

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, AUGUST 21, 2007  
TOWN HALL CHAMBERS**

A scheduled Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 21, 2007. Chairman Joseph Kline opened the meeting at 7:07 p.m.

**Pledge of Allegiance and Roll Call:**

**Present were:**

**Councilor Robin Dayton  
Councilor Roxanne Frenette  
Councilor James Long  
Chairman Joseph Kline  
Vice Chairman Shawn O'Neill**

**ACKNOWLEDGEMENTS:**

**COUNCILOR FRENETTE:** I wish to encourage golfers to participate in the Raise the Roof Golf Tournament scheduled for Thursday, September 13, 2007 at the Dunegrass Golf Club for the benefit of Habitat for Humanity of York County. There is a 1:00 p.m. Shot Gun Start. The cost of the event is \$100 per golfer which includes green fees, cart and dinner sponsorships and golfing foursomes are still available. The mission of the Habitat of Humanity is to eliminate poverty housing. For more information call the Assistant Town Manager at 934-5714, Extension 226.

**COUNCILOR O'NEILL:** The Assistant Town Manager wishes to express appreciation to citizens and staff for their participation in the Blood Drive last Friday. Also special thanks to Gina Presterone and the staff of Mr. Goodbar for their excellent promotion of this event. Our thanks also to Sherri MacDonald for her generous donation in providing 500 copies of the Community Policing Committee's brochures, located on the back table for citizen information.

**CHAIRMAN KLINE:** A hearty congratulations to Jason Webber and his Recreation staff for putting together the visit of the United States Air Force's Tops in Blues this past weekend. It was a huge success with over seven hundred in attendance and an absolutely fabulous presentation. Jason and his staff worked extra hours and put in enormous efforts to pull this off in a short period of time.

**ASSISTANT TOWN MANAGER:** I would like to read a letter from James Hill received in my office yesterday. "On August 9<sup>th</sup> I was burglarized at the cottage I had rented on West Grand Avenue. The thief gained entry by breaking into the rear door, stealing money, wallets, electronic items. The case was handled in a particularly quick and efficient manner

by Detective Foshay and Officers Dexter and Regan. I wish to thank them for their efforts.. They caught the perpetrators, recovered our money, identification, credit cards and equipment and returned them to us. We would also like to thank two members of the Town Hall staff, Code Enforcement Officer, Ken Shupe, and Deputy Assessor Bo;; DiDonato who aided in the apprehension when, out on an inspection they saw my son chasing the thief down the street, they followed the get-away vehicle, calling police as they drove, and the police quickly apprehended the suspects. Congratulations to all.

**COUNCILOR LONG:** Our sincere appreciation to the American Legion Post for their generous donation of \$1,500 (\$500 from the Post and \$1,000 from the generous women of the Legion.) Their contribution to our community is well known and this acknowledgement is a small expression of our thanks.

**COUNCILOR DAYTON:** I too would like to express appreciation to Jason for his hard work and also express my condolences in the passing of his grandfather.

**CHRIS WHITE:** I am the Superintendent of Waste Water. Unable to present this award at the last Council meeting, I am pleased to present this plaque to Larry Thomas for 35 years of service to the Town. The plaque reads: “In appreciation to Larry Thomas for 35 years of service to the Town of Old Orchard Beach Pollution Control Department. ‘Whoever renders service reaps the reward of respect.’ Presented by the Town Council. August 7, 2007.”

**LARRY THOMAS:** *(Expressed appreciation for the acknowledgement and his appreciation for his years working for the municipality and his fellow workers.)*

**MARY ANN CONROY:** It hardly seems possible that we will not see Mac McCallum face at the Transfer Station much longer as he is retiring the end of this month. We are pleased to present this award to him “upon his retirement from the Town of Old Orchard Beach Department of Public Works – October 10, 2007 to August 31, 2007. ‘For reminding us – No act of kindness, no matter how small, is ever wasted.’ Presented by the Town Council, August 21, 2007.

