

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, April 16, 2013
TOWN HALL COUNCIL CHAMBERS
7:00 P.M.**

Pledge to the Flag

The following were in attendance:

Councilor Quinn
Councilor Mailhot
Councilor Furtado
Vice Chair Bolduc
Chair MacDonald

Councilor Coleman Came in during the Acknowledgements
Councilor Dayton Came in during Item # 5890

ACKNOWLEDGEMENTS: The Chair acknowledged Sean Thibodaux a local hero who past away Easter Sunday. She asked the Chambers to have a moment of silence for Sean and also for all those in Boston now dealing with the aftermath of the Boston Marathon bombing. She said we were blessed to live in a community such as ours.

Councilor Mailhot noted that on Sunday May 5th, the American Legion on Imperial St. will be sponsoring an indoor yard sale. 9AM to 2PM. Also April 20th will be the “Swap’n Shop” event put on by OOB365 at Jimmy the Greeks. It will also be a food pantry food drive, a Libby Memorial book drive and a Ballpark bottle drive.

Councilor Coleman said Saturday April 27th there will be a drug take back at the police department from 10 to 2. Also on April 24th the Old Orchard Beach Loranger Middle School Jazz Band will be appearing in the State House.

Councilor Furtado said that the Earth Day clean up for Memorial Park schedule for this Saturday has been postponed until April 27th. Please bring your gardening tools.

The Chair mentioned the fundraiser for the library and the Animal Watch Group that was held at Jumpin’ Jakes. The event raised over \$2000. She mentioned that Jumpin’ Jakes was doing another one for the three food pantries and that if you wanted more info to call the Town Manager’s office.

ACCEPTANCE OF MINUTES:

Town Council Workshop Minutes of March 25, 2013;
Emergency Town Council Minutes of March 26, 2013;
Town Council Workshop Minutes of April 1, 2013;
Special Town Council Meeting Minutes of April 2, 2013;
Town Council Workshop Minutes of April 2, 2013; and
Town Council Workshop Minutes of April 3, 2013.

Motioned Councilor Mailhot Seconded Vice Chair Bolduc 6-0
Vice Chair Bolduc did abstain from voting for the 3/25 meeting because she was absent

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL: Kenneth Bohr Revocable Trust c/o Sarah H. Bohr (202-2-4-1C), 205 East Grand Avenue, Unit 1C, one year round rental; Steven W. Getchell dba/Getch’s Ketch (210-10-2-A), 11 Ocean Park Road, Retail – Victualers with

\$49,482.38 to Parks Department Service Contracts, Account Number 20152-50310, with a balance of \$5,130; transfer \$771.00 from PW Service Contracts, Account Number 20151-50310 with a balance of \$49,842.38, to Parks Department Grounds Maintenance, Account Number 20152-50511, with a balance of \$1,429.03; transfer \$1,000.00 from Parks Department Property Damage, Account Number 20152-50346, with a balance of \$1000.00 to Parks Department Seasonal Wages, Account Number 20152-50108, with a balance of zero; transfer \$706.00 from Parks Electric Repair, Account Number 20152-50455, with a balance of \$706.04 to Parks Department. Seasonal Wages, Account Number 20152-50108, with a balance of zero; and transfer \$1,268.00 from Parks Department, Account Number 20152-50501, with a balance of \$1,268.91 to Parks Department. Seasonal Wages, Account Number 20152-50108, with a balance of zero. Public Works Director Bill Robertson.

There was a workshop 4/3/2013. At that time we thought we had \$8600 and we actually only had \$7301. He got together with the Chair for the Parks Committee and the Finance Director and this is what we came up with. This includes mowing, fertilizing, irrigation and pruning the trees. This gets us through the year. Councilor Mailhot noted that this would drain several accounts completely and the Public Works Director noted that they would not be using those accounts for the rest of this fiscal year. Councilor Quinn asked if they were transferring a seasonal job. Bill said yes for the rest of this fiscal year and then they have it in the budget for the next fiscal year. Councilor Quinn thinks this would account for a 10% increase in taxes. He does not want to establish this job at this time. He said there are more needs than beautification and esthetics. Councilor Coleman concurred that there are needs in our Finance Department. This is a nice thing to have but is not essential to have. With the possibility of losing all our revenue sharing and the RSU budget is going to be higher than this year. We are faced with a town that is not going to be amenable to a tax increase. This is an optional type of spend. Vice Chair Bolduc does support a seasonal laborer for this position based on the investment the town made for the last several years to improve that area as well as the reckless spending of the previous council that went undetected.

