

**MINUTES
COUNCIL MEETING #01-2003
FREEPORT TOWN HALL COUNCIL CHAMBERS
January 7, 2003-7:00 P.M.**

| <u>CHAIRPERSON'S CALL TO ORDER</u> | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
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| Kenneth Mann, Chairperson Mann Road | x | | |
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| Susan Campbell, Vice Chairperson Hunter Road | x | | |
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| John Arsenault, Prout Road | x | | |
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| Rod Regier, South Street | x | | |
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| Charlotte Bishop, Maquoit Drive South Freeport Road | x | | |
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| Rich DeGrandpre, Timber Ridge Road | x | | |
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| Andrew Arsenault, U.S. Route One | x | | |
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Chairman Mann called the meeting to order at 7 p.m.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #27-2002 held on December 17, 2002 and accept the Minutes as printed.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #27-2002 HELD ON DECEMBER 17, 2002 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Regier & DeGrandpre) **VOTE:** (7 Ayes).

SECOND ORDER OF BUSINESS: Public Comment Period – 30 Minutes (Non Agenda Items Only)

MOVED AND SECONDED: That the public comment period be opened on Non Agenda Items only. (Councilors Campbell & J. Arsenault) (7 Ayes).

Steven Day welcomed the current Council, he is sure they will do a good job. He regrets that former Councilors have been badgering the new Council. He complained that public vehicles are being used by Town employees for personal use and feels it is a waste of public money.

Ed Campbell provided four questions in writing for Councilors and asked that answers be provided. Chair Mann indicated that he has been looking for answers to some of Mr. Campbell's previous questions and will get answers to these questions.

Carl Craig Young shared his background and asked Mr. Olmstead if he is a Maine native, if he attended college and if he ever worked in the private sector. Mr. Olmstead answered "yes" to these questions

Russell Baker shared his concerns with articles he has been reading in the newspapers. He urged Councilors to resolve their differences and start working together.

Jack Forest of 96 Bow Street, urged the Council to stop finger pointing and relax. He does not see any major problems and hopes the new Council can work with the Town Manager and proceed with Town business.

Sue Ann Williams Lindgren of Spar Cove had questions regarding the disparity in newspaper articles. Chair Mann did not wish to get into personnel issues and would not reiterate the words that were said. He suggested that she submit her questions in writing and the Council would then provide answers.

Tom Rumpf noted that it is time to move on and the people of Freeport want the Council to work with the Town's staff and move on. It is important to find a way to work together.

MOVED AND SECONDED: To close the public comment period.(Councilors Campbell & J. Arsenault) VOTE: (7 Ayes).

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

ITEM: #01-2003 To consider action relative to an amendment to the Administrative Code concerning disbursement of funds (Chapter 2)

BE IT ORDERED: That a Public Hearing be scheduled for January 21, 2003 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code concerning the disbursement of funds.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 7 and the Town (Councilors J. Arsenault & Regier)

Chair Mann noted that information is available in Councilors' packets and copies were made available to members of the public. Vice Chair Campbell read the amendment into the record and offered background information. Councilor Regier feels the information appears to be straight forward. Janet Annapoulos suggested clarification on the word "etc." which Vice Chair Campbell explained.

ROLL CALL VOTE: (7 Ayes).

ITEM #02-2003 To consider action relative to the adoption of a Town Council Meeting Schedule.

BE IT ORDERED: That the proposed Town Council Meeting Schedule from January through April 2003 be adopted. (Councilors Bishop & Regier)

Councilor Regier requested a workshop discussion be scheduled for budget matters before the Council gets into the budget discussions. Mr. Olmstead recommended doing this under "Other Business" at the regular

COUNCIL MEETING #01-2003
JANUARY 7, 2003

Council meeting. Chair Mann noted that some department heads should plan to attend this meeting. Councilor Arsenault indicated that he would be unable to attend several workshops and one Council meeting because of an illness in the family. Sue Ann Williams Lindgren requested that the Council find a way to work together at the upcoming meetings to build trust in the Town's leadership.

OTHER BUSINESS:

1. Report from the Council Chairperson

Chair Mann noted that a lot of public criticism was received at the last Council meeting about the agenda meetings. He plans to schedule these meetings as leadership meetings. The purpose of these meetings will be to meet with the public and have them come and meet with the Council and Town Manager. At these meetings the public will be encouraged to bring in items that they would like to have put on the Council agenda. At these meetings the Council will work with the Town Manager to put together the packets that go out before the meeting. Councilor Regier hopes that some record is kept of what goes on at these meetings.