**MIKE MCCALLUM:** *(Expressed appreciation for the acknowledgement and mentioned several of the individuals who have been instrumental in his working experiences.)*

**COUNCILOR LONG:** I would like to express appreciation to the American Legion Post for their generous donations of \$1,000 from the ladies auxiliary and \$500 from the post. Their influence and generosity in our community is well known and appreciated and their contribution respected.

**ACCEPTANCE OF MINUTES:**

**MOTION:** Councilor Long motioned and Councilor O’Neill seconded to  
Accept the Town Council Minutes of August 6, 2007.

**COUNCILOR DAYTON:** Mr. Chairman, for discussion. I would appreciate on Page 12, Item 2095 that it be indicated mileage department logs rather than department logs and also clarification and part of the record that Chairman Kline indicated that the vehicle was to remain at the barn on weekends and not be used for personal use.

**COUNCILOR FRENETTE:** I object to the Councilor's defining what another member said.

**CHAIRMAN KLINE:** Is there a motion to amend the minutes to reflect Councilor Dayton's reflection of mileage logs rather than department logs?

**COUNCILOR DAYTON:** And the statement of the Chair as well?

**CHAIRMAN KLINE:** No, just your change to what you remember saying. I don't wish to have my words changed.

**COUNCILOR DAYTON:** Can we have the videotape reviewed for the accuracy of the records. Then I wish to go on record to say that it was very clear that the truck was not to be used for personal use and it was to stay at the barn over night.

**MOTION:** Councilor O'Neill motioned to remove his second from the original motion and Councilor Long motioned to remove his original motion.

**VOTE:** Unanimous.

***MOTION:** Councilor Long motioned and Councilor O'Neill seconded to accept the revisions to the Town Council Minutes of August 6, 2007.*

**VOTE:** Yea: Councilors Long, Dayton, O'Neill and Chairman Kline.  
Nea: Councilor Frenette.

**MOTION:** Councilor Long motioned and Councilor O'Neill seconded to Accept the Town Council Workshop Minutes of August 14, 2007.

**PUBLIC HEARING:** Shall We Amend Chapter 18 (Businesses), Article II (Licenses), Section 18-34, of the Code of Ordinances, Town of Old Orchard Beach, ME.?

**CHAIRMAN KLINE:** As a result of us needing to reschedule this Town Council Meeting we will provide an opportunity for anyone who came this evening to speak about this Amendment and if there is no one I will ask this be removed without prejudice until the August 21, 2007 meeting.

**BACKGROUND:** This is being proposed by the Town Council Chairman in consultation with the Vice Chair and the Town Manager. The purpose of this change is to strengthen the business license intent of requiring that all businesses are fully inspected and Design Review Committee actions have been completed prior to being brought forward for business license approval.

**AMENDMENT TO CHAPTER 18 (BUSINESSES),  
ARTICLE II (LICENSES)  
OF THE CODE OF ORDINANCES,  
TOWN OF OLD ORCHARD BEACH, MAINE**

Be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:

Section 18-34 of the Old Orchard Beach Code is amended by adding the underscored text and deleting the text in strikeover type, as shown below:

**Sec. 18-34. Notice of new applications; public hearing.**

(a) The license administrator shall give notice of all new license applications by posting a list of the applicants and the licenses applied for in the town hall at least seven days prior to the license hearing.

(b) In order to afford adequate opportunity for staff review and comment, an application for a new license shall not be placed on a council agenda for at least \_\_\_ days after the application is received by the license administrator. In addition, an application for a license shall not be placed on the town council agenda for a hearing until the license administrator has found the application complete and has advised the council in writing either that the business and premises are in compliance with all local codes and ordinances or that the business or premises are not in compliance with all local codes and ordinances and that the license administrator therefore recommends denial of the application.

(c) The town council shall conduct a license hearing at which it shall announce the pending license applications, although it may incorporate by reference a previously published list thereof. Any applicant and member of the public shall be permitted to speak with regard to a specific license or applicant; provided, however, that if no one desires to speak in favor of or in opposition to a license application, the town council is authorized to act upon such application without hearing any testimony. The town council is authorized to inquire of any municipal employee, including without limitation the tax assessor, the building inspector, the electrical inspector, the town manager or any representative of the police or fire department regarding any matter within their expertise and pertaining to any such license application.