John Bird, Conservation Commission. This is only a stop gap measure to open up the park after the lack of care it got last year. He said it does not start a precedent. He thinks the money has been found and this needs to be done.

Council Furtado agreed with what Mr. Bird said. The cost are coming from inter department transfers. As long as this is not asking for new money, he is in favor of allocating the money as mentioned. He said we have spent over a million dollars on the park and the lack of spending last year showed. The Chair also supports this item. She mentioned the slide show at the workshop showing how many people use the park. She is sure they are also going to continue their fundraising efforts. Plus the seasonal worker would be paid less than someone from Public Works.

Motioned Councilor Furtado

Seconded Vice Chair Bolduc

Councilor Furtado Yes
Councilor Coleman No
Councilor Quinn No
Councilor Mailhot Yes
Vice Chair Bolduc Yes
Chair MacDonald Yes

4-2

5890 Discussion with Action: Approve the Special Event Permit application from RS Fireworks LLC to hold a Fireworks display on Thursday, June 6th, 2013 at approximately 9:45 p.m. at the Ballpark with rain dates of 6/7/13 or 6/10/13. Approval by the State Fire Marshall's Office and insurance listing the Town as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Michael Coleman

Seconded for Discussion by Vice Chair Bolduc

Councilor Mailhot asked about the 9:45 on a week night timeframe. She had someone ask if it could be earlier. John Gallo said it needed to be dark and it needs to be at the end of the game. John has contacted the two folks that complained last year. He has told them when the Ballpark Board meetings are so that they can attend one and voice their opinions if they would like. Vice Chair Bolduc asked if there was a game Friday and asked if they could move them to Friday. John said you can't have opening day fireworks on the second day. John said it may last 15 minutes.

Robin Dube said we listen to fireworks on Thursday night at 9:45 all during the summer. Pat Holland spoke about the impact the fireworks have on some people and pets. They can cause fear and anxiety. Also they have a pollution effect on land and air. She suggested a laser light show, drums or kites etc. Some pets run away with fear from the noise.

Guy Fontaine said it is an opening day celebration. It is a huge draw for the park. He encouraged the approval. It is a tradition.

Freddie Dolgon agreed with Ms. Holland. He said she suggested alternatives and some made sense. It is something to think about. He said it was not easy wearing brown shoes at a wedding.

The Chair asked Mr. Gallo to get with Ms. Holland about the ideas she has for next year. Pam Gallo said she liked to laser light show idea. Mr. Gallo said he would be happy to get with Ms. Holland.

Councilor Quinn liked the laser show idea and that perhaps they should look at the ordinance and see what kind of a zone the Ballpark is in. Maybe the planning board should look into it also. He said he would support it either way but did like Vice Chair Bolduc's idea about a Friday night. The Chair said that if folks were concerned she would let them know of a spot they could bring their animals to during the fireworks.

Councilor Coleman Yes

Councilor Quinn Yes

Councilor Mailhot Yes

Councilor Dayton Yes

Councilor Furtado Yes

Vice Chair Bolduc Yes

Chair MacDonald Yes

7-0

5891 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a sand sculpture contest on the beach between Randall and Ancona Avenues on Wednesday, July 3, 2013, from 12:00 p.m. to 3:30 p.m.; and a request to waive the fee. Town Clerk Kim McLaughlin

Councilor Coleman asked that since the next 7 items are uncontroversial could they take them up all together. The Chair said it should move quickly.

