

Special Board of Selectmen Meeting  
January 19, 2011 @ 5:00 p.m.  
Southwest Harbor Town Office

MINUTES

- I. Call to Order/Roll Call: The meeting was called to order by the Chairman at 5:13 p.m.. Present: Ralph Dunbar, Jr., Dorr Wilson, Trudy Bickford, George Jellison, Jr., David Minctons, Town Manager, Robin M. Bennett, Town Attorney, William Devoe
  
- II. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) Attorney-client consultations. It was Moved Bickford and Seconded Wilson to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) Attorney-client consultations at 5:14 p.m. Vote: 5 – 0.

It was Moved Bickford and Seconded Wilson to come out of Executive Session at 5:37 p.m. Vote: 5 – 0.

Recess until 6:00 p.m.

Visitors: Vaughn Clark, Nick Madeira, Andy Mays, Corey Pettegrow, Dennis Dever, James Munch, Esq.

- III. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) personnel matters. The Chairman said the Executive Session purpose was to determine whether Mr. Clark should continue as a member of the Harbor Committee and this meeting would continue by State Law in Executive Session unless Mr. Clark chooses otherwise. Mr. Clark chose to have the meeting be a public meeting in order to include witnesses throughout the discussion. Mr. Clark presented a letter requesting public session. Chairman notified all present that the meeting would be recorded, and told Selectmen that if any member felt he could not listen to the hearing objectively, he should recuse himself. Some present asked whether the public meeting could be held without notification ahead of time. Bennett said the meeting was posted ahead of time as a Special Selectmen Meeting. The Agenda was listed as Executive Session as that was the anticipated meeting format. Attorney & Chair agreed there was no legal question. Chairman stated the meeting is due to allegations made for removal

for cause, and may be loosely defined as misconduct to a degree, disability to a degree, or character judgment or temperament issues to a degree that show an inability to properly perform as a committee member as outlined in the Town ordinances. A majority vote will determine the outcome. All Board members are present and called out their individual names for the record. Mr. Munch, Attorney was invited to make an opening statement. He asked if the Board had the original complaint before them. They did not, however all members confirmed they have seen the complaint. The basis for the complaint had nothing to do with policy, but about how the job of being a committee member was conducted and that effect on the function of the committee and the ability of the Harbormaster to perform his duties. Munch said we were here about how the job of being a committee member was conducted. In no way are we here to challenge Mr. Clark's views on policy.

The primary witness will be Dennis Dever, former Harbormaster, who will discuss how Mr. Clark's demeanor impaired his ability to perform his job.

Mr. Clark was invited to make an opening statement. He said he was there to answer allegations from Mr. Dever, and he had witnesses to testify if needed. Chairman said Attorney Munch would present his case, Mr. Clark will have time to cross examine, and the process will be reversed after Attorney Munch has presented his case. Mr. Munch said he may ask for brief rebuttal after Mr. Clark has presented his case. Noted by the Board.

Munch reviewed with Dever his position, his background, his hiring by the Town Manager and the job description and tasks as well as the ordinance to be used in his position as Harbormaster. He indicated that during 26 years with the Coast Guard, he worked often with Harbormasters, and spent several years at the Southwest Harbor Coast Guard base. Dever was hired in July of 2008. He reviewed his primary tasks in the early portion of his tenure as Harbormaster, saying he had a task list and job description provided at the time of hire. He cited the Harbor Ordinance that was in place at the time of his hire, State statutes and Army Corps of Engineer regulations as impacting on his position as Harbormaster. Mooring management, facilities upgrade and ordinance enforcement and revision needed to

be addressed. Dever said he was concerned that there was some non-compliance in the Harbor. Mr. Clark came on the Harbor Committee at the end of April 2009. Prior to that Dever said he worked with the Harbor Committee on revisions to the ordinance, identified a new harbormaster boat and a preliminary plan for a new facility. Regarding the Boat, the Committee functioned in an advisory capacity, and the Committee recommended replacing the current boat. Dever said his relationship with the Committee was good when asked to characterize his relationship with the Committee prior to Mr. Clark's joining. Dever said Mr. Clark disagreed with changes to the Ordinance, and at the May 2009 meeting showed disdain for the selection of the new boat and was very aggressive. He said Clark felt the existing boat should have been rebuilt here, and not purchased new from New Hampshire. Dever said Clark questioned the Harbormaster's authority, particularly the removal of lobster buoys as hazards to navigation stated in the existing Harbor Ordinance. Dever described instances where Clark had confronted him on issues. Recordings of the various Harbor Committee meetings were played to illustrate confrontation issues.