**MOTION:** Councilor O'Neill motioned and Councilor Long seconded to table the Public Hearing until the next meeting of the Council on September 4, 2007.

**CHAIRMAN KLINE:** Is there anyone here that wished to speak on the Public Hearing?  
*(No response from the audience.)*

**VOTE:** Unanimous.

**BUSINESS LICENSES:** Jerry Sterritt dba/Northeast Ice Cream Truck, (Mobile), Ice Cream Truck; Christopher & Kerry Gross (206-35-7-4), 16 Laurene Drive, #4, one year round rental; Robert J. Guerino (211-1-14-3), (211-1-14-4), (211-1-14-5), 57 Old Salt Road, Units 3, 4, & 5, three year round rentals; Samuel J. Scola (210-2-6-21), 18 Smithwheel Road, Unit 21, one year round rental; and Jamie Bergeron (210-2-15-1), 2 Ryefield Drive, Unit 1, one year round rental.

**MOTION:** Councilor O'Neill motioned and Councilor Long seconded to approve the Business Licenses as read.

**VOTE:** Unanimous.

**SPECIAL AMUSEMENT:** VFW – Memorial Post 7997 (312-14-2X), 76 Atlantic Avenue,  
**PERMIT:** Entertaining and Dancing.

**MOTION:** Councilor Long motioned and Councilor Frenette seconded to approve the Special Amusement Permit as read.

**VOTE:** Unanimous.

**NEW BUSINESS:**

# 2099 Discussion with Action: Regretfully accept the Resignation of Suzanne Scalise from the Recycling Committee.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to regretfully accept the Resignation of Suzanne Scalise from the Recycling Committee.

**VOTE:** Unanimous.

# 3000 Discussion with Action: Approve the Liquor License Renewal for VFW – Memorial Post 7997 (312-14-2X), 76 Atlantic Avenue, s-m-v in a Club.

**MOTION:** Councilor Long motioned and Councilor Frenette seconded to approve the Liquor License Renewal for VFW – Memorial Post 7997 (312-14-2X), 76 Atlantic Avenue, s-m-v in a Club.

**VOTE:** Unanimous.

# 3001 Discussion with Action: Approve the Special Event Permit Application for The Salvation Army for a Parade from Saco/Biddeford Savings Bank to the Square at the Bottom of Old Orchard Street on Sunday, August 3, 2008 at approximately 4:00 p.m.; and a request to waive the fee.

**MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Event Permit Application as read.**

**VOTE: Unanimous.**

**# 3002 Discussion with Action: Approve the Special Event Permit Application for The Salvation Army for the Annual Volleyball/Beach Blast including a bonfire on the Beach at the end of Union Avenue on Wednesday, August 6, 2008 at 5:00 p.m. to 11:00 p.m. with a rain date of Thursday, August 7, 2008; and a request to waive the fee.**

**MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Event Permit Application as read.**

**VOTE: Unanimous.**

**# 3003 Discussion with Action: Approve the Special Event Permit Application of The Salvation Army for Use of the Stage at the Bottom of Old Orchard Street from Saturday, August 2, 2008 through Saturday, August 9, 2008 from 6:00 p.m. to 11:00 p.m.; and a request to waive the fee.**

**MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the Special Event Permit Application as read.**

**VOTE: Unanimous.**

**# 3004 Discussion with Action: Authorize the Town Manager to sign Agreement with the Pine Tree Chapter of the American Theatre Organ Society for Wurlitzer Theatre Organ located in the Loranger Auditorium.**

**MOTION: Councilor Long motioned and Councilor Frenette seconded to sign Agreement With the Pine Tree Chapter of the American Theatre Organ Society for Wurlitzer Theatre Organ located in the Loranger Auditorium.**