2. Discussion on the Browntail Moth Spray Program for 2003.

Chair Mann introduced Dick Bradbury. Mr. Bradbury reported that there has been a substantial expansion of the Browntail Moth infestation. He displayed a map and noted that 2,150 acres could be included in a spray program. The total cost would be \$53,753 for the Dimilin spray treatment. He recommends that the Town not undertake a spray program this year for several reasons. A lot of Freeport residents have contracted with local applicators to take care of their individual yards. Traditionally residents have not been very accepting of an aerial spray program and he respects their wishes. The fishing industry is opposed to aerial spraying. He is willing to host an informational session if desired.

Chair Mann asked if the population is declining and Mr. Bradbury indicated that it is actually expanding. Councilors Bishop and Regier shared their concerns. Councilor Regier asked Mr. Bradbury if he had a video that would help Freeport residents recognize the webs. Mr. Bradbury offered to provide something that the cable station could use. Mr. Bradbury also urged residents to sign up early for ground spraying. The following people asked questions and shared their concerns: Bill Kenney, Barry Saxe, Jack Forest, Genie Beaulieu, Joe Miggiacchio (he asked for a legal opinion on whether he is responsible for the cost of his neighbors' spraying if he opts out), Rick White, Edna Rosengren and John Libby. Councilor Bishop explained the benefits of having a complete neighborhood sprayed at the same time. Mr. Bradbury urged people to hire professionals and not damage the environment by trying to apply various chemicals themselves. He mentioned that people can effectively clip the webs and burn them. He advised that the Town needs to make a decision by the end of January and Chair Mann noted that this item will appear on the next Council agenda for discussion and possible action. Chair Mann asked for consensus that the Town Manager should work with his staff to determine what would be available for a video to provide education to the public.

3. Council instructions to the Traffic and Parking Committee concerning village parking.

Chair Mann asked Mr. Olmstead if the Traffic and Parking Committee had the information the Council had in its packet. Mr. Olmstead advised that the material was mailed to them. Genie Beaulieu from the Traffic and Parking Committee indicated that she read the information but the committee has not had a meeting yet. They will be meeting next Tuesday. She questioned why the striping plan is on this list. Councilor DeGrandpre explained the reasons why striping was included. Discussion followed. Rick White of the Traffic & Parking Committee had questions on #8—Traffic Flow which Vice Chair Campbell explained.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Campbell & A. Arsenault) (7 Ayes)

MOVED AND SECONDED: To send this charge off to the committee. (Degrandpre & Regier)

Council Charge to Parking and Traffic Committee

1. Propose changes to the parking ordinance based on the implementation strategies of the Comprehensive Plan or recommend changes to the plan.
2. **Safety** – Which crosswalks are poorly lit? How can they be improved? Does the tour bus spot in front of Dansk create a safety issue (crosswalk and visibility from Bow Street?) What is the required width for a Bus parking spot? Does 8 feet meet the National standard? Is Main Street wide enough for buses to be parked on opposite sides of the street?
3. **Tour Buses** – Determine if the 12 parking spaces provided at the Public Safety building is enough. Are six 15-minute loading and unloading spaces enough for the peak season? Can some of these spaces be used for cars during the non-peak period?
4. **Tour Bus accessibility** – Recommend a way to provide handicap accessibility from tour bus loading and unloading spaces to business. Look for other places in town for bus loading and unloading (examples: Howard Place, along Main Street, near train stations, etc.)
5. **Handicap parking** – Review the downtown to determine where additional parking spaces may be needed.
6. **Striping Plan** – Prepare a striping plan for Council approval before spring striping is begun.
7. **Enforcement** – Examine the existing parking along Main Street for length of time and location.
8. **Traffic Flow** – Explore current and future traffic flow, identify issues and make recommendations for improvement.

ROLL CALL VOTE: (7 Ayes).

Chair Mann advised that the Town Attorney is present at his request. He asked for a motion to move an item not on the printed agenda.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Campbell & A. Arsenault) **ROLL CALL VOTE:** (7 Ayes).

MOVED AND SECONDED: To request that the Town Council go into Executive Session for the purpose of consultation between the Town Council and the Town Attorney concerning legal rights and duties of the Town Council. (Councilors Campbell & A. Arsenault).