Dever said in August 2010 he was discussing items with electrical contractors when Clark arrived and accused Dever of cutting off one of his buoys. Dever said a barge had dragged the buoy in towards the dock. Attorney asked Dever if, while he was Harbormaster, was he able to fully conduct his activities both in advising the Harbor Committee and working cooperatively with the activities of the Harbor while Mr. Clark was on the Board. Dever said no. This ended Attorney Munch's direct questions of Mr. Dever.

Mr. Clark began his review and questions. He questioned Mr. Dever's hiring and who was involved. He stated the Dever fought against the Mooring Plan, and questioned Dever saying Dever said Clark obstructed Ordinance changes. Clark was advised to ask direct questions of Dever.

Items questioned were: the number of traps returned to the docks; who the fisherman was that told Dever Clark was out of order; when Clark's buoy was returned to the dock and how long it took for Dever to notify Clark; the statement that Clark told Dever he was under new management and would be looking for a new job – Clark asked who

had heard that. Dever said Clark misquoted, but only Clark and Dever would have heard that because they were the only ones present. Clark said other items would be brought up when he testified. Munch had no further questions. The Board of Selectmen asked questions. Chairman asked Dever if he felt Mr. Clark had any direct control over his job as Harbormaster? Dever said no. Were you intimidated by Mr. Clark. Yes. Wilson: did the actions of Mr. Clark cause you to resign from your position? Dever said that it was a factor indirectly and that goes back to the day when it was reported to the Town Manager that 6 traps had been on the dock for a certain amount of time, and granted there are numerous disadvantages to the Harbormaster job, but Clark was to some extent controlling the Town Manager and that had an effect on the Harbormaster. Dever was asked if he scraped and painted all the floats? Dever said he scraped all of them, to his recollection. He hired Wid Minctons to paint the four floats. Minctons asked if Dever hired Wid to scrape the floats? Dever said if any floats were scraped it was part of the contract with the Lower Town Dock, but he thinks he scraped all of them. Dever said to the best of his recollection he scraped 4 of the floats. Minctons stated he and Wid did scrape the floats. Chair asked Munch and Clark if they had any other questions. None.

Mr. Clark called Andy Mays as witness. Mays said he looked at the narrative and as he has personal first hand information on that, he made notes on that. Wilson said Clark has the opportunity to ask questions of his witnesses. Munch said he has no objection to the procedure of asking Mays if he has any comments. Pettegrow asked who Munch works for – He said the Town of Southwest Harbor. Chairman said the BOS is acting as the jury. Mays said he has been associated with both Clark and Dever and he abhorred being in this position. He observed that this is a situation where two people just don't get along. He said he will testify about the things that he knows about only. Narrative 1 alleges that Clark made inappropriate and angry and vocal comments. Mays said there were many complaints to the Harbor Committee on the new methods of enforcement. Mays said these topics were intertwined and constantly before the Harbor Committee. He said they were not just Vaughn Clark. Munch objected that Mays was not giving facts, but opinion. Mays said regarding fisherman leaving bait and traps on the dock, that Mickey Phippin fell overboard and nearly drowned – and the boat was hauled,

leaving traps on the dock. There were allegations that the new laws and new rules were not uniformly applied, as in the case of Phippin who was tied up at the Town Dock for weeks while others were ticketed or warned.

Clark asked Mays about the warning he was given, confirming that Mr. Phippin was not approached. Mays asked Phippin specifically if he understood he might get a summons – Phippin said he never had. Clark asked Mays about his association with Mike Musetti – Mays said they know each other. Referring to paragraph 8 of the narrative it states Dever was having a conversation with Musetti when Clark arrived and accused him of cutting off his trap. Mays said it says specifically in the narrative that Clark was threatening. Mays talked to Musetti today, and asked about the narrative. Musetti said he did not feel threatened, and they stepped aside simply because it was not his business. Munch cautioned that if Musetti testimony was to be heard, he should be present to allow for cross questioning. Chair noted.

Clark asked Mays – since you have been on the Harbor Committee, and Dennis has resigned as well as the Chair, how have things gone. Mays said completely harmonious and lots of work has gotten done. Things were done before, but most of these things are a year old. Mays asked chair: since this is a public meeting, will Harbor Committee members have a chance to make statements? Attorney said Mr. Clark will have an opportunity to make a statement at the end. Their respective rolls are just as fact witnesses. Munch was asked if he had any questions for Mr. Mays – none. BOS had no questions.