Motioned Vice Chair Bolduc

Seconded Councilor Furtado

7-0

5892 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold an Independence Day parade on Thursday, July 4, 2013 from 9:30 a.m. to 11:30 a.m. starting on Temple Avenue; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Councilor Coleman

Seconded Councilor Furtado

7-0

5893 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold the Ocean Park 5k Race on Friday, July 26, 2013 from 5:00 p.m. to 8:00 p.m. in Ocean Park; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Councilor Mailhot Seconded Vice Chair Bolduc 7-0

5894 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Square and Line Dances in the Ocean Park Square on Temple Avenue between West Grand Avenue and Seaside August 31, 2013, from 7:00 p.m. to 9:30 p.m.; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Councilor Quinn Seconded Councilor Coleman 7-0

5895 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Illumination Night on Saturday, August 3, 2013 from 5:00 p.m. to 10:30 p.m. in Ocean Park; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Vice Chair Bolduc Seconded Councilor Furtado 7-0

5896 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a Christian Youth Conference Block Dance, on Temple Avenue, between West Grand Avenue and Seaside Avenue on Saturday, August 10, 2013 from 7:30 p.m. to 11:00 p.m.; and a request to waive the fee. Town Clerk Kim McLaughlin

Motioned Councilor Coleman Seconded Councilor Quinn 7-0

5897 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a S'Mores & More campfire on the beach at the end of Temple Avenue on Wednesday, July 3rd; Thursday, July 25th; and Thursday, August 1st, 2013 from 7:00 to 9:00 p.m. in Ocean Park; and a request to waive the fee. Town Clerk Kim McLaughlin
Vice Chair Bolduc asked the Police Chief about how many fires there were on the beach each year and were there any issues with clean-up. She said she was asking the wring chief but Chief Kelley said the Fire Chief does request a clean-up and as far as he knows there have been no issues.

Motioned Councilor Mailhot Seconded Vice Chair Bolduc 7-0

5898 Discussion with Action: Accept, with regret, the resignation of Deborah Kulacz from the Ballpark Commission. Town Clerk Kim McLaughlin

Motioned Councilor Mailhot Seconded Councilor Quinn 7-0

5899 Discussion with Action: Amend the Special Event Permit, approved by the Town Council on March 20, 2013, authorizing Charlotte Warren to do a student film on the beach by the Pier on

March 27, 2013. Due to rain the filming did not occur. Request to add one date between April 17 through April 30, 2013 from 7:30 p.m. to midnight. Town Clerk Kim McLaughlin

Motioned with change to ask for a notice to Town Hall of when they will be there Councilor Coleman
Seconded Councilor Quinn

5900 Discussion with Action: Approve the Special Event Permit application for the Veteran's Memorial Park Flag Raising Committee to hold their annual "Veterans Flag Raising" at 6:00 p.m., nightly, seven days a week, from May 27 to September 2, 2013; and at 6:00 p.m. on September 11, 2013; 1:00 p.m. on November 11, 2013; and 7:50 a.m. on December 7, 2013; and a request to waive the fee. Town Clerk Kim McLaughlin

Dennis Robillard said they would like to have enough people to honor. The only restriction is that they be a deceased veteran. He said folks could check the website or email Dennis at risc@maine.rr.com. Councilor Mailhot commended those on the committee

Motioned Councilor Furtado

Seconded Councilor Mailhot

7-0

5901 Discussion with Action: Town Council has previously declared the following list of locations as "Drug Free Safe Zones" and authorized appropriate signage be placed at Memorial Park, Atlantic Avenue Basketball Court, and Salvation Army Pavilion. Request to declare the Municipal Beach as a "Drug Free Safe Zone" and authorize appropriate signage be placed on the Beach. Chief Dana Kelley

The Chair had one question which was asked by a citizen. "Isn't all of Old Orchard drug free?"

Chief Kelley said this is a separate piece of legislation that enhances the penalties in the areas designated. The actual penalty or fine is up to the judge. The area needs to be a park or recreational area. Councilor Dayton asked if the Salvation Army area was one such area. The chief said yes. Councilor Coleman asked if the areas being described are areas where children congregate. The Chief said yes. Councilor Mailhot asked if the signage was budgeted. The Chief said no but he will check with Public Works. Councilor Quinn asked if the signs would be on all the beach entrances. The Chief said no. They would be on the lifeguard stations. Vice Chair Bolduc asked that this come back to Council for approval as it has not been budgeted for. Also where will it come out of? The Chief said Public Works usually does that. He will have a conversation with Bill Robertson and get an estimated cost. He feels this part could be past. The Chair asked that we get a price on having a sign at all entrances to the beach. He will check it out.

