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IN COUNCIL REGULAR MEETING VOL. 66 PAGE 1
JULY 7, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. Councilor Jacobs arrived at 7:03 P.M. and Councilor De Angelis arrived at 7:05 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of June 21, 2004. Passed 5-0.

B. Communications from City Manager

- Letter from Arthur Best, a retired Portland Firefighter, congratulating the Chief and the City for the new fire station.
- This years poster advertising the Art In The Park show scheduled for August 14, 2004.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Ed Huggins, 130 South Kelsey Street was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

E. Consent Calendar

2. Street Closing

The residents of Elderberry Drive East are requesting the closing of Elderberry Drive on July 11, 2004, from 10:00 A.M. to 6:00 P.M. Passage requires majority vote.

There was no public discussion.

Motion of passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

F. Citizen Discussion (First Part)

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Stan Cox, 460 Highland Ave. - Mr. Cox referred to Item 18, the sale of land and Sawyer School to the Congregation Bet Ha'am. He does not feel the Council has the moral authority to sell this property.

Ray Lee, 28 Henry Street – Mr. Lee agreed with Mr. Cox. He also said the proposed Charter Amendment was a way for the Council to continue spending money the way they want. He also had a problem with a 3% cost of living increase for employees sighting that senior citizens did not get a 3% increase in their social security.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta felt that Councilor Jacobs should have worked through the City Clerk if he had concerns about whether there were legal concerns with using the Thomas Room for the November Election, rather than placing a call to Augusta himself. He said that the Thomas Room would not be available to use as a polling place for the November Election.

Alfred Boudreau, 1092 Broadway – Mr. Boudreau said South Portland is too expensive to live in and that he feels he has been driven out of the city.

Rommie Brown, 10 E Street – Ms. Brown said that while she is not happy with her taxes doubling over the years, she is impressed with the time and contribution made by City Councilors. She also said the City Manager does a great job.

G. Public Hearings and Action

3. Business License

Calabash, 425 Western Avenue, for a Coin-Operated machines license. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Maietta. Passed 6-0 (Jacobs out of room)

4. ORDINANCE #27-03/04 – Amending Chapter 23, “Streets and Sidewalks,” regarding parking of recreational vehicles on City streets. Passed first reading on 06/21/04. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;

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Ray Lee, 28 Henry Street – Mr. Lee raised concerns about how this would affect his tag along trailer. He indicated that skateboards are a much bigger problem in the City.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta wanted to know how this ordinance was going to be enforced. The Manager explained that there would be a public education period and then the enforcement would be complaint driven. Mr. Maietta also questioned the parking signage along Evans Street. The City Manager said that he had looked into this already with the Police Department and was pretty sure that it had been signed properly, but would double check.

Stan Cox, 460 Highland Ave. – Mr. Cox said complaint driven enforcement is selective and discriminatory. The City Manager responded that the staffing level in the Police Department has not changed since the late 60's and although the population has not changed significantly, the property locations have doubled. There are not adequate staffing levels to enforce this other than in a complaint driven manner.

John Kierstead, 36 School Street – Mr. Kierstead supports the amendment. He said that he was taught that anything that happens on a public street is a privilege and not a right.

Alfred Boudreau, 1092 Broadway – Mr. Boudreau said that if there were people in this area who were interested in how to save money, they could contact him.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. A motion to amend the ordinance to exempt recreational vehicles that were attached to a motor vehicle was made by Councilor Maietta and seconded by Councilor Hughes. The amendment failed 1-6 (De Angelis, Fickett, Hughes, Jacobs, Beecher, Boudreau). The main motion passed 5-2 (Fickett, Maietta)

H. Action on Old and New Business

5. ORDER #1-04/05 – Approving a sub-surface wastewater holding tank for Thomas Knight Park. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Motion to amend the order to change 0 Ocean Street to 1 Ocean Street was made by Councilor Jacobs and seconded by Councilor Beecher. The amendment passed 7-0. The main motion passed as amended 7-0.

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6. ORDINANCE #1-04/05– Amending Chapter 6, “Elections” regarding redistricting for voting purposes. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. This item will be brought forward for further discussion at the July 12th Workshop. Passed first reading 6-1 (Fickett).

7. ORDER #2-04/05 – Authorizing the City Manager to sign a license agreement extension with Portland Pipeline Corporation for the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0 (De Angelis out of room)

A motion was made by Councilor Jacobs and seconded by Councilor Boudreau to take Item #18 out of order. Motion passed 6-0 (De Angelis out of room). See Item #18 for details.

8. ORDER #3-04/05 – Amending the *Traffic Schedule* to make Vincent Street one way from Cottage Road to Chase Street. Passage requires majority vote.

There was no public discussion.

Lt. Mark Clark was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Motion to withdraw was made by Councilor De Angelis and seconded by Councilor Jacobs. This item was withdrawn with a vote of 7-0.

9. ORDER #4-04/05 – Setting the date of July 19th for a Public Hearing on a proposed Charter Amendment on revenue to be raised by property taxes. Passage requires majority vote.

The following people addressed this item;

Mike Williams, 124 New York Ave. – Mr. Williams supported the amendment saying it will give the citizens of South Portland a choice.

Stan Cox, 460 Highland Ave. – Mr. Cox said the Council should come up with some kind of an alternative rather than business as usual.

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Louis Maietta, 185 Elderberry Drive – Mr. Maietta said this is the City Council's way of keeping an open checkbook. He asked who determines whether an amendment to the Charter is minor or major. Corporation Counsel, Mary Kahl answered that the general test is asking whether the amendment is going to change the basic form of government. If the answer is yes, then a Charter Commission needs to be established and then everything would be open for consideration. Mr. Maietta said that he is a big supporter of Firefighters and he would rather see that Council pass a resolution saying essential services will not be cut if tax reform passes.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

10. RESOLVE #1-04/05 – Regarding the use of additional State revenues for property tax relief. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

11. ORDER #5-04/05 – Award of bid for four file servers for the School Department. Passage requires majority vote.

There was no public discussion.

Andy Wallace, Director of Technology for the School Department was available to answer questions. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

12. ORDER #6-04/05 – Authorizing the City Manager to sign an inter-local agreement with the Town of Cape Elizabeth for the purpose of providing animal control services.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Mayor Boudreau. Passed 6-1 (Fickett)

13. ORDER #7-04/05 – Authorizing a three percent cost of living adjustment for non-union municipal employees and the City Manager. Passage requires majority vote.

The following person addressed this item;

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Louis Maietta, 185 Elderberry Drive – Mr. Maietta questioned whether the City Manager has always been included in the non-union cost of living adjustment. He also questioned whether the City Manager’s merit increases are required to be passed by Council Order. The City Manager has always been included in the non-union cost of living increase and Mary Kahl will look into whether adjustments to the Manager’s wages or benefits have to be passed by Council Order.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-1 (Fickett)

14. ORDER #8-04/05 – Authorizing the acceptance of an O.U.I. Enforcement Grant from the Maine Bureau of Highway Safety. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

15. ORDER #9-04/05 – Award of bid to A. D. Electric, Inc., of Sabattus, Maine for traffic signal maintenance and repair. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

16. ORDER #10-04/05 – Award of bid for a hazardous materials trailer to On The Road, of Warren, Maine. Passage requires majority vote.

There was no public discussion.

Lt. Fox for the Fire Department was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 6-1 (Fickett).

17. ORDER #11-04/05 – Award of bid to Mitchell’s Electric of Scarborough, Maine for fire alarm maintenance and repair. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 6-1 (Fickett).

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18. ORDER #12-04/05 – Authorizing the City Manager to sign a purchase and sale agreement for the sale of Sawyer School to the Congregation Bet Ha’am. Passage requires majority vote.

The following people addressed this item;

Rick Lee, 163 Westbrook Street – Mr. Lee inquired whether the City would control events that occurred at this location if the property was sold. The Manager said that the Congregation Bet Ha’am would oversee the property and events would be scheduled through them.

Rod Rovzar, Esq. from Norman Hansen and DeTroy – Mr. Rovzar said the 1.6 acres on the Main Street side of the property would be restricted to recreational use.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta questioned why the appraisal dated 3/3/99 was on-line but the more recent appraisal was not. He commented that appraisal numbers were all over the place and that citizens are being shortchanged on this deal.

Stan Cox, 460 Highland Ave. – Mr. Cox said we are giving away a prime piece of recreational property.

Dan Rose, Esq. of the Congregation Bet Ha’am – Mr. Rose indicated that they would invest and maintain the recreational portion of this property and keep it as open space forever. The Congregation would like to stay at this location and work with the City to make this a good situation for everyone.

Councilor Jacobs disclosed that while he is not a member of the Congregation, he has attended a number of services and wanted to make sure that no one had an issue with it. There were no objections verbalized against his participating in this item.

Councilor Hughes motioned to waive the bid process and pass Order #11-04/05. Councilor De Angelis seconded the motion. Councilor Maietta motioned to postpone this item to the July 19th Council Meeting in order to read through material that had presented at this meeting. Councilor Hughes seconded the postponement. The postponement passed 6-1 (Jacobs)

19. ORDER #13-04/05 - Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor

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De Angelis. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Boudreau reminded people of the Jetport Noise Committee at the Doubletree Hotel on July 13th, 6:00 P.M. She indicated that it would be taped. Mayor Boudreau is looking to be reappointed to the County Budget Advisory Committee. The election is scheduled for July 15th at 7:00 P.M. She also wanted to bring awareness to "Just One Day". "Just One Day" is a campaign to promote a day of peace worldwide. Doreen Gay is representing the cause locally. Anyone interested can find more information at www.ACOF.net and click on Just One Day.

Councilor Fickett said there are two ways of appraising property, either by reporting the value based on Federal Reserve Notes or U.S. money. He said there is nothing to stop inflation.

Councilor Jacobs recognized a large donation of pictures to the South Portland Historical Society, a story in the Press Herald regarding Accessory Dwelling Units, the feature article in Sunday's paper on Parks and Recreation Director, Dana Anderson, and the Forecaster's article on the Fire Ops Training. He also stated that today was his 14th anniversary for him and his partner. He thanked his niece, Katrina for the beautiful flag pin she made for him.