Nick Madeira was called as the next witness. He said he was approached to join the Harbor Committee and this is his second term. He was originally encouraged to join the Harbor Committee by Dever. Madeira said he used a mooring without permission of the owner, and there was contention between the Harbormaster and Madeira concerning that. Madeira said it was very difficult to work with Dever, and he showed he had an ax to grind many times. It came out in the Harbor Committee meetings, in the Harbor and in the newspapers. Madeira took a leave over the winter. Clark asked about his return and reapplying to the Harbor Committee. Madeira said he

was met with resistance, and Dever spoke against his membership. Munch warned that this testimony would open a wide variety of examination and is not directly related to Mr. Clark's behavior. Clark said that his behavior is a direct result of Dever's attitude. Attorney said that if Clark feels his behavior is directly a result of Dever's attitude, he is the person who needs to speak to that. Clark asked if Madeira had any concerns over Clark trying to dismantle the Harbor Committee or has he felt any intimidation. Madeira said he has no concerns.

No questions from BOS or Munch for Madeira.

Clark called Corey Pettegrow as his next witness. Clark asked Pettegrow if he had ever known Clark to be intimidating to Dever, interrupt meetings or single-handedly be demeaning. Pettegrow said he has only noted frustration which has built over time. Clark asked Pettegrow if he was aware of the process of Dever issuing a citation to Leonard and only warning others. Pettegrow said it appeared to be selective enforcement with Dever saying the Town Manager was behind him all the way. In answer to a question, Pettegrow said he did not recall Clark smelling of alcohol and slurring his speech, nor did he recall Dever that way.

Clark asked Pettegrow's recollection of complaints of Dever molesting people's traps, putting them in dumpsters, stomping them, etc? Pettegrow said he did. Munch said the focus is off and seems to be straying. Clark said it is all in the allegations, under Article 10. Munch said Clark is asking a compound question which makes it difficult for a witness to answer. Clark asked if Pettegrow had witnessed stomping of traps. Pettegrow said he has not personally witnessed it, but has had lots of reports of it happening. Clark asked if Pettegrow feels he has an inability to act on the Harbor Committee. Pettegrow said he does not – Munch objected saying this is the main reason for this hearing. Clark asked if meeting minutes were ever questioned. Pettegrow said yes. Clark asked Pettegrow, as far as Dever's law enforcement, was there ever any favoritism witnessed? Pettegrow said yes. Clark asked if Pettegrow had ever witnessed him bullying, or intimidating anyone? Munch said this is a general question and doesn't deal with these issues. Chairman said it is a character issue and he will allow the question. Pettegrow asked if

Munch would be instructed to raise his hand rather than interrupting each question. Question was repeated. Pettegrow has not witnessed that. Mr. Munch asked Mr. Pettegrow: concerning Mr. Clark's frustration, do you believe he was giving vent to that frustration in what was heard on the tape, and continually making the statements he was making. Clark questioned why his friendship with Pettegrow was an issue. Pettegrow said he grew up with most everyone in the room. Munch asked if Clark, Pettegrow and Leonard questioned something not being included in the minutes, or in a fashion not acceptable. Pettegrow said he would explain it to Munch – Munch said he did not want him to do that. Pettegrow said the issue was brought up by Ken Hutchins the Chairman of the Harbor Committee. Clark said Munch is grilling Pettegrow as though he is on trial. Munch asked Pettegrow about concerns with Dever acting in an enforcement activity. Pettegrow said he did not. He said Dennis strongly felt he was allowed to move lobster gear, and many on the committee felt he was not. He did not present anything, but was hard and fast with his beliefs. Chairman asked if the Board had any questions. None. No follow up questions. Chairman suggested Clark present his own case in defense of himself at this time. Clark was informed he could go through the items listed in the complaint and make statements. He was not allowed to question Dever.