Guy Fontaine said he thought some money was coming back to the town from law enforcements efforts to stop drugs. Neil Weinstein said he thought this was a bad idea as it also could included drugs that tourists bring that are legal in their homes. He said a misdemeanor could be elevated to a felony. Drugs for ADHD and Tylenol could be cause for prosecution and or jail sentences. Councilor Coleman is not concerned about that. He is not concerned about someone being inconvenienced. Too bad, we need to keep the crap out of our town. Period end of story. Those that have Adirolo or Tylenol have nothing to worry about.

Marie Turner thinks the money would be better spent putting cameras in the Ballpark because that is where the fights have been going on for years.

Motioned Councilor Coleman

Seconded Councilor Furtado

7-0

Councilor Dayton Yes

Councilor Furtado Yes

Councilor Coleman Yes

Councilor Quinn Yes

Councilor Mailhot Yes
Vice Chair Bolduc Yes
Chair MacDonald Yes

7-0

5902 Discussion with Action: Approve the purchase of equipment for the Old Orchard Beach Police Department upon RFP's and quotes from unexpended bond proceeds with an unaudited balance of \$233,402.17. Chair Sharri MacDonald

Motioned Councilor Dayton

Seconded Councilor Coleman

The Chief said he would like this tabled. Councilor Coleman said he believed they were running out of time on this. The Chief said that is part of the reason for wanting it tabled. Mr. Peabody said that the Finance Director just received a written opinion from the bond council. The issue of the May date is not an issue at this time. They have all met and they who like to get a report ready for the Council addressing questions they had the last time.

Chief Kelley said he wanted to present it in more detail something the Council would feel better about.

Councilor Dayton asked if the opinion of the bond council was forwarded to the Council. Mr. Peabody said he would have that with the packet. Councilor Dayton said she wanted it ASAP. The Chair asked that all questions go through the Chair as she trying to get better at following decorum.

This item was motioned to be tabled until the next meeting by Councilor Coleman
Seconded by Vice Chair Bolduc

5903 Discussion with Action: Direct the Town Manager to purchase a Time Clock(s) for use in Attendance Record-keeping for Town Departments. Councilor Dana Furtado

Councilor Furtado motioned to table this without prejudice and schedule a workshop to discuss it further

Seconded Vice Chair Bolduc

7-0

5904 Discussion with Action: Grant an abatement in the amount of \$1089.31 pursuant to Title 36 M.R.S.A. Section 841 (2), for 13-01. Chair Sharri MacDonald

The Chair said this was a long time resident who seemed embarrassed to have to come before the Council.

Motioned Councilor Furtado

Seconded Councilor Coleman

7-0

5905 Discussion with Action: Grant an abatement in the amount of \$810.44 pursuant to Title 36 M.R.S.A. Section 841 (2) for 13-02. Chair Sharri MacDonald

Motioned Councilor Quinn

Seconded Councilor Coleman

7-0

5906 Discussion with Action: Accept the Resignation of V. Louise Reid as Freedom of Information Liaison and Kim McLaughlin as Alternate Freedom of Information Liaison; and Appoint Kim McLaughlin as Freedom of Information Liaison, effective April 16, 2013. Chair Sharri MacDonald

Motioned Councilor Furtado

Seconded Councilor Mailhot

7-0

5907 Discussion with Action: Approve the rebuilding of the Channel Grinder at the West Grand Pump Station for a “not-to-exceed” cost of \$31,800 from account Number 20161-50330 – Equipment Replacement, with a balance of \$97,104.50. Chris White Waste Water Superintendent Councilor Quinn asked if we could get some bids on this. Chris White said this company serves the East Coast. Not a lot of choices. He is going to try to purchases the parts and do it in house. So it could be less.