Councilor De Angelis welcomed the Kitchen Collection to the Knightville area and recognized the owner, Debbie Davis. She noted that Tony Boffa's Band will be playing in Mill Creek Park next week. She also thanked the Waterfront Market Association for inviting her to their meeting.

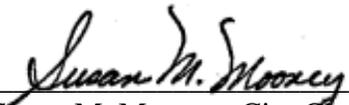
Councilor Beecher inquired about Hamlin School and whether we have heard from the School Department about it.

K. Executive Session

Motion to adjourn was made at 10:42 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Adjournment 7-0

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 66 PAGE 9
JULY 19, 2004

Roll Call: Mayor Boudreau called the Special Meeting to order at 6:00 P.M. Council Jacobs was absent.

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

Motion to adjourn to executive session was made at 6:02 P.M. by Councilor Hughes and seconded by Councilor De Angelis. Passage 6-0.

Motion to return from executive session was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0 (De Angelis out of room).

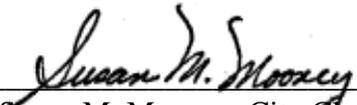
Motion to grant Hardship Abatement #04/05-1 for \$1,677.73 plus interest and costs, to date, for fiscal year 2003/2004 was made by Councilor Hughes and seconded by Councilor Maietta. Passed 5-0 (De Angelis out of room).

Motion to deny Hardship Abatement #04/05-2 was made by Councilor Hughes and seconded by Councilor Beecher. Abatement denied with a vote of 5-0. (De Angelis out of room).

Motion to adjourn from the special meeting was made by Councilor Maietta and seconded by Councilor Beecher at 6:32 P.M. Passed 5-0 (De Angelis out of room).

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ATTEST _____


Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 66 PAGE 10
JULY 19, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. All members were present.

A. Acceptance of Minutes

Motion to accept the minutes of the July 19th, 2004 meeting was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Announcement that the Green Belt Walkway extension through Wainwright Fields is now complete.
- Letter from David Sathe, Director of the Bureau of Remediation and Waste Management thanking the City for its participation in the christening of the new oil response boat, The Eufemia.
- An article in the Homefront Publication regarding the first low income housing TIF awarded to the City of South Portland.

C. Petitions and Communications

Department Reports for the month of June, 2004.

Attendance Reports for the month of June, 2004.

D. Appointment Calendar

1. ORDER #14-04/05 – Board of Appeals, At-Large (Boudreau), to fill a term which expires on 07/23/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Dan Fortin, 65 Thadeus Street, was made by Mayor Boudreau and seconded by Councilor Beecher. Passed 7-0.

2. ORDER #15-04/05 – Board of Appeals, At-Large (Fickett), to fill a term which expires on 07/23/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Fickett and seconded by Councilor Hughes. Postponed 7-0.

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JULY 19, 2004**

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Campbell, 29 Washington Ave. – Mr. Campbell read through the position paper about the authorization of payment to the City Manager, Item #8 on the agenda.

David Carroll, 9 Gerry Ave. – Mr. Carroll asked for clarification on deed restrictions on the land that Sawyer School sits on.

Kevin Glynn, House of Representatives – Mr. Glynn spoke about the issue of noise for residents that live between Broadway and 295 from the corridor stretching from Dairy Queen to Westbrook Street. He said the City will be receiving a letter from MDOT asking city officials to weigh in on this matter.

Sheila McDonough, 124 Fellows Street – Mrs. McDonough said noise studies in the above mentioned area were conducted at off times and still came in at higher than acceptable levels. She asked the Council to support this matter and to make a sound barrier a priority.

Richard Prince, 130 Fellows Street – Mr. Prince said he has lived in the neighborhood for seven years and the noise level has gotten significantly worse. He also asked the Council to support this matter.

Ray Lee, 28 Henry Street – In regard to the City Manager's pay increase, Mr. Lee said citizens living on social security only received a 1.6% increase. He said the charter amendment should not be on the agenda and that the Council should not sell the land at the corner of Main and Westbrook Street.

Petros Panagakos – 71 Boothby Ave. – Mr. Panagakos said he supports the Palesky tax cap initiative. He said nothing has been done to alleviate the tax burden.

G. Public Hearings and Actions

3. ORDINANCE #1-04/05 – Amending Chapter 6, "Elections" regarding redistricting for voting purposes. Passed first reading on 07/07/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

A motion to have this item read by title only was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0. Motion for passage was made

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by Councilor De Angelis and seconded by Councilor Hughes. Passed roll call vote 7-0.

4. ORDER #16-04/05 – Referring the proposed Charter Amendment regarding revenue to be raised by property taxes to be placed on the November 2, 2004 ballot. Passage requires majority vote.

The following people addressed this item;

Chris Bowring, 151 Elderberry Drive – Mr. Bowring disagreed that this was a minor change to the Charter. He said this is a State wide issue and if the majority of the voters want this changed, South Portland should abide by that decision.

Devon Gray, 26 Beech Street – Ms. Gray said she has had immediate neighbors who have sold their homes because of taxes. She said we have to find ways to pare down costs. She also said throwing money at the schools will not produce better students.

Ray Lee, 28 Henry Street – Mr. Lee said this item spits in the face of taxpayers in the City.

Steve Hasson, 148 Breakwater Drive. – Mr. Hasson said no one wants essential services cut. He said property taxes should be done away with completely and replaced with sales and income taxes.

Mike Williams, 124 New York Ave. – Mr. Williams spoke in favor of the amendment. He said it is not fair that someone outside the community should be able to decide what level of services the citizens in the community want.

Stan Cox, 460 Highland Ave. – Mr. Cox said a lot of people feel the Palesky tax cap is a wake up call and unless we can come up with our own cap, people will support the 1%.

Richard Holt, Willard Street – Mr. Holt said he has lived on Willard Street for 52 years and people living near the water are having a hard time making enough to keep up with taxes. He will support the 1% tax cap.

Richard Campbell, 29 Washington Ave. – Mr. Campbell said although there has been a lot of discussion about cutting fire and police, there has been no discussion to cut administrators.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta inquired whether the Council has had a discussion on whether this is a minor amendment to the Charter. He warned that this will cost the City a lot of money if it passes and the challenges start coming in.

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JULY 19, 2004

Margaret Carmody, 433 Preble Street – Ms. Carmody said she is sorry to see the Council seriously consider this amendment. She said though the Palesky cap is not an ideal solution, people get to a point that they cannot take the tax burden any longer.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he can't believe the city is trying to circumvent the law.

Kandi Hoy, 77 Hill Street – Ms. Hoy agreed with Mr. Bowring. She said the Charter has served us well in the past but if this goes through the legal cost will be huge.

David Bourke, 26 Henry Street – Mr. Bourke supports the Palesky plan and said if the city is going to take on this fight, the city should also support the cost of those who favor the tax cap.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Corporation Counsel, Mary Kahl addressed several questions that were raised during public discussion. Passed 5-2 (Fickett, Maietta)

5. Hampton Inn, Philbrook Road, change in corporate structure. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

H. Action on Old and New Business.

6. ORDER #17-04/05 - Waiving the bid process and authorizing the sale of city-owned property to the Congregation Bet Ha'am. Passage requires six affirmative votes.

There was no public discussion.

Addressing questions raised during Citizen's Discussion – Part One, Rod Rovzer said that deed restrictions on this property were limited to no houses less than \$1,200 in value, no coops, outbuildings had to be at least 15 feet from Westbrook Street and no swine.

Motion to withdraw this item was made by Councilor Jacobs and seconded by Councilor Beecher. Withdrawn 7-0.

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7. ORDER #18-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

8. ORDER #19-04/05 – Authorizing retirement benefits and one time compensation to the City Manager. Passage requires majority vote.

The following people addressed this item;

Jim Hoy, 77 Hill Street – Mr. Hoy doesn't think the Manager should accept a stipend for doing extra work.

David Bourke, 26 Henry Street – Mr. Bourke said extra compensation should not be based on extra duties, should be based on results.

Stan Cox, 460 Highland Ave. – Mr. Cox said the Council deceived the public by not disclosing the Manager's pay. He said it's a serious offense and the Council should be called to task.

Cassie Moon, 46 Dawson Street – Ms. Moon said this wouldn't fly in the private sector. She would not expect to get paid every time she was asked to do something that was not in her job description.

Ray Lee, 28 Henry Street – Mr. Lee said some Councilors are being asked to vote on something that happened when they were not in office. He said a salaried employee should not get extra pay to do extra work.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta questioned whether the Manager had ever had a raise prior to these last two that had not been approved by a Councilor Order. He said this should not have happened two years in a row.

Dave Stevens, Wilson Street – Mr. Stevens questioned whether you can vote on something that has already taken place.

Chris Bowring, 151 Elderberry Drive – Mr. Bowring said that a process needs to be developed to address the Manager's evaluation and pay to make sure this does not happen.

Rommie Brown, 10 E Street – Ms. Brown said she thinks the City Manager should be compensated for the work he has done and that he had done a great job. She remarked that there is a growing problem of civility in the democratic process.

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Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. A motion to amend the order to show the fiscal note as \$11,270.23 was made by Councilor De Angelis and seconded by Councilor Hughes. The amendment passed 6-1 (Fickett). The main motion passed as amended 5-2 (Fickett, Maietta).

9. ORDINANCE #2-04/05 - Amending Chapter 2, "Administration and Legislation" regarding terms of board members appointed to represent districts after redistricting. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

I. Citizen Discussion (Second Part)

David Bourke, 26 Henry Street – Mr. Bourke said he thinks the Charter amendment is going to backfire. He said the Manager does an outstanding job but his long term goals should be looked at, to make South Portland the best costs a lot of money. He said members of the Council are not familiar with the private sector and they need to educate themselves in this area.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta said if anyone thinks he is down here just trying to make things tough for someone, they are wrong, his concerns are about accountability. He felt insulted and said the Mayor made light of the 12 people who showed up to speak against the Charter amendment. He asked whether donations to Ge Erskine Park had been formally approved.