Councilor Regier asked if anyone else has to be in the room for this. Chair Mann advised that the Town Attorney advised him that the answer to this question is "no". Councilor Regier requested that the motion be reread which Vice Chair Campbell proceeded to do. Councilor Regier requested more information on this motion. He noted that this sounds like a seminar. Chair Mann asked Attorney Frinsko to address this question. Attorney Frinsko advised that this subject is one of the few permitted subjects that a public body may recess into executive session for but it must be approved by 3/5 of the Council. Councilor Arsenault could not recall ever doing this in the past. He asked the Attorney what 3/5 means. Attorney Frinsko advised that it takes 5 Councilors to do this.

ROLL CALL VOTE: (4 Ayes—Campbell, A. Arsenault, DeGrandpre & Mann) (3 Nays—J. Arsenault, Regier and Bishop. **Failed**

Chair Mann requested a 5 minute break to consult with the Town Attorney. Upon his return, he asked for a motion to move an item not on the printed agenda.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Campbell & A. Arsenault) **VOTE:** (7 Ayes).

Chair Mann passed out a proposal and asked that it be introduced.

MOVED AND SECONDED: Proposed Preliminary Resolution for Removal of the Freeport, Maine Town Manager, pursuant to ARTICLE III, Section 3.02 of the Freeport Town Charter: (The form of the following resolution may be altered as necessary to conform to the Rules of Order and Procedure for the Freeport Town Council.)

Resolved: Upon due consideration, it is hereby resolved that the Freeport Town Manager, Dale Olmstead, shall be removed as permitted by, and pursuant to, the procedures set forth in ARTICLE III, Section 3.02 of the Town Charter for the reasons hereinafter stated and that effective immediately following the adoption of this Resolution the Town Manager is suspended from duty as manager for a period of thirty (30) days or until final action on his removal by the council, whichever occurs first:

The reasons for the removal of the Town Manager are:

1. A lack of confidence in the manager's carrying out of his duties under the Town Charter and those duties and functions generally and reasonably expected by the council to be performed by a town manager.
2. On occasion, the manager has not seen "that all . . . acts of the council . . . subject to enforcement by the manager (have been) faithfully executed" as required by Section 3.04(4) of the Town Charter.

3. On occasion, the manager has not prepared and submitted annual budgets to the council as required by Section 3.04(5) of the Town Charter, to wit: in one or more prior budget years the manager negligently or intentionally prepared and submitted budgets that grossly understated budget revenues.
4. The manager has not prepared and submitted annual budgets to the council as required by Section 3.04(5) of the Town Charter, to wit: in one or more instances the budgets prepared by the manager and submitted to the council do not conform with the requirements of ARTICLE VI, section 6.03(2) of the Town Charter in that they do not set forth "work programs."
5. As required to be done pursuant to Section 3.04(7) of the Town Charter, on occasion, the manager has not prepared and submitted to the council such reports and perform such duties as the council may require, to wit: the manager has not followed directives from, and resolutions of, the council.
6. As required by be done pursuant to Section 3.02(8) of the Town Charter, the manager has not always assisted, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving unfair vendor, administrative and governmental practices.
7. On occasion, the manager has acted against the interests of the municipality, the council, as an institution, the some or all of the councilors and/or the inhabitants of the Town.
8. The manager has, on occasion, acted arbitrarily and capriciously in his dealings with some citizens of Freeport, some members of the council and council leadership.
9. The manager has undermined the integrity of the council, as an institution, and the councilors, as elected officials, by selectively disseminating information to the press prior to dissemination to the members of the council.
10. On occasion, the manager has failed to act in an open and consistent manner in response to citizen and councilor requests and complaints.
11. On occasion, the manager has failed to accurately communicate facts, circumstances and consequences of council and municipal actions to the citizenry, the members of the council and Town employees.
12. The Manager's action and inaction in the face of, and in response to, ordinary and necessary requests by members of the council has risen to the level of insubordination. (Councilors Campbell & A. Arsenault)

Councilor Regier noted that he has not seen this before and asked other Councilors if they had seen it. Councilors J. Arsenault, A. Arsenault, Bishop and DeGrandpre indicated that they had not seen this before. Discussion followed. Councilor Bishop pointed out that the Council was elected to represent the Town and the Council has turned into the "Ken and Susan Show" and in reviewing the list, she could turn these charges against the Chair and ask for his resignation.

