Council has powers given to them by the Town Charter and State Law. Otherwise it goes to the Town Manager for a very good reason. We are not suing the town; we are looking for an answer. He passed out copies of the court documents.

Glenn Isreal our Town Attorney wanted to clear up what Mr. Richardson said. They provided the Town Manager with the fact that pursuant to the charter he had the authority to non renew the contract with a department head however together with that advice further advice was given writtenly and verbally that if he reached that decision

it would be best for him to advise the Council before he did it, in case the Council felt differently. It is clear that the Manager reports to the Council.

Eileen McNally wanted to confirm that by going into Executive Session it is only to talk and not make a decision. She did not understand why anyone would be frightened by that.

Councilor Quinn wanted to explain that the reason he didn't go into Executive Session. He said he didn't have a good reason to go in. The past Executive Sessions have become BS sessions and have gotten out of hand. Mr. Pearson has asked for it to be open and he is entitled to that. My Quinn said he heard nothing bad about the Town Manager when he was campaigning and he knocked on 1500 doors. Then 3 weeks after the election, 3 new Town Councilors decided we were going to dump the Town Manager. We still have not heard the reasons. The important thing is that the motion on the table will have consequences on the town. Not only financially but in the view of the public here and what outsiders think of the town. He asked how we are going to get things done if we vote the Town Manager out of office at this time.

Councilor Dayton asked the Chair what the plans were for the town budget if we don't have a manager. Are you going to do it yourself? Are you expecting Diana to do it all? How is business going to be conducted without a Town Manager and we don't have an Assistant Town Manager because she is out on leave. We have staff that are being retaliated against because of what happened last week and don't look at me like you don't know that. How is this town going to run without a town Manager? How are we going to get a budget done? How are we going to get anything done? Are you going to come in here and do it? Is that where you are headed? The rumor on the street is that the planner is going to be the interim. That's why you had him give the presentation tonight. So clearly you have had discuss with other people but you don't want to share that with everybody else. Is that about right? The reason we didn't go into Executive Session is there is nothing to talk about. There is something going on and this Town Manager disrupted it. He started fixing all the problems. And people said can't have that. This is sad. We tried to implement change, we tried to bring in a purchasing policy, we tried to follow the law, we tried to stop big contracts, we tried to stop corruption. She told Mr., Pearson she was sorry.

Councilor Furtado stated that the reason he wanted to move into Executive Session was to try to work things out. But now there are irreconcilable differences. He said status duo won't work. The negative media coverage has to end. Like a marriage you go behind closed doors and try to work it out. If you can't it is time for a divorce. He said he had only received a total of 4 emails from Mr. Pearson. Some Councilors got 400 in 15 days. There has to be communication and there is none.

Vice Chair Bolduc said she agreed with Councilor Furtado's comments about communications. Without communications you can't build relationships and trust. In this town we have miscommunication, no communication and poor communication.

Councilor Coleman said on Dec 7<sup>th</sup> 2012 the Chairman went into the Town Manager's office and said the majority if the Council wanted him to resign. If you want to get rid of anybody you want them to resign rather than fire them because if you do fire them there can be consequences. Not all the Council was asked. It was what could be an illegal meeting. It is illegal for us to get together outside of the public unless it is an announced Executive Session. It is illegal for a quorum to get together. How can Mark Pearson trust when he knows that less than three weeks after their term, three councilors wanted to get rid of him? He stated he refused to go into Executive session because he believes Mr. Pearson has a right to defend himself in public. That is in Maine law. And by the way, Mr. Pearson is a tax payer in Maine. He may not pay a property tax but he dies pay a hefty income tax. It is reckless to go down this path. He referenced a previous speaker about how much it was going to cost the town. He felt Mark was the best candidate. Maybe he is overturning rocks he shouldn't be overturning. I just hope we do the right thing here tonight, I fear we won't.

Peg Bayles said regarding communication, that is what the public is crying out for. I have been to two of these meetings and I have not heard a cause for letting Mark Pearson go. As treasurer of one of the committees, I have had conversations with Mr. Pearson. So personally I can say he has been very helpful to me. I would like to hear in public what the problems are. I can't see how 4 see what is wrong and 3 don't know what they are talking about. If there is a problem he needs to be given steps to improve. Remember who pays for this.

Bev Russell wanted to know why someone was allowed to sit there and yell things out. He has done it and he hasn't been removed. She also said that as far as not discussing marriage problems in front of children... we are not children

The Chair said that several people have said things but with only one was there an altercation at the podium and that we asked that that person be removed.

Dick Bayles Once you ring a bell you can't unring it.

The Chair call for a vote on the original motion by Councilor Mailhot and seconded by Vice Chair Bolduc  
Councilor Coleman On the motion to remove the Manager, absolutely No  
Council Quinn No  
Councilor Mailhot Yes  
Councilor Dayton On the motion to remove the Town Manager without cause for no reason what so ever  
absolutely not  
Councilor Furtado on the motion to buy out the contract that he specifically ask for Yes  
Vice Chair Bolduc Yes  
Chair Macdonald Yes

That carries 4-3

**GOOD AND WELFARE:**

Jerome Begert Mr. Richardson is asking if the Town Council has any says over contract renewal or non renewal. And the answer is yes. The Council has the authority

**Respectfully Submitted,**

**Sheila M. Flathers**  
**Interim Town Council Secretary**

**I, Sheila M. Flathers, Interim Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty (20) pages is a copy of the original Minutes of the Town Council Meeting of March 5, 2013.**

**Sheila M. Flathers**

Gmail - Inquiry into legal costs for Personnel matter



Laura Bolduc <lbolduc50@gmail.com>

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## Inquiry into legal costs for Personnel matter

5 messages

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**Laura Bolduc** <lbolduc50@gmail.com>

Thu, Feb 21, 2013 at 12:45 PM

To: "Rob Crawford (rcrawford@bernsteinshur.com)" <rcrawford@bernsteinshur.com>, smacdonald@maine.rr.com

Bcc: Dana Furtado <dfurtado@oobmaine.com>, Linda Mailhot <lindamailhot@gmail.com>

Rob,

During a meeting on 2-19-13 a resident made a public and televised statement that the Council had incurred \$8000.00 in legal fees associated with the employment of the Town Manager in December. The information that you have provided to the Council does not reflect this exaggerated statement.

Please provide the Chair with a breakdown of all associated legal costs and services regarding this topic from November 2012 - January 2013.

Public statements such as this can be totally inaccurate, very misleading and stated with malice. I believe that it is important for the Council to provide the general public with accurate documentation to counter this at the next meeting as I have received several inquiries.

Thank you in advance,

Laura Bolduc

Vice-Chair OOB Town Council

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[quoted text hidden]

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**Rob Crawford** <rcrawford@bernsteinshur.com>

Tue, Feb 26, 2013 at 11:51 AM

To: Laura Bolduc <lbolduc50@gmail.com>, "smacdonald@maine.rr.com" <smacdonald@maine.rr.com>

Cc: Janet Davis <jdavis@bernsteinshur.com>, Glenn Israel <gisrael@bernsteinshur.com>, Jayne Riley <jriley@bernsteinshur.com>

Councilor Bolduc:

I have secured and reviewed the statements specific to employment matters for the requested time period.

I find that there are approximately \$3200 of fees incurred that appear to be related to questions and concerning the Manager incurred during the period starting in late November and running through mid-December, including the evening when Glenn and I were asked to attend the 12/12 Council meeting.

Later in December the employment matters we were asked to assist with relate to the investigation of the statements allegedly made by Mr. Robertson and assistance with other ongoing employment matters.

Please let me know your questions and if this is the information you require.