Stan Cox, 460 Highland Ave. – Mr. Cox said he was misquoted and does not support a recall of Council members. He said he made a statement about the seriousness of the Manager's pay not coming forward when it was adjusted. He said Federal Employees salaries are posted in a book and anyone can look to see what they are.

Steve Hasson, 148 Breakwater Drive – Mr. Hasson said he admires the Corporation Counsels efforts to draft an amendment to the Charter. He said tax relief is important to everyone. He said if enough people with authority banded together in Augusta, they would be listened to. He encouraged people to be proactive rather than hoping that the amendment passes.

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J. Councilor's Round Robin

Councilor Jacobs said he hopes the discourse will stay civil. People are watching at home.

Councilor De Angelis responded to Mr. Bourke's statement about Councilor being out of touch with private sector. She said she has owned two businesses and is currently self-employed.

Councilor Beecher remarked about how difficult it must be to work in the legislature.

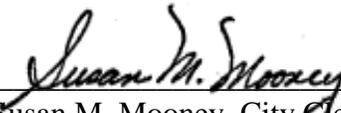
Councilor Hughes also referred to owning his own business since 1980.

K. Executive Session

Motion to adjourn was made at 11:12 P.M. by Councilor Jacobs and seconded by Councilor Beecher. Adjournment passed 7-0.

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ATTEST _____


Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 66 PAGE 17
AUGUST 2, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor De Angelis to accept the minutes from the July 19th meeting. Passed 7-0.

B. Communications from City Manager

Mary Kahl , Corporation Counsel discussed Art in the Park on August 14th and thanked all the volunteers and sponsors for their contributions.

Jeff Jordan presented the FY 2005 Budget document to the Council and informed the public that it would be available in the Clerk's office, the 2 Libraries and the City Manager's office.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #15-04/05 – Board of Appeals, At-Large (Fickett), to fill a term which expires on 07/23/07. Postponed on 07/21/04. Passage requires majority vote.

There was no Public discussion.

Motion was made by Councilor Fickett and seconded by Councilor De Angelis to re-appoint Mark Farrington to this position. Passed 7-0.

E. Consent Calendar

2. Street Closing

The residents of Grove Avenue are requesting the closing of Grove Avenue on August 28, 2004, from 9:00 A.M. to 9:00 P.M. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Maietta to grant the request. Passed 7-0.

F. Citizen Discussion (First Part)

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Ray Lee, Henry Street – Mr. Lee discussed the fact the property to be discussed on item #6 should not be sold to the abutters. He felt the land should be used for handicap accessibility to Willard Beach. He also announced that he and Valerie Swiger had yellow ribbons to raise funds for holiday baskets for the troops. He was also concerned with a metal bracket that was on a pole on Broadway was dangerous and that no items were to be placed on utility poles.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith urged senior and low-income citizens to vote against the charter change in November.

Rommy Brown, E. Street – Ms. Brown also felt the City needed to keep any open space. She stated that any waterfront property should be kept at all costs.

Paul Neal, Chestnut Street – Mr. Neal would like the Council to look into making that property a handicapped accessible area.

Roger Sabourin, Jordan Avenue – Mr. Sabourin reiterated that the said property should be used for handicap access. He also announced that the Sea Cadets had finished their training and thanked The Fire Department, SPCTV and City Clerk Susan Mooney for their involvement. Mr. Sabourin also was concerned with the yellow ribbon issue, he stated many telephone poles had signs on them and felt that the ordinance should be enforced.

G. Public Hearings and Actions

3. ORDINANCE #2-04/05 - Amending Chapter 2, "Administration and Legislation" regarding terms of board members appointed to represent districts after redistricting. Passed first reading on 07/19/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor De Angelis and seconded by Councilor Hughes for passage.

Motion was made by Councilor De Angelis and seconded by Councilor Hughes to amend the ordinance to include the following:

"If a district representative's district of residence changes following a change to the district boundaries, a vacancy shall occur six months from the effective date of the redistricting and the member shall continue to serve for this six month period, unless the representative's term expires before the six-month period ends, in which case the member shall serve out the term and until a successor is appointed and sworn, provided that

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the total length of time served following the effective date of the redistricting shall not exceed six months."

Amendment passed 7-0 and the main motion passed as amended 7-0.

H. Action on Old and New Business.

4. ORDER #20-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Jacobs for passage. Passed 7-0.

5. ORDER #21-04/05 - Approving a sub-surface wastewater holding tank at 105 Lincoln Street. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor De Angelis to postpone this item. Postponed 5-2 (Beecher, Maietta)

6. ORDER #22-04/05 – Waiving the bid process and authorizing the purchase of city-owned property at Fisherman's Lane to John and Krista South all. Passage of waiver requires six (6) affirmative votes.

Motion was made by Councilor De Angelis and seconded by Councilor Jacobs to withdraw this item. Withdrawn 7-0.

7. ORDER #23-04/05 – Award of bid for Computer equipment for School Department. Passage requires majority vote.

Andrew Wallace was available to answer questions.

The following people addressed this item:

Roger Sabourin, Jordan Avenue asked for clarification on the purchase of Apple Computers as opposed to IBM.

Ray Lee, Henry Street stated his taxes should not pay for what the state can't afford.

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Paul Neal, Chestnut Street also questioned the purchase of Apple Computers as he felt that they were not being used in industry.

Clarence Beckwith, Bonnybriar Road also wanted clarification concerning the Apple computers.

Andrew Wallace responded to all the concerns and stated that the School Department was not supplementing the State's laptop program.

Motion was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-1 (Fickett)

8. ORDER #24-04/05 – Award of bid for the purchase of SCBA units for the Fire Department. Passage requires majority vote.

Chief Guimont was available for questions.

Ray Lee, Henry Street asked if the money was coming from the Homeland Security Grant Fund and Chief Guimond replied that it was.

Motion was made by Councilor Jacobs and seconded by Councilor Maietta for passage. Passed 6-1 (Fickett)

9. ORDER #25-04/05 – Authorizing the submission of an application to the Maine Department of Transportation for Transportation Enhancement Funds. Passage requires majority vote.

Jim Gailey , Director of Community Development was available for questions.

Paul Neal, Chestnut Street asked the Council to approve this item.

Motion was made by Councilor Beecher and seconded by Councilor Jacobs for passage. Passed 6-1 (Fickett)

10. ORDER #26-04/05 – Accepting donations and improvements for the development of Ge Erskine Memorial Park. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor Hughes for passage. Passed 7-0

I. Citizen Discussion (Second Part)

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Louis Maietta, Jr., Elderberry Drive asked the City Manager if there was an investigation into missing funds from the transfer station. The City Manager responded that there was a discrepancy in the accounting and that there was a meeting scheduled for next week with the auditors to discuss new procedures.

J. Councilor's Round Robin

Councilor De Angelis stated she is looking forward to Art in the Park and thanked the volunteers and sponsors that contributed to the event.

Councilor Beecher thanked District Four Warden Woody Leland, and Ward Clerk Donna Flynn Hezlep for their work at elections as they were both moved from their districts due to redistricting.

Mayor Boudreau asked Corporation Counsel Mary Kahl to clarify the language of the charter change. Ms. Kahl stated that voting for the change allows the citizens of South Portland to specify what directly affects them.

Councilor Fickett stated that taxes are dependent upon value.

Councilor Jacobs stated that his comments made at the last meeting were to encourage people to be more civil to one another.

K. Executive Session

Motion was made by Councilor De Angelis and seconded by Councilor Jacobs to adjourn at 8:47 P.M. Passed 7-0

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ATTEST _____
Karen L. Morrill, Assistant City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 22
AUGUST 9, 2004

Roll Call: Mayor Boudreau called the meeting to order at 6:00 P.M. All members were present.

H. Action on Old and New Business

1. ORDER #21-04/05 – Approving a sub-surface wastewater holding tank at 105 Lincoln Street. Postponed on 08/02/04. Passage requires majority vote.

Passed 7-0

IN REGULAR MEETING VOL. 66 PAGE 23
AUGUST 16, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. Councilor Fickett was absent.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of August 2, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Introduced two recently hired employees, Steve Puleo, Site Planner and Jeffrey Temple, Emergency Management Director.
- Letter from the Department of Corrections thanking the City for its participation in the JABG program over the last few years.
- Letter from MMA Property and Casualty Pool announcing the decision to provide qualified participating members a dividend. The City of South Portland received a check for \$4,818.00.

C. Petitions and Communications

Department Reports for the month of July, 2004.

Attendance Reports for the month of July, 2004.

D. Appointment Calendar

E. Consent Calendar

Street Closing

1. The Rotary Clubs of South Portland/Cape Elizabeth and Portland are requesting various street closures on August 29, 2004 for the annual Bridge Road Race and Walk. Passage requires majority vote.

There was no public discussion. Dave Bagdasarian was available from the Rotary Club and provided information to the Council.

Motion for passage was made by Councilor Jacobos and seconded by Councilor De Angelis. Passed 6-0.

2. The residents of Cleveland Circle are requesting the closure of Cleveland Circle on August 29, 2004 for a block party. Passage requires majority vote.

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AUGUST 16, 2004

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

F. Citizen Discussion (First Part)

Valorie Swiger, 77 School Street – Ms. Swiger talked about her coordinated effort with Broadway Redemption to distribute yellow ribbons magnets in support of the troops.

Ray Lee, 28 Henry Street – Mr. Lee supported Ms. Swigers efforts and commented on the car accident that the City Manager had while driving his City vehicle.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he was pleased with Elaine Neelon’s presentation to the Council at a recent workshop meeting.

G. Public Hearings and Actions

H. Action on Old and New Business.

3. ORDER #27-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

4. ORDER #28-04/05 – Changing polling place locations. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee recommended using Small School for a polling location. He said parking will be a huge problem if districts three and four are combined at the Community Center and that we should use the building at Wainwright Fields.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

5. ORDER #29-04/05 – Award of bid for the purchase of variable message signs for the Public Works Department. Passage requires majority vote.