COUNCIL MEETING #01-2003
JANUARY 7, 2003

Mr. Olmstead asked if any of these charges have been submitted in writing to permit the Town Manager to address any of them. He asked for a yes or no. Chair Mann replied "yes-no". Mr. Olmstead also asked if the Chair and Vice Chair reviewed his personnel file. Chair Mann noted that he did not know where it is and he has never seen it. Councilor J. Arsenault pointed out that the Chair deliberately lied to him and he would like to rescind his vote to elect him Chair.

Councilor DeGrandpre noted that he has questions that he would like answers to and that is why he voted to go into Executive Session. Chair Mann asked for assurance that Councilors are willing to go into Executive Session but consensus was to not go into Executive Session and have it become a witch hunt.

Chair Mann indicated that he is prepared to call a roll call vote. Members of the public asked that public input be permitted. Chair Mann noted that the Council does not have to take public input if it so chooses. Councilor Regier appealed for public input and read the appeals rules.

MOVED AND SECONDED: To sustain the ruling of the chair.
(Councilors Regier & Bishop) **ROLL CALL VOTE:** (3 Ayes—(Campbell, A. Arsenault, Mann) (4 Nays—J. Arsenault, Bishop, Regier and DeGrandpre).

The following members of the public voiced their opinions concerning the proposal to remove the Town Manager: Sue Ann Williams Lindgren, Russell Baker, Frank Parker, Peter Moulton, Bob Stevens, Bill Kenney, Kirk Goddard, Tim Ryan, Rick White, Cliff Goodall, Mary Kennedy, Jerry Tims, Genie Beaulieu, Fred Palmer, Betsy Ruff, Johanna Hanselman, Brenda Tims, Dick Doucette, Anne Parker, John Creasy and John Patterson.

Chair Mann pointed out that there is a motion and second on the table. Councilor Arsenault asked when the Town Manager would be done if the motion passed tonight. Chair Mann pointed out the conditions of the proposal. Councilor DeGrandpre mentioned that he has a lot of questions that he would like answered in Executive Session. There is an undercurrent on both sides and the Council needs to do what is right. He is troubled and prepared to table this proposal. There was no consensus to go into Executive Session. Councilor Regier advised that this cannot be tabled. It needs to be taken care of tonight. He asked if tabling indefinitely, meant the precise language could not be brought up again for a specified time. Chair Mann asked Attorney Frinsko to rule on this but Attorney Frinsko could not find it in the Council's rules.

Mr. Olmstead noted that he would be willing to enter into Executive Session with the entire Town Council and discuss his performance, without legal counsel. A frank and open discussion is needed. Chair Mann explained that he wanted the Town Attorney present to ensure that all the laws are followed. Councilor Regier indicated that the word "evaluation" is permitted and that is what would be discussed. Mr. Olmstead did not wish to discuss "his employment" but rather "his performance" as long as the Town Attorney is there for procedural issues only. Attorney Frinsko noted that this would be permitted by the Statute and attorneys may or may not be present. Discussion followed. Councilor A. Arsenault noted that he is disappointed that the Council did not choose to go into Executive Session earlier. He is willing to enter into Executive Session so that the entire Council can try to understand the road the Chair and Vice Chair took to get to this point, the role the Town Attorney played and what the timeline was.

Councilor Campbell indicated that she is willing to go into Executive Session for the purposes stated earlier but is unwilling to go without legal representation on procedural issues. Attorney Frinsko asked if two sessions would be needed. Chair Mann noted that there is a need to first understand what the Council's rights and responsibilities are. After that another executive session could be entered into to discuss the evaluation of the Town Manager. Chair Mann asked if someone would make a motion to go into executive session. Another ruling was asked for on what to do with the motion on the floor. The rules permit for a

**COUNCIL MEETING #01-2003
JANUARY 7, 2003**

motion to be withdrawn provided that the person moving the motion, withdraws it with consent from the person seconding it. More discussion followed. Noting the lateness of the evening, Councilor Regier suggested scheduling a separate dedicated meeting to address this issue. Councilor Bishop suggested doing it in a proper manner and following proper steps. Councilor J. Arsenault wants this defeated tonight.

Chair Mann indicated that he brought this forward because he thought it was the will of the Council. It is the most important issue. He is prepared to vote on this.

MOVED AND SECONDED: To move the question. (Councilors Campbell & A. Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ROLL CALL VOTE ON RESOLUTION INTRODUCED: (3 Ayes—Campbell, A. Arsenault & Mann) (4 Nays—Regier, Bishop, DeGrandpre & J. Arsenault).