**VOTE: Unanimous.**

**# 3005 Discussion with Action: Appoint Alfred Hills as Election Warden; Urbain Goulet, Deputy Warden; Jerome Plante, Deputy Warden; and Robert McNally, Deputy Warden, as needed; term to expire August 21, 2008.**

**MOTION: Councilor Frenette motioned and Councilor Long seconded to approve the appointments as read.**

**VOTE: Unanimous.**

**# 3006 Discussion with Action: Reconsideration of Town Council Agenda Item 2095 - Approve the purchase from Rowe Ford of a 2008 Ford F250 truck in the amount of \$28,639.00 from Account Number 20203-50835 - PWD Vehicles Capital Expense with a balance of \$76,746.00.**

**CHAIRMAN KLINE: I sponsored this to be reconsidered at this meeting. I asked this to be done so that it can be specked out for another vehicle.**

**MOTION: Councilor Long motioned and Councilor O'Neill seconded to reconsider Town Council Agenda Item 2095 - Approve the purchase from Rowe Ford of a 2008 Ford F250 truck in the amount of \$28,639.00 from Account Number 20203-50835 - PWD Vehicles Capital Expense with a balance of \$76,746.00.**

**VOTE: Unanimous.**

**MOTION: Councilor Long motioned and Councilor Dayton seconded to terminate the Contract with Rowe Ford of a 2008 Ford F250 truck in the amount of \$28,639.00 from Account Number 20203-50835 - PWD Vehicles Capital Expense with a balance of \$76,746.00.**

**VOTE: Unanimous.**

**# 3007 Discussion with Action: Authorize the Town Manager to Sign a PSAP Call Handling Agreement (Call Transfer to Dispatch-Only Agency) with Scarborough, Maine.**

**CHAIRMAN KLINE: It was the consensus at a Workshop that we go to Scarborough for the answering of the 911 System. We have a good relationship between Old Orchard to Scarborough; just the 911 System not the Dispatch center. We did not**

**MOTION: Councilor Frenette motioned and Councilor Long Authorize the Town Manager to Sign a PSAP Call Handling Agreement (Call Transfer to Dispatch-Only Agency) with Scarborough, Maine.**

**COUNCILOR LONG: I believe this is a good agreement. Pages are not numbered. Agreed upon the most current census which is 8,856 for calculation the per capita charge.**

**COUNCILOR DAYTON: It is \$2 for June through September increasing during the summer months because of the tourist business and it is the best way to go, correct?**

**VOTE: Unanimous.**

**# 3008 Discussion with Action: Authorize the Town Manager to provide a Request for Proposal for Equipment for the Old Orchard Beach Public Safety/Dispatch Center.**

**CHAIRMAN KLINE:** Whether Old Orchard Beach Dispatch stays here or not we need to have that equipment needs to be replaced and it would be impossible to have a backup plant so I am requesting the Town Manager to have the Chief of Police and Fire Chief to provide us with a proposal to buy the equipment.

**COUNCILOR FRENETTE:** Wasn't this part of our 2008 budget process and we approved it and then denied it because we could not afford it.

**CHAIRMAN KLINE:** Yes but we are trying to get a more accurate amount determined for cost.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Authorize the Town Manager to provide a Request for Proposal for Equipment for the Old Orchard Beach Public Safety/Dispatch Center.

**VOTE:** Unanimous.

## **GOOD AND WELFARE**

**CHAIRMAN KLINE:** How many are planning to speak for Good and Welfare. This is an opportunity to speak what is on your mind but it doesn't require any dialogue or answer from the Council. It is not a published agenda. Just make sure you follow the civil rules and have no slander so that you don't have yourself in a civil issue. It is a little unusual tonight as we have an Executive Session to talk about a complaint about a municipal employee. If you are part of the complaint process we are under rules and procedures.

**SONIA SIMPSON GARDNER:** Former town council chair and representative of the citizens of the Town of Old Orchard. I want to state we were part of a peaceful solidarity union in respect to a complaint that was filed. None of the girls spoke outside – we were met with a few hecklers out there. I am very proud of you girls, ladies and gentleman – beautiful things happening in OOB but I only wish that you people were as concerned with the drug in the bars. I lost my nephew on January 1<sup>st</sup> and to this day no one is concerned about where those drugs came from. If the Police and the Town Manager spent more time focusing on what goes on in this community rather than at the end of the Pier, this would be a better community.