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AUGUST 16, 2004

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked if we were using grant money for the purchase of the signs. Public Works Director, Steve Johnson, said we would be using Homeland Security Grant funds.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

6. ORDER #30-04/05 – Award of bid for the purchase of two (2) automated rubbish trucks. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked how many rubbish trucks were available.

Marilyn Reily, 11 Augusta Street – Ms. Reily asked about mobility issues for residents who are handicapped.

Ray Lee, 28 Henry Street – Mr. Lee said he felt this was going to cost the City a lot of money and doesn't think this process will save time.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0.

7. ORDER #31-04/05 – Setting the street opening fees for FY 2005. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith was concerned about street openings never being repaired well and inquired who was responsible.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

8. ORDINANCE #3-04/05 – Amending Chapter 22, "Sewers and Drains" regarding non-stormwater discharge. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Jacobs motioned to have the Ordinance read by title only. Councilor Beecher seconded the motion and it passed 5-0 (Maietta out of the room). Pat Cloutier, Director of the Water Resource Protection, was available and answered questions from the Council. Motion for passage was made by Councilor

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AUGUST 16, 2004

De Angelis and seconded by Councilor Hughes. Passed 6-0.

9. ORDER #32-04/05 – Authorizing notice to abutters regarding the discontinuance of Armory Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0.

I. Citizen Discussion (Second Part)

William Harris, 247 Mussey Street – Mr. Harris complimented the Council on being able to disagree without being disagreeable. He thought the charter amendment was a good decision and encouraged voters to support it.

J. Councilor's Round Robin

Mayor Boudreau announced that 17 people in the community have agreed to participate on a panel to study and make a recommendation on the effects of the tax cap, if it is voted in. The first meeting will be held tomorrow night at the Community Center. The goal is to wrap up in 7 weeks.

Councilor Jacobs thanked all who volunteered at Art In The Park. He feels we should look into trying to assist voters to get to the polls on Election Day, perhaps not charge for bus fees on that day. He also commented that inappropriate language should not be allowed at meetings.

Councilor Maietta questioned the sign at the glass museum and how long it would be up. The City Manager will check into it. Councilor Maietta also said that Public Works Supervisor, Dave Gaudet, had a small stroke a couple of weeks ago and said he hoped everything goes well for a quick recovery.

Councilor De Angelis also commented on language used by Mr. Lee earlier in the meeting. She said his attacks of Councilor Jacobs are uncalled for and his behavior should not be tolerated.

Mayor Boudreau responded, saying that this issue has been raised in the past. It has been advised that it is probably best to ignore and not respond to inappropriate dialog rather than raise freedom of speech controversy.

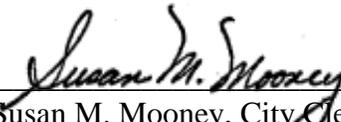
**IN REGULAR MEETING VOL. 66 PAGE 27
AUGUST 16, 2004**

K. Executive Session

Motion to adjourn was made at 8:56 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Adjournment 6-0.

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ATTEST



Susan M. Mooney, City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 28
AUGUST 23, 2004

Roll Call: Mayor Boudreau called the Special meeting to order at 6:00 P.M. Councilors De Angelis and Jacobs were not present.

H. Action on Old and New Business

1. Reconsideration of Order #30-04/05 – Award of bid for the purchase of two (2) automated rubbish trucks. Passage requires majority vote.

The following people addressed this item:

Steve Johnson, Director of Public Works

Louis Maietta, Jr. of Elderberry Drive commended the Council for their quick action regarding this issue, and felt that the integrity of the City was at stake.

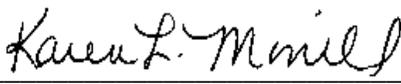
Scott Cyr, of O'Connor GMC, discussed the technical aspects of the trucks.

Paul Nixon, Preble St. inquired as to how long it would take to re-bid.

Motion was made by Councilor Hughes and seconded by Councilor Beecher to reject all bids and re-bid. Passed 3-2 (Maietta, Boudreau).

Motion was made by Councilor Hughes and seconded by Councilor Beecher to adjourn at 7:05 P.M. Passed 5-0.

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ATTEST 
Karen L. Morrill, Assistant City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 29
SEPTEMBER 8, 2004

Roll Call: Mayor Boudreau called the Special meeting to order at 6:02 P.M.

K. Executive Session

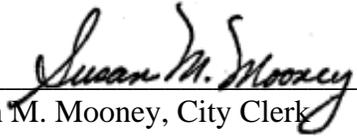
1. Pursuant to 1 M.R.S.A. §405 (6)(a), a motion may be made to go into Executive Session, discussion of public employee's employment status – evaluation of Corporation Counsel.

Motion to adjourn to executive session was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0

Motion to return from executive session was made at 7:01 P.M. by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0 (De Angelis out of room)

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ATTEST



Susan M. Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 30
SEPTEMBER 8, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. Corporation Counsel, Mary Kahl sat in for the City Manager, Jeffrey Jordan, who was away on vacation.

A. Acceptance of Minutes

Motion was made by Councilor Hughes and seconded by Councilor De Angelis to accept the minutes from the meeting of August 16, 2004. Passed 7-0.

B. Communications from City Manager

The Corporation Counsel addressed the following items;

- E-mail from Theresa Wiper regarding the Coastal Cleanup and Coastweek
- Recap of the Summer Adult Reading Program and wireless web access availability at the Main Library
- Communication from Tom Meyers, Transportation and Waterfront Director, outlining an outreach program to SMCC students

C. Petitions and Communications

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Larry Tenan, 193 Stanford Street – Mr. Tenan remarked about the cost of services in the City. He also raised concerns about the design of Brown School.

Kevin Glynn, State Representative – District 124 – Mr. Glynn read through a letter from David Cole, Commissioner of the Maine Department of Transportation regarding Item #8.

The following people spoke in support of Item #8;

Cheryl Salevsky, 103 Hall Street
Colleen Hall, 28 Hobart Street
Elaine Parker, 18 Glen Way
Sheila McDonough, 124 Fellows Street
George Arthur, 33 Hobart Street
Shay Bellas, 104 Hall Street
Anthony Potenzo, 11 Evergreen Road
Richard Prince, 130 Fellows Street

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Cassie Moon, 46 Dawson Street

Ray Lee, 28 Henry Street – Mr. Lee commented on the landscaping and questioned the problem with windows at Brown School.

G. Public Hearings and Actions

1. ORDINANCE #3-04/05 – Amending Chapter 22, “Sewers and Drains” regarding non-stormwater discharge. Passed first reading on 08/16/04. ROLL CALL VOTE. Passage requires majority vote.

Ordinance was read by title only. Pat Cloutier, Director of Water Resource was present and provided information to the Council on this item. The following people addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee said this ordinance should not be passed tonight.

Barbara Smith, 92 Hall Street – Ms. Smith raised concerns about a drainage pipe and is concerned about what will happen the next time there is heavy rain. Pat Cloutier said he would address her concerns.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-1 (Fickett).

2. ORDER #33-04/05 – Discontinuing Armory Street. Passage requires majority vote.

Motion to postpone Items #2 and #3 to the September 20, 2004 agenda was made by Councilor Jacobs and seconded by Councilor Maietta. Postponed 7-0.

H. Action on Old and New Business

3. ORDER #34-04/05 - Authorizing the City Manager to execute and accept reciprocal easement deeds and a letter of agreement with the Museum of Glass & Ceramics regarding Armory Street. Passage requires majority vote.

Postponed to September 20, 2004. See vote on Item #2.

4. ORDER #35-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

5. ORDER #36-04/05 – Accepting a “May 2004 Safety Grant” from the Maine Municipal Association to be used by the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

6. ORDER #37-04/05 – Accepting a Bureau of Highway Safety Grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

7. RESOLVE #2-04/05 – Supporting the South Portland Housing Authority. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 7-0.

8. RESOLVE #3-04/05 – Encouraging the State of Maine to address and develop a noise abatement program along Interstate 295. Passage requires majority vote.

The following people requested Council support on this item;

Kevin Glynn, State Representative, House District 124
Sheila McDonough, 124 Fellows Street

Tex Haeuser, Planning Director, raised some concerns regarding verbiage in the letter from MDOT. He believes the City could end up have to cover a good portion of the expense from this project.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 7-0.

9. ORDER #38-04/05 – Accepting a Sewer Easement, a pedestrian Access Property Warranty Deed, and a Calais Street Extension Warranty Deed from Southeast Road Development Group, LLC. Passage requires majority vote.

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There was no public discussion.

Planning Director, Tex Haeuser was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 7-0.

10. ORDER #39-04/05 – Accepting two Quitclaim Deeds with Covenants from Home Properties Liberty Commons LLC conveying a sewer easement and a pedestrian access easement. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

I. Citizen Discussion (Second Part)

Ed McDonough, 124 Fellows Street – Mr. McDonough referred to a letter to the editor in the Sentry from Kevin Glynn that stated that the State would pay 85% of the cost of the noise abatement project.

J. Councilor's Round Robin

Mayor Boudreau said the 16 member Ad-hoc committee that is studying recommendations for implementing the tax cap, should it be voted in, has three meetings left. They are meeting at Kaler School on Tuesday nights from 5:00 to 7:30. She urged the public to contact her for recommendations to areas that the committee should focus on.

Councilor Jacobs reminded citizens that school is back in session and to please drive safely. He commented on a story in the Press Herald regarding a lack of signs, especially in the Cash Corner area of South Portland. He is committed to addressing signage in the City.

Councilor De Angelis thanked the Planning Department for new signage on the Greenbelt Walkway.

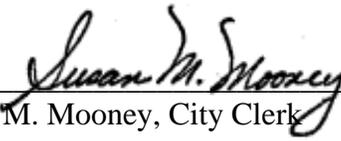
Councilor Hughes inquired whom he should contact regarding streetlights in the City. He was advised that Code Enforcement and CMP oversee this area.

K. Executive Session

Motion to adjourn was made at 8:50 P.M. by Councilor De Angelis and seconded by Councilor Beecher.