Motioned Vice Chair Bolduc

Seconded Councilor Coleman

7-0

5908 Discussion with Action: Approve the Liquor License Renewals of Strike Zone Restaurant & Pub Inc. dba/Strike Zone Zone Restaurant & Pub (205-4-1-C), 20 Old Orchard Street, m-s-v in a Restaurant/Lounge; TRP Inc. dba/ Tequila Frogs Local Cantina (306-5-3), 8 East Grand Avenue, m-s-v in a Restaurant/ Lounge; Patio Pub Inc. dba/Pier Patio Patio Pub (306-6-1-J), 2 Old Orchard Street, m-s-v in a Restaurant/Lounge; and Patio Pub Inc. dba/ Hooligans Landing (306-6-1-DD), m-s-v in a Restaurant. Chair Sharri MacDonald

Motioned Councilor Coleman

Seconded Councilor Mailhot

7-0

5909 Discussion with Possible Action to Follow regarding termination of appointment of current Interim Town Manager and appointment of Assistant Town Manager, V. Louise Reid, to serve as Interim Town Manager.
Council Robin Dayton

Councilor Dayton said there have been multiple emails on this. She said there were previous conversations about Louise coming back and having her step in as Interim Town Manager. So this is a follow up to all those emails and all those conversations that they had back then. She said she believes it also follows Charter 503 and also the Code of Ordinances part two, chapter two administration article three section 2-216 which created the Assistant Town Managers position. It states a couple of things in the absence of the Town Manager. She wants to follow through on all they discussed and adhere to the Charter and Ordinance. She also has concerns that they are spending significant funds for the Interim Town Manager when if we did follow the Charter we would forego that. She said we are spending about \$6500 a month and there is no need of it.

Jerome Begert said the current Interim Town Manager has more experience than anyone we have had in over 40 years. He said he thanked Mr. Peabody for ignoring all the one side traumatic news headlines by trouble makers. He said Ordinance can never supersede Charter and 503 refers to a temporary absence of the Town Manager. This item is a misinterpretation of the Charter.

Marie Turner brought up the fight clubs. She brought up the letter Louise Reid sent about the Chairs sister. She said she did not think notaries could notarize their own letters or statements. She thought that was not professional on any level to be putting up on the internet. She asked everyone to rein it in, stop the attacks and set a better example for the children.

Vice Chair Bolduc said they did received numerous emails and they all came from one individual regarding this topic. She said they also heard from the attorney and he viewed the Charter the same way as Jerome. We had a vacancy, not a temporary situation. She welcome bringing up the ordinance as it was originally set up to circumvent a situation and she suggested it go before the Ordinance Committee for review to be updated.

Councilor Coleman said he was going to support this and it is not a referendum, it is not a reflection on Mr. Peabody at all. He said we have an Assistant Town Manager who has been serving for 9 years and is up to the task in his estimation. The annualized salary for the Interim Town Manager is \$78,000 plus benefits (he said actually there are not benefits but there are taxes etc.). That is money that would be best left in the tax payer’s hands since we do have a competent employee who has

been here for many years and filled in on an interim basis. He wanted it perfectly clear this was not a reflection on Mr. Peabody.

Councilor Mailhot asked if this went through what would be the plan to replace her day to day duties while she was Interim Town Manager. Councilor Dayton said that the process of seeking a New Town Manager would continue. Councilor Mailhot said that are they suggesting Louise wouldn't have any backup. She would be doing both jobs. Councilor Dayton said she has done it before.

The Chair asked Councilor Dayton if she wanted the floor. Councilor Dayton said yes and said the Louise has done the job many times before and done it very well. Vice Chair Bolduc wanted to citizens to know that the last time Louise served in that capacity, she was on the Council and that Louise was subjected to such verbal abuse by Robin Dayton that Bolduc could not support this. Neil Weinstein said that Louise has been ill and there has talk about her semi-retiring and moving over to the Police Dept with less stress. He thinks it would be unfair to put her in a job that would be so stressful with all the problems the Council has. He thinks it is great that she is back helping Mr. Peabody who is also doing a great job. He thinks things are moving forward fine and to put her into the worst situation the town has faced, from the racial attacks and everything else going on in town including councilors would not be good.

Doris Harris asked if the town was asking this town employee to take on this job with not an extra dime?

John Gallo asked if anyone had asked Louise if she wanted to take this on. Councilor Dayton said that the Chair had asked Louise in an email and she said she would. The Chair said she would make that email public. She said it said she would welcome her back in the capacity her doctor said she could. She believes Louise has been a fantastic employee but she feels that regardless if she wants the position or not.. The burden of the town is a mess. It certainly is on the Chair also. She thinks in the Town's best interest we need both of and Interim Town Manager and an Assistant Town Manager. We are in trouble on so many different levels. She is not going to support this tonight. She said let's take a breathe and a break. She feels it is too much for one person. She will make the emails available but she will not post them on facebook. Councilor Dayton said they are already available at the clerk's office.