Munch asked if this was supposed to be factual testimony? It will be a blend. Clark said at his first Harbor Committee meeting he hardly spoke. In Dever's statements he refers a lot to Mr. Dunbar, and Clark questions why. Clark said a great deal was accomplished, and since Dever and Hutchins resigned there has been a lot going on. He did not join the committee to tell the Harbormaster his job. Clark said he did not immediately monitor Dever's job performance. Clark does not think it is out of the ordinary for a fisherman to drive by the Harbor 10 times a day if he's not out fishing. Again, Dever referenced Dunbar's driving by the harbor as well. Clark said Dever's accusation that he spoke over vhf radio that Southwest Harbor did not have a Harbormaster was completely false. Harbormaster accused fishermen of loitering at the Town Dock – Clark objected, saying fishermen fishing off the Town Dock often stand around the area when not fishing, to converse. Referencing Leonard's citation, Clark questioned why one person would get a citation and two others only get warnings. Clark objected to Dever's report that at the Dec. 14,

2009 Harbor Committee Clark smelled of alcohol and slurred his words. Clark said that was untrue, saying other committee members said it was untrue as well. Dever stated he got in touch with McQuinn concerning the floats that were left in the middle of the Harbor. McQuinn told Clark he had never had a call from the Harbormaster concerning the floats and had no knowledge that they were out there. Clark said Dever was not involved in pulling Mickey Phippin from the water and saving his life. Clark objected to the terms 'agressively harrassed' saying Dever is bigger than he is and doesn't know what Dever means by this. Clark said he did not make the comment "you're under new management". Dever said he notified the Police Department of Clark squeeling his tires and asked for a written warning – Clark said that did not happen. Clark said Dever's version of events get blown out of proportion. Clark said other fishermen said his trap and buoy were dragged on the ramp and left for a week before he was called. Item number 10 of the complaint concerning October 15<sup>th</sup> "stomping lobster traps at the Town Dock", Clark said he knows of no other Harbormaster in the State of Maine who stomps people's lobster traps and throws them in a dumpster. Dever claims he has an agreement with the Maine Marine Patrol to do this. Clark claims it is a disastrous process. Clark objected to Dever's claim that Clark "completely disabled" the Harbor Committee. Clark contends that Dever has not submitted any evidence that Clark is a man of bad character, and he doesn't believe he has been the cause of anyone leaving the Committee. Clark believes this is Dever, and Bickford and Bennett as well, supporting Dever. Munch requested that Clark stick to the facts of the case. Clark said throughout the tapes Dever seems to want to throw his brother into the mix and has said there was a grievance with Jeff Brezinis. Clark said this is not true, that his father had an association with Brezinis, not his brother, and read a statement from his father concerning his association with Brezinis. Munch said this oversteps the bounds. Clark read the statement.

The Board took at 10 minute recess at 9:00 p.m.

The meeting resumed at 9:11 p.m. Chairman asked if the Board had any questions of Mr. Clark. Dunbar to Clark: have you ever received a copy of the Southwest Harbor Personnel Policy Manual: Clark: No; Dunbar to Clark: have you attended any Board training since you have been a Board Member? Clark: No; Dunbar to Clark: Have you

ever been offered any Board training since you have been a Board member? Clark: no but recently there has been talk of it. Wilson – in Number 7, Mr. Dever’s allegation that Clark said: ‘your job is in jeopardy Dennis, you’ve pissed everyone off in the Harbor’ – Did you actually say that? Clark responded ‘No’. Clark said he made a comment to Dever that there’s a lot of people in Town who are pissed off – as far as saying that Dever’s job was in jeopardy, Clark said he did not say that. Wilson: in serving on the Harbor Committee, did you feel you could not work with Mr. Dever? Clark responded – there were times he felt as though he couldn’t, and other times, we (the committee) was reassured that Dever understood and thought things would be better. That did not take place. Chairman asked Mr. Munch if he had any further questions – none.

Chairman told Mr. Munch if he wished to call any other witnesses he could do so. Munch said he will only need to call Dever as a rebuttal witness to some of the testimony.

Munch asked Dever: re the testimony of Mr. Madeira saying Dever had opposition to Madeira being re-appointed to the Harbor Committee, Dever said he was opposed. Munch asked why. Clark opposed the question as Madeira was no longer at the meeting. Dever was allowed to answer and said because Madeira was a speeder in the Harbor and had been issued a citation, and it was a dangerous situation. Madeira never responded to the citation and it went to court and Madeira told the court he felt he was a victim of a change in administration. Dever felt that a person performing a dangerous act in the Harbor should not be on the Harbor Committee. Munch asked, referencing Mr. Clark’s testimony concerning the fact that Dever had not contacted McQuinn – what was the issue and who was the contractor? Dever – re the floats being damaged, this was related to the construction of the lower town dock – the subcontractor moved the floats to a mooring in the harbor in order to be ready to start construction. Dever said he did call the contractor’s construction manager, Mr. Riox’s and it should be in the file. Munch: Clark made light of the fact that Dever had in some way been a participant in the gentlemen who fell overboard. Dever said the call came over the radio, Dever took over for the CG watch commander – went to the Upper Town Dock, and Dever took over the care of the hypothermia. He supervised until the ambulance arrived. Re the stomping of traps –