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SEPTEMBER 8, 2004**

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ATTEST 
Susan M. Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 35
SEPTEMBER 20, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:03 P.M. Councilors Beecher and Maietta were absent. Councilor De Angelis was out of the room at roll call.

A. Acceptance of Minutes

Motion for passage was made by Councilor Fickett and seconded by Councilor Hughes. Passed 4-0 (De Angelis out of room). Passed 4-0

B. Communications from City Manager

The Manager addressed the following items

- Letter from Susan Rowan, Executive Director of the Maine Cancer Foundation thanking the City for its assistance with the Rotary Bridge Race.
- Memo from Tom Meyers, Director of Transportation and Waterfront regarding additional grant funds for Spring Point Ledge Lighthouse Canopy Repair.
- Announcement of the Main Library Open House.
- Announcement of Maine Coast Week. Fifty students from Mahoney Jr. High will be assisting with clean up along Trout Brook.

C. Petitions and Communications

Department reports for the month of August, 2004.

Attendance reports for the month of August, 2004.

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Campbell, 29 Washington Ave. – Mr. Campbell inquired about who was responsible over the construction of the new schools and also raised concerns about access to the fields in Wainwright Park. He feels the golf cart does not work to get handicapped individuals to and from the fields.

G. Public Hearings and Actions

1. One Fifty Ate Bakeshop D/B/A One Fifty Ate, 158 Benjamin W. Pickett St., for the application of Class A Restaurant with Malt & Vinous License.

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There was no public discussion.

Motion for postponement was made by Councilor Jacobs and seconded by Councilor Hughes. Postponed 5-0.

2. ORDER #33-04/05 – Discontinuing Armory Street. Postponed on 09/08/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item for four weeks was made by Councilor De Angelis and seconded by Councilor Jacobs. Postponed 5-0.

H. Action on Old and New Business

3. ORDER #34-04/05 - Authorizing the City Manager to execute and accept reciprocal easement deeds and a letter of agreement with the Museum of Glass & Ceramics regarding Armory Street. Postponed on 09/08/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item for four weeks was made by Councilor Jacobs and seconded by Councilor Hughes. Postponed 5-0.

4. ORDER #40-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

5. ORDER #41-04/05 – Award of bid for upgrades to the Public Safety radio system. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee commented that cell phones would be cheaper.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-0.

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SEPTEMBER 20, 2004**

6. ORDER #42-04/05 – Accepting \$536.00 under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor Hughes. Passed 5-0.

7. ORDER #43-04/05 – Accepting a National Tactical Officers Association (NTOA) grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Chief Googins presented information and answered questions from the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 5-0.

8. ORDINANCE #4-04/05 – Amending Chapter 27, “Zoning,” regarding placement of signs in the Professional Office District. First reading. Passage requires majority vote.

There was no public discussion.

Tex Haeuser presented information on this item and answered questions from the Council. Motion for passage was made by Mayor Boudreau and seconded by Councilor De Angelis. Passed 5-0.

9. ORDINANCE #5-04/05 – Amending Chapter 27, ”Zoning,” regarding retail sales in the Transitional Residential District RT Zone. First reading. Passage requires majority vote.

The following people spoke in support of this amendment;

Suzanne Trout, 462 Preble Street
Jessica Thomas, 18 Vincent Street
Edward Rowe, 2 Deake Street

The following people spoke in opposition to the amendment;

Ray Lee, 28 Henry Street
Peter De Rice, 22 Vincent Street
Bartley Parker, 18 Vincent Street

Catherine Bickford, 2 Deake Street – Ms. Bickford indicated that she currently has a permit to do retail sales.

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Motion for passage was made by Mayor Boudreau and seconded by Councilor Jacobs. Mayor Boudreau motion to amend the ordinance by adding;
Sec. 27-383. Permitted uses.

4. accessory uses, including retail sales, provided that the floor area for such accessory use does not exceed the lesser of twenty-five (25) per cent of the interior floor space of the principal building or five hundred (500) square feet.

Sec. 27-384. Special exceptions

2. accessory uses to uses permitted under Sec. 27-383(1), (2), or (3), or under Sec. 27-384(1), including retail sales, which accessory uses occupy a floor area greater than 500 sq. ft. but do not exceed 850 sq. ft. and do not exceed twenty-five (25) per cent of the interior floor space of the principal building.

Councilor Jacobs seconded the amendment. Councilor Hughes offered an amendment to the amendment, which was seconded by Councilor De Angelis, to limit the 25 per cent of interior floor space in section 27-384 to restrict the area to the interior first floor space. Councilor De Angelis motioned for a five minute recess to help Councilor Fickett understand the amendments. Councilor Jacobs seconded the motion. A motion to return from recess was made by Councilor Hughes and seconded by Councilor De Angelis. The amendment to the amendment failed 2-3 with Fickett, Boudreau and Jacobs in opposition. The original amendment passed 5-0. The main motion passed as amended 5-0.

10. ORDER #44-04/05 – Authorizing the City Manager to implement a portion of the FY 2005 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Jacobs. An amendment was made by Councilor Jacobs and seconded by Mayor Boudreau to only approve the library boiler. The amendment passed 3-2 with Hughes and De Angelis in opposition. The main motion passed as amended 5-0.

I. Citizen Discussion (Second Part)

Ray Lee, 28 Henry Street – Mr. Lee commented that the members on the ad-hoc committee to review the tax cap were spenders. He said there should be a charter amendment that would allow all councilors to be voted out of office.

Anton Hoecker, 183 Marriner St. – Mr. Hoecker said he decided not to run for Council at this point in time so that he can better educate himself. He said he hopes the tax cap is voted down.

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SEPTEMBER 20, 2004

Lynn LaRochelle, 13 Free Street – Ms. LaRochelle said she is concerned that there is not a crossing guard at Mahoney Jr. High School and she would like the City to see if arrangements could be made with the City Bus Service to transport her son to the Jr. High.

J. Councilor's Round Robin

Councilor Jacobs asked the City Manager to follow up on Ms. LaRochelle's request and let the Council know what the cost of a crossing guard would be. He also encouraged voter registration.

Councilor De Angelis thanked all the members of the public who spoke tonight.

Councilor Hughes requested an update from the City Manager to get an idea of where things are at with various projects, such as the widening of Western Ave.

Mayor Boudreau invited the public to attend the Adhoc Committee meeting tomorrow night and she thanked them members of the Committee for their participation.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A. §405 (6)(d), labor negotiations with AFSCME Local #481.

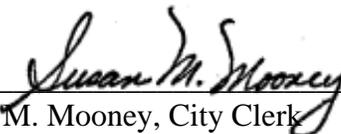
A motion to go into executive session was made at 10:11 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

A motion to return from executive session was made at 11:25 P.M. by Councilor Hughes and seconded by Councilor De Angelis. Passed 5-0.

A motion to adjourn was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

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ATTEST



Susan M. Mooney, City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 40
SEPTEMBER 27, 2004

Roll Call: Mayor Boudreau called the meeting to order at 6:05 P.M. All Councilors were present.

K. Executive Session

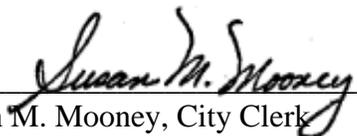
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), consultation with Corporation Counsel regarding pending or contemplated litigation, *Frustaci v. City of South Portland*.

Motion to go into executive session was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 7-0.

Motion to come out of executive session and adjourn was made at 6:26 P.M. by Councilor De Angelis and seconded by Councilor Maietta. Passed 6-0 (Jacobs out of the room).

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ATTEST



Susan M. Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 41
OCTOBER 4, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion for passage was made to pass the minutes of September 20th by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

Motion for passage was made to pass the minutes of September 27th by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

The Mayor motioned for a reconsideration Order #44-04/05, Authorizing the City Manager implement a portion of the Fiscal Year 2005 Capital Improvement Plan. Councilor Hughes seconded the motion. The motion passed 7-0 and the item will be placed on the October 18th Council Agenda.

The Mayor introduced the members of the Ad-hoc Committee that was appointed to make recommendations for the 2005/2006 city budget if the tax cap passes in November.

B. Communications from City Manager

The Manager addressed the following items;

- Notice of the Library Book Sale
- Results of Coastweek Cleanup
- Thank you letter from the Food Cupboard
- Introduced Beth Bates, the new Human Resource Director

The Mayor announced that Mary Kahl was away on business and Paul Driskol was sitting in for her.

C. Petitions and Communications

D. Appointment Calendar

E. Consent Calendar

1. Street Closing

The residents of Woodbury Street are requesting the closure of Woodbury Street on Saturday, October 9th, 2004 from 12 noon until 5:00 P.M.

There was no public discussion

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OCTOBER 4, 2004**

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

F. Citizen Discussion (First Part)

Dave Bourke, 61 Willow Street – Mr. Bourke was a member of the Ad-Hoc committee and thanked the Mayor, City Manager, School Superintendent and the Finance Director for providing information necessary to progress through the process. He suggested that the recommendations be used as a guideline for cuts.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith, also a member of the Adhoc Committee, thanked City Hall and members of the Committee. He said taxes will go through the roof if the Charter Amendment passes.

Steve Marston, 95 Hillside Ave. – Mr. Marston was dismayed to receive a bill for ambulance services. He felt that the taxes he pays should include this service.

Jim Soule, 23 Whitworth Drive – Mr. Soule expressed frustration with the school funding formula. He said the State makes an assumption that because we have industry, we have wealth. He also asked about enforcement of “No Parking” on Anthoine Street.

G. Public Hearings and Actions

2. ORDINANCE #4-04/05 – Amending Chapter 27, “Zoning,” regarding placement of signs in the Professional Office District. Passed first reading on 09/20/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passage of roll call vote 7-0.

3. ORDINANCE #5-04/05 – Amending Chapter 27, ”Zoning,” regarding retail sales in the Transitional Residential District RT Zone. Amended and passed first reading on 09/27/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following people spoke in support of this amendment;

Jessica Thomas, 18 Vincent Street
Kendra Haskell, Katherine Bickford’s business partner
Anton Hoecker, 183 Marriner Street

Stan Cox, 460 Highland Ave. – Mr. Cox suggested that the special exception be eliminated.