Pat Cater said she is in support of Sharri and not Councilor Dayton. She said if someone could do this job without an assistant why do we have an Assistant Town Manager. She believes it is a two person job. There is so much going on... untruths, gossip. We need someone who hasn't lived here all their lives like Mr. Peabody.

Councilor Mailhot said she came here tonight thinking that she would probably be voting one particular way on this issue. After listening to the differing opinions, she is changing her mind. These are busy times here in our town. Union negotiations and the budgeting. She thinks it is a two position office. This is exacerbated by all the turmoil that the Town has been experiencing. She will not support this item tonight. Council Quinn said what he was going to say had no reflection on the Interim town Manager. He said he finds it interesting that some are saying we need leadership and they dismissed without cause the previous Town Manager. That doesn't stack up to him. He has spoken to Louise and she is willing to step up. She has stepped up before. He said the attorney said they could do it. Louise has the talent and skills. He believes she can do it and perform the Council Secretary duties (but not take the minutes). She also has the respect of department heads. He feels he has a duty to save the \$6500 a month. He said he had said we needed to move forward and he did support Mr. Peabody but we are at another junction and that is to move Louise Reid as Interim Town Manager. Jerome Begert said if Louise wants the position it is being advertised and she should apply.

Councilor Coleman said that Louise feels on an interim basis she can take this on. He said again this is not a reflection on Mr. Peabody. As Councilor Quinn said it is them performing their fiduciary duty. He said they are talking about \$78,000 plus taxes.

Councilor Furtado thanked Louise for offering but he has some concerns. When he reads the Charter it refers to a temporary absence of an existing Town Manager. He does believe this fits the situation. Two weeks ago it may have been different but he said the train has left the station and the Interim

Town Manager is doing a great job. He is concerned with Louise getting back that some issue are still pending like the Interim Town Council Secretary. He is not comfortable putting more responsibilities on her when some of her previous responsibilities haven't been addressed. He said whether it takes a month or two months, he doesn't see the cost savings being \$76000. He said we are already saving over \$21,000 from the last Town Manager. He can not support this. Councilor Mailhot brought up that Mr. Peabody has show an interest in applying for the Town Manager position. This is a good time to see how it works out. The Chair noted that when the Assistant Town Manager went out on medical leave they had to immediately hire a temp to cover the front office and help the Town Manager out. That's telling us that we couldn't even run it for a month and a half without hiring a temp. Councilor Quinn asked if Councilor Dayton had a date in mind for this to happen. Councilor Dayton said as of April 30, 2013.

Councilor Dayton Motioned:

Discussion with Action to follow regarding termination of appointment as of 4/30/2013 of current Interim Town Manager and appointment of Assistant Town Manager, V. Louise Reid, Councilor to serve as Interim Town Manager. Seconded Councilor Coleman

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

GOOD AND WELFARE:

John Bird, Conservation Commission, mentioned there had been a workshop and that the dog park will close temporarily. It will close April 23rd thru May 24th. They are going to address the drainage and reseed it. The Ballpark could be a possible alternative for the dogs. There are bags up there. He said that OOB has a problem with some insects. They can bring down hemlocks. They are going to be putting up posters about the issue. OOB is now under quarantine for hemlocks. Nothing is to be moved. Councilor Furtado suggested making one of the signs in French?