Vice Chair Campbell went to the podium and resigned her position on the Town Council. Chair Mann followed and resigned his position as Chair of the Town Council and position on the Town Council. Councilor Andrew Arsenault also followed and resigned his position on the Town Council for District 3.

Councilor Bishop apologized to members of the public that waited to give a presentation. The following items were not addressed:

4. Report from the Planning Board.
5. Report from the Village Planning Committee.
6. Discussion on State Grants for Waste Management – possible regional approach.
7. Discussion on Council Committee assignments for 2003.
8. Discussion on Council goals for 2003.
9. Sign Bond authorization for U.S. Route 1 Construction project.
10. Update from the Town Manager on Investments.

Adjournment:

MOVED AND SECONDED: To adjourn at 12:02 a.m (Councilor Regier & DeGrandpre) (4 Ayes).

Respectfully Submitted,



Sharon Coffin
Council Secretary

Clerk

**TOWN COUNCIL MEETING SCHEDULE
JANUARY – APRIL 2003**

- January 7 - Regular Council Meeting
- January 14 - Workshop: GASB 34 – 6:00 P.M.
Vision 2010 – 7:00 P.M.
- January 21 - Regular Council Meeting
- January 28 - Workshop: Planning Board
Design Review Board
Freeport Economic Development Corp.
Board of Appeals
Freeport Merchants Association
- February 4 - Regular Council Meeting
- February 11 - Workshop: Library Trustees
Solid Waste/Recycling Committee
Conservation Commission
Recreation Committee
Winslow Park Commission
- February 25 - Workshop: Coastal Waters Commission
Shellfish Commission
Water & Sewer District Trustees
Traffic & Parking Committee
- March 4 - Regular Council Meeting – Capital Budget Presentation
- March 11 - Workshop: Freeport Housing Trust
Freeport Community Services
Freeport Historical Society
Cable T.V. Regulatory Board
Assessment Review Board
- March 18 - Regular Council Meeting
- March 25 - Workshop: Capital Budget (Municipal Dept. Heads/School
Committee/Administrators)
- April 1 - Regular Council Meeting
- April 8 - Workshop: Budget Meeting with School Committee
- April 22 - Regular Council Meeting



Council Charge to Parking and Traffic Committee

1. **Propose changes to the parking ordinance based on the implementation stages of the Comprehensive Plan or recommend changes to the plan.**
2. **Safety** - Which crosswalks are poorly lit? How can they be improved? Does the tour bus spot in front of Dansk create a safety issue [crosswalk and visibility from Bow Street?] What is the required width for a Bus parking spot? Does 8 feet meet the National standard? Is Main Street wide enough for buses to be parked on opposite sides of the street?
3. **Tour Buses** - Determine if the 12 parking spaces provided at the Public Safety building is enough. Are six 15 - minute loading and unloading spaces enough for the peak season? Can some of these spaces be used for cars during the non peak period?
4. **Tour Bus accessibility** - Recommend a way to provide handicap accessibility from tour bus loading and unloading spaces to business. Look for other places in town for bus loading and unloading [examples: Howard Place, along Main Street, near train station, etc.]
5. **Handicap parking** – Review the downtown to determine where additional parking spaces may be needed.
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ISSUES FOR STUDY REGARDING TRAFFIC & PARKING ON MAIN STREET

| TOPIC | ISSUE <i>(These issues may apply to more than one location on Main Street, should include recommendations for comprehensive improvement)</i> | RESPONSIBLE PARTY |
|------------------|---|-------------------|
| SAFETY | <ul style="list-style-type: none"> ➤ Crosswalks are poorly lit, views are obstructed, congestion issues ➤ Emergency vehicle delays due to narrow width of road, congestion due to both foot and pedestrian traffic, parking on opposite sides of the road ➤ Width/length of parking spaces for Tour Buses Vs cars ➤ Loading/unloading of delivery trucks on Main Street (obstruction of views, narrowed width of road) ➤ To what degree is the opening of car doors on Main Street a safety concern? ➤ To what degree are turning lanes and parking on both sides of the street present a safety concern? | |
| TOUR BUSES | <ul style="list-style-type: none"> ➤ Is the current number of loading/unloading spaces sufficient to accommodate peak season needs? ➤ What are the projected needs per season? ➤ Is the current number of Tour Bus parking space at the Public Safety Building sufficient? ➤ Is there a need for improved handicapped/elderly accessibility from loading/unloading zones? ➤ Does the current location of loading/unloading zones compound the visibility issue related to crosswalks? ➤ Should passengers be discharged off Main Street? ➤ Is there a need for tree pruning? ➤ Are the current provisions for handicapped/elderly parking sufficient? | |
| HANDICAP PARKING | | |
| TRAFFIC FLOW | <ul style="list-style-type: none"> ➤ Is there a need for a traffic light in the Town Square? ➤ Is there a need to restudy traffic flow of vehicles, pedestrians and Tour Buses? ➤ What impact will Route One construction have? ➤ What will an alternative plan look like? | |