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OCTOBER 4, 2004**

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. A motion to amend the ordinance to include recommended changes by the Planning Director was made by Councilor Jacobs and seconded by Mayor Boudreau. The amendment passed 5-2 (De Angelis, Hughes). Motion to postpone this item to bring this issue back to Workshop was made by Councilor De Angelis and seconded by Councilor Beecher. Postponed 5-2 (Boudreau, Jacobs).

H. Action on Old and New Business

4. ORDER #44-04/05 – Setting the time for opening the polls for the November 2, 2004 General Election. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner St. – Mr. Hoecker asked for clarification on whether voters had to bring proof of residency in order to vote on Election Day. The Clerk said proof of residency would be required only if you were registering to vote on Election Day.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

5. ORDER #45-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

6. ORDER #46-04/05 – Authorizing the City Manager to accept a deed from the Portland Water District conveying undeveloped property off Fickett Street, and authorizing the City Manager to execute a deed conveying the property to the Land Trust. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 6-1 (Fickett).

**IN REGULAR MEETING VOL. 66 PAGE 44
OCTOBER 4, 2004**

7. ORDER #47-04/05 – Awarding a bid for the purchase of two (2) automated rubbish trucks for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner St. – Mr. Hoecker wanted to make sure the Council was not purchasing the least expensive unit to get the best buy, but actually considered the quality of the product when authorizing the purchase of these vehicles.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-2 (Maietta, Fickett)

8. ORDER #48-04/05 – Authorizing the City Manager to sign a collective bargaining agreement with AFSCME Local 481 for the period of July 1, 2004 to June 30, 2006. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner St. – Mr. Hoecker spoke in support of the tool allowance.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-1 (Fickett)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Boudreau offered condolences to the Feeney family for their loss of Nancy Feeney.

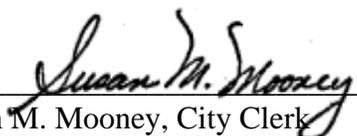
Councilor Fickett talked about the decline of the value of the Mark during Hitler's reign. He said our monetary system is dying.

K. Executive Session

Motion to adjourn was made at 10:20 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Adjournment passed 7-0.

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ATTEST



Susan M. Mooney, City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 45
OCTOBER 13, 2004

Roll Call: Councilor Hughes called the meeting to order at 5:59 P.M. Mayor Boudreau, Councilor Beecher and Councilor Fickett arrived late.

K. Executive Session

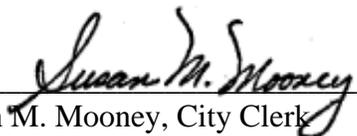
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), consultation with Corporation Counsel regarding the Personnel Policy.

Motion to go into executive session was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 4-0.

Motion to come out of executive session and adjourn was made at 6:40 P.M. by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0 (Mayor Boudreau arrived at the Workshop later in the evening).

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ATTEST



Susan M. Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 46
OCTOBER 18, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion for passage was made to pass the minutes of October 4th and the Special Meeting of October 13th by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

B. Communications from City Manager

The Manager Addressed the following items;

- Memo from the Fire Department encouraging people to change the batteries in their smoke detectors.
- Sunday hours at the Transfer Facility for leaf disposal
- Letter from NAMI Maine expressing gratitude to the Police Department in their assistance with a citizen threatening to jump off the Casco Bay Bridge
- Cancellation of a meeting scheduled for tomorrow night at the Public Library to discuss CMP property.
-

C. Petitions and Communications

Department reports for the month of September, 2004.

Attendance reports for the month of September, 2004.

D. Appointment Calendar

1. ORDER #49-04/05 – Community Development Advisory Committee, At-Large (Fickett) to fill an unexpired term which expires on 01/15/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Andy Charles, 227 Walnut St was made by Councilor Fickett and seconded by Councilor Hughes. Passed 7-0.

2. ORDER #50-04/05 – Board of Appeals, District 3 (De Angelis) to fill an unexpired term which expires on 07/23/05. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor De Angelis and seconded by Councilor Beecher. Postponed 7-0.

**IN REGULAR MEETING VOL. 66 PAGE 47
OCTOBER 18, 2004**

3. ORDER #51-04/05 – Ward Clerk, District 5, pro-tempore, for the November 2, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Linwood Leland, 1695 Broadway was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

4. ORDER #52-04/05 – Warden, District 4, pro-tempore, for the November 2, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Mark Potter, 33 Snowberry Drive was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

5. ORDER #53-04/05 – Ward Clerk, District 4, pro-tempore, for the November 2, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Theresa Bruneau, 60 Snowberry Drive was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

E. Consent Calendar

6. Street Closing – Southern Maine Community College.

The college is requesting the closing of various streets for a fund-raising Walk on Sunday, October 24, 2004. Passage requires majority vote.

There was no public discussion. Rich Giustra was available to answer any questions the Council may have had.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

F. Citizen Discussion (First Part)

Stan Cox, 460 Highland Ave. – Mr. Cox pointed out that shifting the cost of services from taxes to a fee based structure prohibits the ability to claim the expense on your federal tax return.

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Dave Bourke, 61 Willow Street – Mr. Bourke encouraged the Council to suspend all new pending projects and spending.

Ray Lee, 28 Henry Street – Mr. Lee said he was disturbed by the selection process of the members of the public that served on the Mayor's Ad Hoc Committee to study the tax cap.

Larry Tenan, 193 Stanford Street – Mr. Tenan said tax increases can not exceed Social Security increases.

Jason Curry, 1262 Broadway – Mr. Curry commented on the division in the city between those that oppose the tax cap and those that support the tax cap. He would like to see the State take responsibility on this issue.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith questioned whether an employee of the City would continue to get paid if they were elected to a State Office. Councilor De Angelis answered this question, saying that the employee would take a leave of absence without pay.

G. Public Hearings and Actions

7. One Fifty Ate Bakeshop D/B/A One Fifty Ate, 158 Benjamin W. Pickett St., for the application of Class A Restaurant with Malt & Vinous License. Postponed on September 20, 2004. Passage requires majority vote.

The following people addressed this item;

Dave Bourke, 61 Willow Street – Mr. Bourke voiced support for this business.

Alison Reed, Co-owner answered questions regarding seating capacity.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

8. ORDINANCE #5-04/05 – Amending Chapter 27, "Zoning," regarding retail sales in the Transitional Residential District RT Zone. Amended and passed first reading on 09/20/04. Amended and postponed on 10/4/04. Passage requires majority vote.

Read by Title only. The following people addressed this item;

Dave Bourke, 61 Willow Street – Mr. Bourke spoke in support of this amendment.

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Katherine Bickford, Deake Street – Ms. Bickford thanked the Council and staff for their efforts. She expressed gratitude to supporters and friends who have taken the time to make a stand for this amendment.

Peter DeRice, 22 Vincent Street – Mr. DeRice does not support this amendment. He commented that the people who have voiced support for this amendment do not live in the neighborhood.

Motion for passage was made by Councilor Jacobs and seconded by Mayor Boudreau. Failed 4-3 (De Angelis, Hughes, Maietta) This item needed five votes for passage.

9. ORDER #33-04/05 – Discontinuing Armory Street. Given first reading and postponed on 09/20/04. Passage requires majority vote.

The following person spoke on this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked whether the City would have to share in the cost of the fence. He was told that the fence is covered by Homeland Security Grant money.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

H. Action on Old and New Business

10. ORDER #34-04/05 - Authorizing the City Manager to execute and accept reciprocal easement deeds and a letter of agreement with the Museum of Glass & Ceramics regarding Armory Street. Postponed on 09/20/04. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Maietta. Passed 7-0.

11. ORDER #44-04/05 – Authorizing the City Manager to implement a portion of the FY 2005 Capital Improvement Program. Amended and passed on 09/20/04. Reconsidered and postponed on 10/04/04. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Maietta and seconded by Councilor Beecher. Passed 7-0.

**IN REGULAR MEETING VOL. 66 PAGE 50
OCTOBER 18, 2004**

12. RESOLVE #4-04/05 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor De Angelis. Passed 7-0.

13. PROCLAMATION #1-04/05 – Declaring October 31, 2004 as “Change Your Clock, Change Your Battery Day”. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

14. ORDER #54-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

15. ORDINANCE #6-04/05 – Amending Chapter 27, “Zoning” regarding a text change in Residential District G in Knightville. First reading. Passage requires majority vote.

This ordinance was read by Title only. There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-1 (Maietta).

16. ORDINANCE #7-04/05 – Amending Chapter 27, “Zoning” regarding a map change in Residential District G in Knightville. First reading. Passage requires majority vote.

The following people addressed this item;

Michael Carey, 45 A Street – Mr. Carey did not support this ordinance. He asked for clarification of where the 150 ft line falls.

Rommie Brown, 10 E Street – Ms. Brown asked the Council to support this ordinance.

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Caroline Hendry, 75 B Street – Ms. Hendry said she likes the mix of business and people in the neighborhood.

Dick Bernard, 5 E Street – Mr. Bernard commented on the cooperative enterprise between residents, retailers and renters. He felt an investment in a GIS System is needed.

Dan Hogan, 3 E Street – Mr. Hogan urged Council passage of this ordinance.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-1 (Maietta).

17. ORDER #55-04/05 – Award of bid for stonework at the Public Safety Building. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-1 (Fickett).

18. ORDER #56-04/05 - Amending the Personnel Policy regarding vacation accrual. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

I. Citizen Discussion (Second Part)

Anton Hoecker, 183 Marriner Street, Mr. Hoecker thanked to Council for clarification on “decorative” stonework at the Public Safety Building.

J. Councilor’s Round Robin

Mayor Boudreau announced that the meeting scheduled for tomorrow night at the Library, relating to CMP property, had been canceled.