Freddie Dolgon was surprised when our legal mind was explaining his litany of all the problems we are having. He noticed he slipped in the notion of racism. As a lawyer, he thought he would understand innocent until proven guilty. As we all know truth is just putting on his pants when the lies are halfway around the world. This continues to happen. He was hoping some of the people at the Post Office where this incident took place would be here tonight. The Chair asked him to address the Council. He was at the Post Office and somebody in the group who were supporting him (he is not sure of what they were doing) were sitting in a hummer watching the proceeding and one of the ladies came up to him and told him he had to leave. He asked where he should go. She didn't answer him and said she was going to call the cops. So he offered her his cell phone. Go ahead and call. The lady retreated back into the hummer. He wondered why he was persona non grata in front of my own Post Office and somebody from out of town is okay. He said anyway she is not here, so she can't answer for it. He didn't want that whole issue of racism unchallenged because there was no racism. In fact the only racism that was there was if you were going to picture the scene, ladies and gentlemen. There's a group of three, four, five white people and their watching an African American who they hired to collect signatures. And the picture he saw was this is the southern aristocracy sitting around in their large mansions, drinking mint juleps while the slave is picking cotton and that to him in racism. What you think happened didn't happen.

Marie Turner read that they wanted the alleged victim to take a lie detector. Nobody asked anyone (over a year ago) after her daughter's assault. She didn't say anybody's name but she was edited out. When she finally had a meeting with the Town Manager at the end of December and questioned why (and it is on an audio tape) first he told her he had heard people were edited out because of people's names. Then he told her the recorder didn't work. When she addressed the Council she was told by one Councilor that she was disgusted that was put on the news before it was brought to the Council. She wasn't sure if that was because she was disgusted that her daughter had been attacked or that she was disgusted that it was put on the news. Maria said that only Sharri MacDonald (out of the old five members) ever asked how her daughter was doing. She then attended a question and answer session about six weeks ago that Sharri MacDonald had and she was horrified when a town hall employee said that she broke the report of the fight club when she emailed that same Councilor that was disgusted before. That same town hall employee is related to someone in the police department at the upper rank. She was told the town employee's husband works on the police cars. So she finds it hard to believe that police were not notified. On 4/21/2012, she went into the Town Managers office and left a message with Louise Reid that she wanted to speak to the Town Manager regarding the Fight Club, the children and their safety. He never responded to her although he said in a taped conversation that he never received the message. Then she posted some stuff on FB. She got an email from Councilor Coleman asking her to send details to his email. He had deleted her post because it strayed from the topic. He said this type of thing concerned him. She also had a phone conversation where they claimed to know the Attorney General and were horrified by this. However, months later when she spoke with the Attorney General Office, they had not been contacted. Then in June when a child in town, walking home from school posted pictures of dirty heroin needles laying on the side of the road that was not the first time she had heard of things like this. She tagged the Chair and another Councilor. She got an email from the other councilor saying "please do not tag me in a picture unless it is actually a picture of me. I know about the drug abuse in our town and have engaged the Chief of Police in this matter. If you want to bring anything to my attention send an email, I read all emails: it is the best way to forward information to my associates in law enforcement. Unfortunately it doesn't get forwarded. Chair MacDonald left that up on her wall because she doesn't lie."

Then in July she sent an email to the Chair (not Chair MacDonald because she wasn't the Chair last July). She wanted to request three blocks 20 minute blocks at the next meeting to address 1) the illegal fight club 2) the state of the schools and 3) the state of the police department in general. She wanted to point out all the posts all over the internet of the fights and drugs all over town. Not just on Facebook. The response she got back was that he didn't think the time was reasonable although all are welcome to share during Good and Welfare. He said pick your most important subject and work within a 5 minute time frame. She wrote back that she could wait until the next meeting. That she would need that time, that the safety and welfare of our children should be a priority, don't you agree? She never got a response. Then she heard that that Chair had time to knock on 1500 doors campaigning but she never got a phone call. Then he also had time to go on the news and give a speech in support of the former Town Manager. Then in December she met with Mr. Pearson. She was quite surprised, as her goal was to give him her report on the Police Department and the fight club. He then told her the fight club has been investigated and someone arrested. She asked the Chair to ask the Police Chief when they would announce the news about the fight club and put those people's pictures up on TV. The Chair said she would get that information for her. She played an inaudible tape. She has been coming here for the children of the town. She believes the bible when it says that children are one of

Gods most precious blessings. So, it has been over a year, there is no point in me coming here or going to the police department anymore. She is leaving with this question..."Whose hands will the blood be on when another child is beaten to death in this town? Is it going to be the police department who is not doing anything about it, the parents that aren't paying attention? Whose hands?" She asked another question to be answered. She said she wanted all seven to draft a letter to the Attorney General's Office asking if they have access to a forensic accountant and ask them if they

could lend them to this town to clear up this financial mess we are in and move on the more important things like protecting the children.