**WILLIAM DANTON –** I want to discuss today is the direction of the Town – which direction are we going in. The reason this question is meaningful and which path are we going in. The reason this is meaningful is that in 1978 – and I feel we have slipped back to 1978 – tavern – topless waitresses in town – the people of the town wanted the situation corrected. I campaigned on this flyer: **Vote: Bill Danton – control the litter – control obscenity; let us have safety in our streets – downtown businesses – lets get the honkey tonky out of. Sonia Simpson Gardiner worked there. We went to Court and to the Supreme Court and now I see this document here (shows poster) – Girls Behaving Badly, Wet –Shirt Contest - \$1 beer – that is not what I see for Old Orchard Beach and want I want for our Town. I ask myself the question, is that what this Town Council wants and if you don't what has this administration done about it. We are going backwards – and you are responsible for it – this kind of behavior is not what I want for our community so anyone who endorses it – you are entitled to free speech – but in my judgment it is not what we want in our community. Thank you for your kindness and consideration.**



**ANDREA PERRONE:** I am a town employee – and my husband is a town employee and my family and I try to stay out of town politics. I think it is a total misuse of funds when the service truck was purchased as a personal vehicle for the public works director; the commentary and a video tape of this meeting. Mr. Kline specifically stated it would not be used for personal use. She said it was for the mechanic. The mechanic will be using a Truck 15 with a cracked frame – and a lot more – so she can have a new truck again. I feel this is a misuse of vehicle by the Public Works Director - That is not what they should spend my money on – so her kids can get out of the vehicle. She is getting free gas – if it was any other department head they would be gone. The town people need to get involved – and now we have a gag rule and we have to come out and can't talk to you – and we elected you. I think that is really wrong,

**TERRY ALBERT** – Have one quick question why the last Town Council tape has not been aired? Why has it not been re aired or is it going to be aired?

**CHAIRMAN KLINE:** That answer can be supplied to you after the meeting.

**MIKE GARDNER:** I resent that this Town Council sat here while this man made allegations against my wife and her employment. You should be ashamed of yourselves.

**SONIA SIMPSON GARDNER:** I ran for Councilor in 1999 and was the highest vote getter. I am not ashamed at what I did to make a living and I raised two children on it. And one of you councilors tried to use this against me and it backfired and the paper gave me a full spread because they wanted to be fair to me. We are not whores and prostitutes and I know something about each of you but I am not going to stand at this podium but don't forget it.

**ANTHONY PERCH:** I am one of the people that support OOB – I come to the beach to enjoy with my family. I am also a veteran – I look at code enforcement and the manner in which handicapped people are treated. The Pier – we visit it often – I want to know where the Code enforcement is with access for handicapped people, and exit – anything that is funded through State and Federal dollars either directly or indirectly has to have access for handicapped or is not governed by grandfathering. I tried pushing my father's wheelchair up the ramp and twisted my knee and I am enraged that we can't get to the Pier. I am sure that the Code Enforcement Officer is a good person and I request the Town Council to ask why the Pier is not handicapped accessible.

**PAUL GOLDZBEIN** – When I brought the Pier it was built that way. I have talked to the fire marshals and they tell me the only way that I can extend the Pier is to access the Grand Victorian. Unfortunately they leave nothing there for me to expand. Town would have to take those buildings out of there by eminent domain.

**ANTHONY PERCH:** I don't care. I am a Vietnam veteran. I want to be in the places that everyone else is. You have a responsibility to make that possible. Ensure access on the pier – no brainier – familiar with this and we have been down this road before.

**WILLIAM DANTON** – We follow all State and Federal laws. Our attorney will be in touch with the Pier's attorney – we will make sure our property addresses Federal law.