Dever said he did that out of sight, and it is a Marine Patrol requirement – Dever suggested 30 days before destroying traps, and the Marine Patrol said it should be 2 weeks. Troy Dow was the contact person at Marine Patrol. Dever said he explained the reasons for what he was doing. Dever said Clark was informed of the Marine Patrol rule. Munch asked about the times Dever brought up enforcement and state rules and regulations and statutes, did he view that as authority for taking actions. Dever said if he didn't know the particular statute, he would review it, and all actions were based on regulations and statutes. Concerning Mr. Phippin's traps at the dock, Dever said he marked traps that had been left there longer than they should have been. Dever referenced tying up at the Town docks during storms for overtime tie ups and said that Mr. Leonard had two warnings before being issued citations. Munch had no more questions. Chairman informed Clark he could ask follow up questions about the questions Munch has asked.

Clark referenced the “speeding” of Mr. Madeira – Clark asked Dever if he brought that information to the Selectmen – Dever said yes. Is there any documentation that indicates two weeks before stomping a trap? Dever said no. Clark asked if Dever only moved two traps. Dever said yes. Does Mr. Phippin have a mooring in the harbor? No; Does he pay a punt fee? Dever said he believes he did. Clark to Dever: are you aware that Mr. Phippin ties up to any mooring he feels like without owning a mooring? Dever said he was aware. No further questions.

Munch asked questions of Robin Bennett. Munch: there was testimony about a hole in the float – did you have any interaction about that issue? Bennett said Clark came into her office and claimed there was a hole in the float. By chance she had walked the floats that morning and there was no hole. Clark insisted there was. He didn't say specifically where. Munch pointed out that he didn't follow up with location. Was it Mr. Clark's habit to come to the Town Manager's Office? Bennett said he came on a fairly regular basis. Did the Town Manager find that Mr. Clark tried to intimidate? Bennett said she felt he came with the intention of intimidating, and that he would come in unannounced, without knocking, but would barge right in without knocking. She said she would be seated at her desk and he would be standing within her “personal space”. Bennett

said she had noticed the trend on three occasions. Did the Town Manager receive complaints from Mr. Clark concerning Mr. Dever not being at work? Bennett said in both instances there had been a time off request. In terms of an e-mail dealing with Clark's presence at the construction, Bennett said she was aware after the e-mail. Bennett said Clark denied that he was interfering, but he indicted he had the right to represent the Town. Did he elaborate on that? Bennett said she had to tell him at the time that he did not have the right to instruct a contractor, or anyone else for that matter on any issue regarding the Town. Has the Harbor Committee authority come up in other instances? Bennett said there is frequent questioning of authority in what their roll is –she said she got the impression some members feel they are the supervisor of the Harbormaster and they have a right to direct that person. Munch –was there an issue about what was said about the secretary taking the minutes? Bennett said in particular at a June meeting Clark accused the recorder of not putting his comments into the minutes. Through the conversation it was said that it was 'for my own personal benefit'. Bennett received this information from the tape and it was said by Mr. Clark. Mr. Pettegrow asked if the recorder was being censored, and asked: are you being told what to write? There were accusations that tapes were lost, implying there was some kind of cahoots. Bennett stated she had not read any of the minutes until after that meeting. She had told the recorder that the minutes are not to be transcripts, to record the motions, and to get the gist of what was being said. Munch said Mr. Clark has said Harbor Committee meetings are harmonious and peaceful and work is being done – does the Town manager share that assessment? Bennett said she does not – individual members, other Boards of the Town and Selectmen are being disrespected. Munch asked did Mr. Clark ever come to the Town Manager (TM) to ask questions about Mr. Dever cutting any of his buoys. Bennett said Clark came to her office and said Dever cut his buoy at the ramp. Destruction of traps: Bennett was aware that traps should be destroyed so they may not be used. Munch finished questioning. Clark was invited to question Bennett.

Regarding the hole in the float Clark asked if is it possible that someone may have put the hole in the float after Bennett visited the floats that morning? Bennett said she did not think that possible.