Cary Lyn wanted to address Mr. Dolgon, she brought a friend up who knows how to work with petitions. Two days in a row she witnessed Councilor Dayton come up to the Post Office, not big deal. About ten minutes later on both days, good old Freddie shows up. Every time she or her friend spoke to somebody Freddie jumped in front of them. She said she would never stop anyone from getting information and she expects the same respect. She feels strongly that everybody in the town needs to hear both sides of the story before they sign or not sign. She sent anyone wanting to know about the other side to them. On the second day, she was a witness to a Councilor calling her friend the "N" word. Councilor Dayton said she would like Chief Kelley to come forward. (Inaudible response). Cari-Lynn said she is asking all the Council how they can sit there allowing somebody that can make that type of comment. "I understand she is saying it didn't happen but don't allow her to sit there until it is proven she did or didn't. She doesn't represent herself. She represents the Council and the Town. Right now the NAACP and the Attorney General have been calling and writing. All he asked for was an apology." She said another person has come forward and said she also heard it. She said that person came the next day to apologize for what happened. She said she didn't care what day and age you think you are, he is no slave. Nobody should be calling anybody names, this is not a competition. She would like to see the Council remove Robin Dayton until she is proven guilty or not guilty. As a witness she knows the true story. She said she was asked to take a polygraph. She asked Councilor Dayton if she had been asked and she said yes. Cari said she thinks Robin should be removed until the polygraph has been taken and the investigation is final.

Jerome Begert said when a victim visits our Police Station it should not matter if the victim is physically or mental affected by an act that violates state and federal laws. Crime victims do not need to press charges or an arrest citation to occur when witnesses see the crime. It is unprofessional and unethical if law enforcers try to protect the violators because the accused is their friend.

Confrontational questions like "Do you really want to do this to (the law violator?). Do you want the violator to lose her job? Are you willing to take a lie detector test? For a violation that was witnessed by more than familiar acquaintances? Anything resembling victim intimidation smells like evidence suppression and white supremacy. He heard of a press release about a closed case with no citation. As the violator is a friend of the police establishment and a quasar member of the watch committee bail restrictions should block all communications between the violator and them to prevent any possible occurrence or appearance of obstruction of justice. On Thursday afternoon April 11, he was not amused to hear a close friend of the accused describe the victim as a shucking and jiving "N" word. That was said while several feet away from reporter Liz G.

Chief Kelley said he was having a hard time keeping his mouth shut. This isn't the place for discussions like this, it shouldn't be allowed. He isn't going to say any more because of the investigation but this isn't appropriate.

Neil Weinstein said it is the place. He said Mr. Coleman is already defending Robin. He is saying people are innocent until proven guilty yet that same Councilor when there were two investigations of the Public Works Director and he was cleared said he still did it just because the investigators didn't find anything wrong doesn't mean he didn't do it. A double standard.

Neil said he was at the Boston Marathon yesterday that was hate and real evil. Hate comes from racial epithets calling some people a slave as Mr. Dolgon referred to this gentleman, using the "N" word as several people have allocated. That one of the Council has used this word, that is hate and evil language. He thinks each one should apologize on behalf of the town. This is why Old Orchard has a terrible reputation. People need to apologize now. He also called for Robin's resignation right now.

Freddie Dolgon said this whole thing is based on something nobody really knows except Robin.. He pointed to Cari-Lynn and several others and said you are all in this pack of lies together.. That's his opinion. These people are making up stories as they go. He said when he painted that picture of this four white people hanging out in a hummer watching this poor guy. He said he could tell you where he was when he was fighting discrimination. He said the union he was in had a white only clause

1955 and in 1956 when the first blacks were hired he was working in Jersey City, he was there with him and was trying to prevent all the racism which was prevalent.
Vice Chair Bolduc motioned to adjourn and apologized on behalf of the community to Mr. Gray.
Seconded by Councilor Mailhot.
People applauded and Council Coleman shouted for the Chair to get control of the meeting.

ADJOURNMENT

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 thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of April 16, 2013.
Sheila M. Flathers**