Councilor Jacobs thanked the City Clerk’s Office for posting election information on the web site. He reminded folks that the November overnight parking ban would be in effect soon and that leaf pickup started this week. He also reminded residents of the Hazardous Waste drop off this coming Saturday from 9:00 A.M. to 1:00 P.M. on Waterman Drive.

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OCTOBER 18, 2004**

Councilor Maietta commented on the destruction of Election signs and wanted to know what the penalty was.

Councilor De Angelis said there were great deals at the Library Book Fair. She thanked the Mayor's Ad Hoc Committee for their hard work and said that significant effort was made to ensure that there was a balance of pro and anti tax cap participants.

K. Executive Session

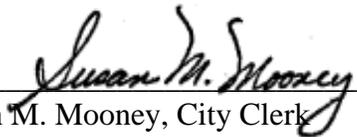
A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of City Clerk.

Motion to postpone the executive session was made by Councilor Jacobs and seconded by Councilor Beecher. Postponed 7-0.

Motion to adjourn was made at 10:48 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

A TRUE COPY

ATTEST



Susan M. Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 53
NOVEMBER 1, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. All Councilors were present.

A. Acceptance of Minutes

B. Communications from City Manager

The Manager addressed the following items;

- Recognition to the accomplishments to the South Portland High School Marching Band
- Annual Employees Recognition Breakfast
- Letter from the Department of Economic and Community Development regarding the close out of the 2002 grant funds
- Winter parking ban
- Veteran's Day Parade
- Curbside leaf pickup
- Election Day

The Mayor added that the Recycling Committee would have a survey for people at the polling locations. She also displayed an award presented to the City from the Queen Mary II. The Mayor and the City Manager were able to tour the ship.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #50-04/05 – Board of Appeals, District 3 (De Angelis) to fill an unexpired term which expires on 07/23/05. Postponed on 10/18/04. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor De Angelis and seconded by Councilor Maietta. Postponed 7-0.

2. ORDER #57-04/05 – Ward Clerk, Pro-Tempore, District 2, for the November 2, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Timothy Baker, 7 Edwards Street was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

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NOVEMBER 1, 2004

3. ORDER #58-04/05 – Warden, Pro-Tempore, Central, for the November 2, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Ray Lee, 28 Henry Street – Mr. Lee was upset about the money spent in opposition of the tax cap.

Paul Salway, South Portland Firefighter – Mr. Salway expressed concerns about the tax cap and the impact it could create.

Dave Bourke, 61 Willow Street – Mr. Bourke talked about the Taxpayers Bill of Rights and encourage people to contact Mary Adams.

Mr. Zhang, E Street – Mr. Zhang expressed concerns on how the zone change could effect his acupuncturist business on E Street.

Valorie Swiger, 77 School Street – Ms. Swiger talked about the tax cap and the white flags on the Casco Bay Bridge. She said \$3,050 dollars have been raised from the sale of the magnetic ribbons. She will use the funds to send care packages.

Bill Collins, 88 Pennsylvania Ave. – Mr. Collins thanked the Council for all they do and said if the tax cap passes, it will not help in comparison to what will be lost.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith encouraged people to get out and vote.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker voiced concerns with privatizing the transfer station.

G. Public Hearings and Actions

4. ORDINANCE #6-04/05 – Amending Chapter 27, “Zoning” regarding a text change in Residential District G in Knightville. Passed first reading on 10/18/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

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The following people spoke on this item;

Janet Carey, 45 A Street
Troy Chase, 42 A Street
Jean Worthy, E Street
John Brady, 2 Anchorage Place
James Greene, 1 C Street
Michael Drinan, 91 Ocean Street
James Hendry, 75 B Street
Steven Ross, 69 B Street
Richard Berman, Grow Smart Maine
Susan Henderson, 9 E Street
Susan Raye, 71 D Street
Mara Whiteford, 18 Ocean Street
Dick Bernard, 5 E Street
Rommie Brown, 10 E Street
Michael Carey, 45 A Street
Klaus Schulz, 55 B Street
Kathy Bernard, 5 E Street
Scott Hatch, 9 E Street
Anton Hoecker, 183 Marriner Street

Three letters were read from Dan Hogan, John Zappi and Robert O'Brien.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-2 (Fickett, Maietta).

5. ORDINANCE #7-04/05 – Amending Chapter 27, “Zoning” regarding a map change in Residential District G in Knightville. Passed first reading on 10/18/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-2 (Fickett, Maietta).

H. Action on Old and New Business

6. ORDER #59-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0 (De Angelis out of room, Jacobs left).

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NOVEMBER 1, 2004

7. ORDER #60-04/05 – Authorizing the City Manager to sign a contract with Commercial Paving and Recycling Company and Blue Rock Construction for Public Works maintenance operations. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner Street

Motion for passage was made by Councilor De Angelis and seconded by Councilor Maietta. Passed 6-0 (Jacobs left).

8. ORDER #61-04/05 – Award of bid for the purchase of a slide gate for the Public Works Facility. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner Street

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0 (Jacobs left).

9. ORDER #62-04/05 – Amending the Traffic Schedule regarding “No Parking” on portions of Pine Street, Front Street, Cottage Road, and Landry Circle and “One Way” on Landry Circle. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0 (Jacobs left).

10. ORDINANCE #8-04/05 – Amending Chapter 15, “Motor Vehicles and Traffic,” regarding motor scooters and pocket bikes. First reading. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner Street

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0 (Jacobs left).

11. ORDER #63-04/05 – Award of bid for the purchase of slide gates and perimeter fencing for the Public Safety Building. Passage requires majority vote.

The following person addressed this item;

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NOVEMBER 1, 2004

Anton Hoecker, 183 Marriner Street

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 6-0 (Jacobs left).

12. ORDER #64-04/05 – Accepting \$1,228 under the Asset Forfeiture Program. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner Street

Motion for passage was made by Councilor Fickett and seconded by Councilor Beecher. Passed 6-0 (Jacobs left).

13. ORDER #65-04/05 – Accepting stormwater sewer easements on property abutting Broadway at Brigham Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0 (Jacobs left).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Hughes encouraged people to get out and vote.

Mayor Boudreau also encouraged people to vote.

Councilor De Angelis talked about the Employee Recognition Breakfast

Councilor Beecher announced there was going to be a skateboard park meeting.

**IN REGULAR MEETING VOL. 66 PAGE 58
NOVEMBER 1, 2004**

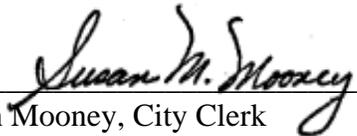
K. Executive Session

Motion to adjourn was made at 10:15 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0 (Jacobs left).

A TRUE COPY

Alice Kelly sitting in for the City Clerk

ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 59
NOVEMBER 15, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:04 P.M. All Councilors Maietta and Fickett were absent.

A. Acceptance of Minutes

Motion for passage was made to pass the minutes of October 18th and the meeting of November 1st by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

B. Communications from City Manager

The Manager addressed the following items;

- Email from Ellen Beale recognizing the City Clerk's Office
- Recognition of volunteers who helped with the Triad Raking Program
- Tree Lighting Ceremony
- Neighborhood Conference

C. Petitions and Communications

Department Reports for the month of October, 2004.

Attendance Reports for the month of October, 2004.

D. Appointment Calendar

1. ORDER #50-04/05 – Board of Appeals, District 3 (De Angelis) to fill an unexpired term which expires on 07/23/05. Postponed on 10/18/04. Passage requires majority vote.

Motion to waive Standing Rules 3 (e) was made by Councilor Beecher and seconded by Councilor Jacobs to allow Order #50 to be added to the agenda. Passed 5-0.

There was no public discussion.

Motion to appoint Kathleen Bernard, 5 E Street, was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

2. ORDER #66-04/05 – Community Development Advisory Committee, At-Large (Boudreau), to fill an unexpired term which expires on 01/15/05. Passage requires majority vote.

There was no public discussion.

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Motion for postponement was made by Mayor Boudreau and seconded by Councilor Beecher. Postponed 5-0.

E. Consent Calendar

3. Sign Permit

New England Bible College is requesting a permit to erect directional signs at 4 different locations. Passage requires majority vote.

There was no public discussion.

Motion for withdrawal was made by Councilor De Angelis and seconded by Councilor Jacobs. This item should have been submitted to the Department of Transportation. Withdrawn 5-0.

4. Street Closing

The Waterfront Market Association is requesting the closing of Hinckley Street on December 3, 2004 for Holidayfest. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0.

F. Citizen Discussion (First Part)

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourin questioned why bells were not rung on Veteran's Day. The Manager explained that the City does not have any bells and the Proclamation encourages anyone with a bell to ring it on Veteran's Day. Mr. Sabourin said that the City would have to take over the placement of flags on Veteran's graves.

Ray Lee, 28 Henry Street – Mr. Lee wanted to know the cost of the granite barriers surrounding the generator.

Steven Marston, 95 Hillside Ave. – Mr. Marston wanted to know if any discussions or decisions have been made on rescue billing charges. Residents are charged the same fees as non-residents. The Manager said it would be discussed during budget deliberations.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith was also concerned about the cost of the granite barriers and felt the jersey barriers worked just fine. He voiced appreciation to the people who tried to keep spending down.

**IN REGULAR MEETING VOL. 66 PAGE 61
NOVEMBER 15, 2004**

G. Public Hearings and Actions

5. ORDINANCE #8-04/05 – Amending Chapter 15, “Motor Vehicles and Traffic,” regarding motor scooters and pocket bikes. Passed first reading on 11/01/04. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item.

Ray Lee, 28 Henry Street – Mr. Lee said an electric motor was different than a gas powered engine and that should be taken into consideration.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith agrees with this ordinance.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 5-0.

H. Action on Old and New Business

6. ORDER #67-04/05 – Appealing the denial of the Public Works’ Director for a curb cut on Cummings Road for SB Holdings Inc. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Mayor Boudreau for discussion. Motion to postpone to the second Council Meeting in December was made by Councilor De Angelis and seconded by Councilor Hughes. This item will be also scheduled for the December 13th Workshop. Postponed 5-0.