Concerning visits to the TM office: Clark said he was asked by Leonard to come in on one occasion and was invited in by the TM, and the other two times the Town Clerk knocked on the door and announced he was there – Is the TM saying Clark barged into her office unannounced – TM said Yes. Clark asked if the TM was saying he went to a contractor and gave him instructions on the job to do – Bennett said no. Clark questioned that referring to prior testimony by Bennett. Bennett said based on her conversation with Clark, she felt he thought he had the right. Clark asked who “Rockin’ Robin” was. Bennett said she assumed it was referenced to her. Clark said he had done some research and Bennett was on a dating site listed as “Rockin’ Robin” and that made it public knowledge.

Munch was asked for closing statements. The concern is Mr. Clark’s behavior and how he carries himself on the Committee. Munch said looking at the whole thing, Mr. Clark seems to have a different approach as to how meetings are conducted, and clearly had significant issues with a law enforcement officer (Harbormaster). Munch said Mr. Clark shoots the messenger. The issue is how you conduct yourself in a position of public trust and public authority even if it is only advisory authority. Mr. Clark said he joined the committee to make a difference. He has never had a manual on being on Board, but has toned down his approach after a conversation with Mr. Wilson. He feels that this has turned into a three person opposition to the Harbor Committee and members of it. He feels badly that the Selectmen have had to go through all of this.

Chairman said the hearing portion of the meeting is closed. Clark asked if the Board would vote on this tonight – and, if so, he asked that Bickford recuse herself from the voting as she has already made herself clear on this. Bickford declined to abstain. Chairman asked the Board if there was enough cause to remove a member from a Board/Committee. Wilson said having heard both sides of the story, that he spoke to Mr. Clark after the December 2009 meeting, at the request of the Committee Chair, and did address the entire committee on the issue. Since then Mr. Wilson said the meetings were more in control, although there were some comments from people which were inappropriate. Wilson said the lack of the Select Board to give direction to all Boards and Committees has failed. The only grounds Wilson could see for dismissal would be the violation of the Town’s

personnel policy. Chairman agreed with Wilson's assessment. He asked if there was just cause for removal. Jellison said looking back at the timeline, the height of confrontations were back in December – looking through the testimony, why didn't something get done sooner to give direction? Some of the meetings contained things that should not have been said, and resulted in some of the committee members leaving. Trying to come in with an open mind is a tough decision. Munch said they would prove just cause, but Jellison faults the Board of Selectmen for lack of direction and instructions on how to keep the meetings running on the appropriate level. Minctons said, having listened to both sides there are different stories and it's hard to know what the facts are. Lack of leadership on the part of the Board of Selectmen has resulted in no assistance to the Committee. Vaughn and Dennis have a conflict going, and he doesn't believe the Board of Selectmen is getting the full picture. Bickford said this Board has encouraged the Committee to continue acting out. She doesn't believe the Committee understands their job, even though they mean well. She said members of the public asked her to attend the meetings because they didn't feel comfortable. Jellison agreed to an extent, but cautioned not to talk about the committee as this meeting is for a specific committee member. He reiterated his internal concern that the Board may have erred in the way they did not follow up, but his concern is they're choosing one person to punish. Wilson said they were here to discuss Mr. Clark and Mr. Dever's allegations and whether or not there is just cause to remove Mr. Clark from the committee. Chairman said a lot of the testimony conflicts, there have been cases where Mr. Clark was frustrated and resulted in being out of line, but does that justify removing him from the Board? Wilson said the Harbor Committee needs to realize they have zero authority, and they are supposed to assist this Board with Harbor issues. Bickford said as the Chairman of this Board, she feels Dunbar has encouraged this type of behavior and is as guilty as Vaughn, and has brushed over all of this. Chairman said that discussion was for another time.

Concerning the removal of Mr. Clark from the Committee based on the allegations of Mr. Dever, Wilson said he is guilty of violation of the personnel policy but only because he has not been educated. Wilson made a motion to remove Clark from the Committee. Seconded by Bickford. Discussion: Wilson said there has been a lot of misdirection and lack of guidance. Wilson said Clark is in

violation of the personnel policy in reference to Dever's safe and comfortable place to work, due to Clark's lack of knowledge of the policy. Vote: 2 – 3 Motion does not carry.

Moved Dunbar and Seconded Wilson to adjourn the meeting at 10:15 p.m. Vote: 5 – 0.