**BRIAN HAWKINS:** I live in the surrounding community. I was a former resident. I do this because I still frequent this community and my family does as well. I have lived in other communities. The concern I have is this the type of image that you as Council want – I am embarrassed to have my family see these flyers and we want to see something that we are proud of and not ashamed of and encourage the Council to get control of the situation. I want to have a community with my family and my parents and feel a sense of pride. I have sensed that in the last five years; and I believe we are progressing to that in the years ahead.

**RICH REDMOND:** Long time member of the community and I am one of the guys involved in the conflict that will be addressed in the Executive Session this evening. Mr. Danton's comments – he wants to change things – the Oasis, Referees, Grand Victorian Myst – Surf Six – I believe Mr. Danton is one of the largest bar owner in Maine. On July 4<sup>th</sup>, along with Councilor Frenette, we invited the Town Manager and his wife and family to join us on the Pier and they did and he told me what a great thing this was. The Town Manager had no problem mingling with the Governor and telling me how great it was. I have made it clear to him that this was the 2006 flyer. We give a lot of money to charity as a result of what we do on the Pier. Coming up this year until I questioned the legality of an issue. I have a letter from the radio station that gives a lot of money to charity. We will discuss the issue in executive session. Not one complaint about promotions – all this is crap – I am tired about it. It is slander – there are 16 different shops on the pier. Not one thing illegal. Police department in and out of there. This has to do with conduct; it has nothing to do with the Pier and it was not an issue until I questioned another issue related to another business. It is slander – they mention the Pier, the Pier, the Pier. There is not one thing illegal that we do out there. Let us get the facts out there. The subject has to do with conduct not what goes on the Pier.

**JACK ALBERT:** I am one of the figures involved in this controversy. Rich summarized it. This was a 2006 flyer. The Pier is not on trial here. We are here on the conduct of the Town Manager. We are being called liars. Furthermore we have five rooms of entertainment on the Pier. We have an Irish establishing, a piano man, the Mexican bar.

**DANIELLE ERREAULT:** I am the owner of the Deep Blue. I am a Saco resident although I am under contract to purchase one of those \$600,000 Grand Victorian. I asked my customers to indicate how they felt about Old Orchard Beach and I would like to show the video. Then I would like to address some concerns that I have as a new business owner as local ordinances – which ones are enforced and which ones are not enforced – there seems to be a great deal of partiality – I witnessed a great deal of partiality when one of the Councilors who is supposed to be impartial outside with a sign tonight. That alarms me. I have a seven year old child who asks me about wet t-shirts and what that means. The ordinance says fully opaque. I don't think we can argue with that. What direction are we going in? Who do I see Local agenda for next week/.

**KATHY THOMAS:** My husband is Jim Thomas. I have a few things on my mind that I would like to say. I came in 2003 with Jim to Old Orchard. Jim is a visionary thinker and he saw a great community and he had a vision for Old Orchard Beach. The last four years have seen great changes including new businesses, a new park, a foot water fountain. People started noticing that Old Orchard Beach was changing and I have been told that the businesses are having a great season this year. People were beginning to notice – renewed pride in their town – great collaborative efforts including the council, administrative and the

citizens. Change is difficult. There is a civilized way to show disagreement without sending items to the newspapers, sending flyers. I have been married to Jim for 28 years – he is a kind and considerate person. He has always shown great respect for me as a woman and individual. Jim and I have been in our personal hell over the past few weeks. I wonder how many in this room could stand this kind of scrutiny. Jim works very hard for the community and on your behalf. He is never off duty – cell phone rings – and he responds. It is the best of times and the worst of times.

**ERICA COTE:** I live on Milliken Street for two years. Thank for the opportunity to work on the Pie. I am going to school and paying my own way. How would you like to have to explain to your grandmother what was said about your working on the Pier? It has nothing to do with our character. I am jut trying to make money and go to school.