| TOPIC | ISSUE (These issues may apply to more than one location on Main Street, should include recommendations for comprehensive improvement) | RESPONSIBLE PARTY |
|--------------------|---|-------------------|
| ENFORCEMENT | <ul style="list-style-type: none"> ➤ Are the current time limits being adhered to by cars and Tour Busses? ➤ Do the current time limits need to be changed? ➤ Are employees of stores occupying street parking? | |
| COMPREHENSIVE PLAN | <ul style="list-style-type: none"> ➤ Have the goals of the Comprehensive Plan been met? ➤ Is there a need to update the Comprehensive Plan based on analysis of any of the above issues? ➤ Should seasonal changes to parking be considered? | |
| STRIPPING PLAN | <ul style="list-style-type: none"> ➤ Does the current stripping need to be altered to accommodate changes as an outcome of analysis of the above issues? ➤ What would be the cost? | |

Proposed Preliminary Resolution for Removal of the Freeport, Maine Town Manager, pursuant to ARTICLE III, Section 3.02 of the Freeport Town Charter: *(The form of the following resolution may be altered as necessary to conform to the Rules of Order and Procedure for the Freeport Town Council.)*

Resolved: Upon due consideration, it is hereby resolved that the Freeport Town Manager, Dale Olmstead, shall be removed as permitted by, and pursuant to, the procedures set forth in ARTICLE III, §3.02 of the Town Charter for the reasons hereinafter stated and that effective immediately following the adoption of this Resolution the Town Manager is suspended from duty as manager for a period of thirty (30) days or until final action on his removal by the council, whichever occurs first:

The reasons for the removal of the Town Manager are:

1. A lack of confidence in the manager's carrying out of his duties under the Town Charter and those duties and functions generally and reasonably expected by the council to be performed by a town manager.
2. On occasion, the manager has not seen "that all ... acts of the council ... subject to enforcement by the manager [have been] faithfully executed" as required by §3.04(4) of the Town Charter.
3. On occasion, the manager has not prepared and submitted annual budgets to the council as required by §3.04(5) of the Town Charter, to wit: in one or more prior budget years the manager negligently or intentionally prepared and submitted budgets that grossly understated budget revenues.
4. The manager has not prepared and submitted annual budgets to the council as required by §3.04(5) of the Town Charter, to wit: in one or more instances the budgets prepared by the manager and submitted to the council do not conform with the requirements of ARTICLE VI, §6.03(2) of the Town Charter in that they do not set forth "work programs."
5. As required to be done pursuant to §3.04(7) of the Town Charter, on occasion, the manager has not prepared and submitted to the council such reports and perform such duties as the council may require, to wit: the manager has not followed directives from, and resolutions of, the council.
6. As required by be done pursuant to §3.02(8) of the Town Charter, the manager has not always assisted, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving unfair vendor, administrative and governmental practices.
7. On occasion, the manager has acted against the interests of the municipality, the council, as an institution, the some or all of the councilors and/or the inhabitants of the Town.

8. The manager has, on occasion, acted arbitrarily and capriciously in his dealings with some citizens of Freeport, some members of the council and council leadership.
9. The manager has undermined the integrity of the council, as an institution, and the councilors, as elected officials, by selectively disseminating information to the press prior to dissemination to the members of the council.
10. On occasion, the manager has failed to act in an open and consistent manner in response to citizen and councilor requests and complaints.
11. On occasion, the manager has failed to accurately communicate facts, circumstances and consequences of council and municipal actions to the citizenry, the members of the council and Town employees.
12. The manager's action and inaction in the face of, and in response to, ordinary and necessary requests by members of the council has risen to the level of insubordination.

(If this resolution, or any similar resolution, is adopted by an affirmative vote of a majority of all members of the Town Council the procedures set forth in §3.02 of the Town Charter, commencing with the delivery of a copy of the resolution to the manager within 48 hours of the date and time of the adoption hereof.)