**BILL DANTON:** Let me mention about Rich Redmond, Jimmy Albert and the Pier. What about FUBAR there?

**CHAIRMAN KLINE:** Let us not get personal here.

**TERRY FARMER** – What I say here might be putting my safety in focus. I have been falsely accused. They have lied against me. I know for a fact that prostitution and pornography has been part of this town. I don't believe any of these employees are involved in that but I believe the business says that about their employees. I do not believe the Council or the Town Manager support prostitution. I thank you.

**KATHY SMITH:** I am a life long resident of Old Orchard Beach and a fourth generation resident of Old Orchard. My great grandfather was one of the builders of Noah's Ark and also the Landmark. I am grateful for our park, for Tops in Blue and the Grand Victoria. I thank our Town Manager for what he has done. I can't imagine what it is like to have a job like the Town Manager has where you have to work with people who have a problem with change. It is not a job I would have wanted for my father, son or husband. I have been concerned with Council members. I question the motives of certain council members. At the last town council meeting Attorney Vaniotis repeatedly told the Council that they needed to follow rules and procedures. Now we have a councilor telling the citizens to take their grievousness to the press. We want everyone running to the press. If you want to talk about slander – you need to read what was written there but I am sure that you did. We have another Councilor who wanted to go immediately into Executive Session. I wonder how these councilors would have wanted these handles if they were involved. What are your agendas, what are your motives? I am beginning to see that some of them are very clear. I wonder how many were at the initial incident. Thank you Mr. Councilor. We are all hurt by all this – and we have a councilor with a picket sign even though she said she had no preconceived ideas on this. Even this flyer was sent by this Councilor. An open mind? What is going to be done about this? Is there a conflict of interest here? Remember you attract what you promote. The Pier has changed and not for the best. I hope that you don't find yourself in the same position that the Town Manager has been put in this year.

**THOMAS LIEMEU:** I was here at the last meeting and I would like to know how the tape disappeared mysteriously disappeared. I don't know how when all the others make the loop. One of the statements that the Town Manager made is that he had the support of the majority of the Council. The last meeting we were not able to say anything and yet today it seems like

it has been a lot looser and I wonder if this was a chance to give everyone a chance to prepare. It has not been fair. I am just wondering why this one was different from the last one.

**KATHY SMITH** – Again, because I have a tape of the meeting – the reason people were not allowed to get up was because it was not an agenda item.

**TIM SWENSON:** There has been an ongoing battle or controversy with the Pier and the Grand Victoria. I hope this is not a means to keep this battle going. I have known Jim Thomas since he came here and I know of no one more dedicated to this community as he is. I know this man did not say what was said. No one has more courage – nor the will to change the community and the heart to do that. His integrity means a lot to him. He did not say that. I hope this all comes out and if it was said – to these girls – definitely – this man did not say that.

**# 3009 Discussion with Action: Executive Session Pursuant to 1 M.R.S.A. Section 405(6)(E) for Consultation Between the Council and its Attorney concerning the legal rights and duties of the Council.**

**MOTION:** Councilor O'Neill motioned and Councilor Frenette seconded to go into Executive Session Pursuant to 1 M.R.S.A. Section 405(6)(E) for Consultation Between the Council and its Attorney concerning the legal rights and duties of the Council.

**VOTE:** Unanimous.

**MOTION:** Councilor Long motioned and Councilor O'Neill seconded to come out of Executive Session.

**VOTE:** Unanimous.

**# 3010 Discussion with Action: Concerning Complaints Against a Municipal Employee (this Item may be Discussed in Executive Session Pursuant to 1 M.R.S.A. Section 405(6)(A)).**

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to enter into Executive Session Concerning Complaints Against a Municipal Employee (this Item may be Discussed in Executive Session Pursuant to 1 M.R.S.A. Section 405(6)(A)).

**VOTE:** Unanimous.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to come out of Executive Session adjourning the Session at 11:05 p.m., reconvening on Thursday, August 23, 2007 at 7:00 p.m.

**VOTE:** Yea: Councilors Long, Frenette, O'Neill and Chairman Kline.

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of thirteen (13) pages is a true copy of the original Minutes of the Town Council Meeting of August 21, 2007.**

**V. Louise Reid**