7. ORDER #68-04/05 – Award of bid for engineering services in connection with the Jetport Plaza Access Road. Passage requires majority vote.

There following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if there were funds to complete this project. The Manager said there were.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 5-0.

8. ORDER #69-04/05 – Authorizing the City Manager to notify MDOT of the City’s participation in the Western Avenue Widening project and the Exit 3

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NOVEMBER 15, 2004

Broadway/Westbrook project as PACTS presented in the FY 2007 Transportation Improvement Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Motion to amend to add “and further encourage and authorize the City to evaluate methods of construction and develop costs estimates for noise abatement along Route 295” to the end of the fourth paragraph was made by Mayor Boudreau and seconded by Councilor Beecher. The amendment passed 5-0. The main motion passed as amended 5-0.

9. ORDER #70-04/05 – Award of bid for design services for the Waterman Drive Right-of-Way. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0.

10. ORDER #71-04/05 – Award of bid for the Adelbert Street/Sylvan Road stormwater separation project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0.

11. PROCLAMATION #2-04/05– Proclaiming December 8, 2004 as Neighborhood Spirit Day. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Jacobs thanked the City Clerk staff for their work with the election.

Councilor Beecher said that she had an opportunity to ride in a rescue unit and commended the people who work in the Fire Department.

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NOVEMBER 15, 2004**

Mayor Boudreau thank everyone who participated in the election and also those people who took the time to fill out the recycling survey.

K. Executive Session

A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of City Clerk.

***Following adjournment the Council will caucus for Mayor.**

A motion to recess to caucus for Mayor was made at 8:40 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Motion passed 5-0.

A motion to return from recess was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 5-0

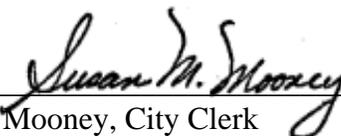
A motion to adjourn to executive session was made at 8:56 P.M. by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0

A motion to return from executive session was made at 9:20 by Councilor De Angelis and seconded by Councilor Beecher. Passed 5-0.

A motion to adjourn was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 5-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 66 PAGE 64
COUNCIL INAUGURATION
DECEMBER 6, 2004

The meeting was called to order at 4:00 P.M. All members were present.

Mayor Boudreau led the Pledge of Allegiance

City Clerk Mooney administered the Oath of office to Councilors-elect Boudreau and Fickett.

City Clerk Mooney declared Councilors Boudreau and Fickett duly qualified Councilors.

Councilor Boudreau nominated Councilor Hughes for Mayor for year 2004/2005.
Councilor Jacobs seconded the motion.

Councilor De Angelis moved that nominations cease. Councilor Beecher seconded the motion. Passage 7-0.

After taking the roll call vote, City Clerk Mooney announced Councilor Hughes as Mayor for 2004/2005 by unanimous vote.

Having already received the traditional gift of a gavel in the past, Mayor Hughes presented Outgoing Mayor Boudreau with a watercolor painting of Spring Point Lighthouse.

Mayor Hughes then presented the Inaugural Address.

Councilor Fickett moved that the Inaugural Address be spread on the records. Councilor Boudreau seconded the motion. Mayor Hughes took the vote and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read RESOLUTION #1-04/05 establishing time and place of meetings. Councilor De Angelis moved for passage. Councilor Beecher seconded the motion. Mayor Hughes took the vote and declared the Resolution duly passed.

Mayor Hughes announced that there would be cake and coffee served at the conclusion of the School Board Inauguration Ceremony. He requested audience members to remain seated after the Council recessed so that the School Board could begin their Inauguration immediately.

Motion to recess was made by Councilor Fickett and seconded by Councilor Jacobs. Mayor Hughes announced the Inauguration recessed at 4:38 P.M. and that the Council would reconvene in the Chambers at 6:30 P.M. for the December 6st Council Meeting.

**IN REGULAR MEETING VOL. 66 PAGE 65
DECEMBER 6, 2004**

Roll Call: Motion to return from recess was made at 6:30 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0. All Council members were present. Motion to adjourn to Executive Session to discuss, pursuant to 1 M.R.S.A., §(6)(D), labor negotiations with the South Portland Police Patrol Association was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0. Motion to return from Executive Session was made at 7:08 P.M. by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

A. Acceptance of Minutes

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Condolences to the Hanson Family on the passing of Bob Hanson. Mr. Hanson served as Acting Corporation Counsel and also served on the School Board.
- Day One “Making a Difference Award” to Officer Robert Scarpelli.
- Announcement of the Public Hearing for the Community Development Program. Applications will be accepted through February 7th.
- Letter of congratulations from the Maine Department of Economic and Community Development regarding the completion of the 1998 Economic Development Infrastructure Grant.
- Notice from the Steward P. Morrill Post #35, American Legion Hall regarding an increase for the rental fee from \$150.00 per year to \$300.00 each Election.
- Letter of appreciation from Charles Kamilewicz regarding Sara Neuts efforts with a stump removal.
- Letter from Cape Elizabeth Police Chief, Neil Williams thanking South Portland Officers and Dispatchers for their support.
- Letter from Board of Harbor Commissioners Chair, Jon Kachmar, regarding mooring fee increases.
- Letter from Cape Elizabeth Police Chief, Neil Williams acknowledging appreciation for Stan Brown’s efforts to complete schooling to appropriately tranquilize and sedate certain animals.

C. Petitions and Communications

D. Appointment Calendar

IN REGULAR MEETING VOL. 66 PAGE 66
DECEMBER 6, 2004

1. ORDER #66-04/05 – Community Development Advisory Committee, At-Large (Boudreau), to fill an unexpired term which expires on 01/15/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Lisa Munderback, 23 Coach Road, was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

2. ORDER #72 -04/05 – South Portland Conservation Commission, District 5 (Hughes), to fill a term which expires on 11/20/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Birger T. Johnson, of 27 Rhode Island Avenue, was made by Mayor Hughes and seconded by Councilor De Angelis. Passed 7-0.

3. ORDER #73 -04/05 – South Portland Conservation Commission, At Large (Fickett), to fill a term which expires on 11/20/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Fickett and seconded by Councilor Boudreau. Postponed 7-0.

4. ORDER #74 -04/05 – South Portland Conservation Commission, At Large (Boudreau), to fill a term which expires on 11/20/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Jacobs. Postponed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Before Citizen Discussion began, Councilor De Angelis made a motion to postpone Item #9 and withdraw Item #10, with the understanding that Item #9 would come back on the agenda in a month. Councilor Beecher seconded the motion and it passed 7-0.

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DECEMBER 6, 2004

Tony MacDonald, owner of 62 E Street – Mr. MacDonald expressed a desire to work with the city in regard to leasing the E Street location for Planning, Engineering and Code Enforcement. He suggested that a clause to be released from the lease could be considered.

Stan Cox, 460 Highland Ave. – Mr. Cox asked if there was a study underway to privatize the Transfer Station. The Manager said that a request for proposal was being prepared. Mr. Cox said this service would cost taxpayers twice as much if it is privatized and encouraged the Council to not support this endeavor.

Jane Eberle, South Portland School Department Volunteer Coordinator – Ms. Eberle talked about the success of the Holiday Fest Tree Lighting and said many families attended.

Dave Bourke, Lowell Street – Mr. Bourke encouraged the Council to keep spending down and to not consider new bond issues.

Ray Lee, 28 Henry Street – Mr. Lee was disturbed about the death of Joseph Greeley and said the city should erect a fence along the Green Belt Walkway.

Michael Drinan, 87 Ocean Street – Mr. Drinan voiced concerns about the graffiti appearing in the Waterfront Market area. He expressed support to lease the E Street Location for Planning, Engineering and Code Enforcement saying core city services and departments should stay in the neighborhood.

Rommie Brown, 10 E Street – Ms. Brown was also in support of leasing the E Street location.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he was glad to hear the School Board was considering closing the Mary Marsh School. He said the clock tower at Brown School was a complete waste of money.

G. Public Hearings and Actions

H. Action on Old and New Business

5. Order #75 -04/05 - Accepting a sanitary sewer line in Beach Street. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to make sure this sewer line met city specifications.

**IN REGULAR MEETING VOL. 66 PAGE 68
DECEMBER 6, 2004**

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0 (De Angelis out of room).

6. Order #76 -04/05 - Authorizing the City Manager to execute an easement across a portion of Map 53 Lot 65 permitting a property owner on Sunset Avenue to connect to Trunkline B. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if this was a buildable lot. The City Manager said it was not.

Stan Cox, 460 Highland Ave. – Mr. Cox questioned the width of the easement.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Motion to amend the deed to change the easement from 10 feet to 25 feet was made by Councilor Maietta and seconded by Councilor Jacobs. The amendment passed 7-0. The main motion passed as amended 7-0.

7. ORDER #77 -04/05 – Authorizing an appropriation of \$460,000 from the FY 2005 Capital Improvement Plan for the Automated Curbside Refuse Collection Program. Passage requires majority vote.

The following people addressed this item;

Dave Bourke, Lowell Street – Mr. Bourke said the Council should consider passing an ordinance to address snow removal on sidewalks and driveways.

Stan Cox, 460 Highland Ave. – Mr. Cox spoke in support of keeping this service under the control of the municipality.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-1 (Fickett).

8. ORDER #78-04/05 – Authorizing the purchase of automated rubbish bins from Schaefer Systems International, Inc., of Charlotte, NC. Passage requires majority vote.

The following people addressed this item;

Rick Lee, 163 Westbrook Street – Mr. Lee asked whether consideration has been made to deal with an unusual heavy trash load.

Dave Bourke, Lowell Street – Mr. Bourke again asked the Council to take a serious look at ice and snow removal from sidewalks and driveways.

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DECEMBER 6, 2004**

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if the City had communicated with Scarborough about how they handle their waste disposal. The City Manager said Scarborough uses as private contractor.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Passed 6-1 (Fickett).

9. ORDER #79-04/05 - Waiving the bid process and authorizing the City Manager to enter into a Purchase and Sale Agreement with Congregation Bet Ha'am for the sale of Sawyer School. Passage of waiver requires six (6) affirmative votes.

This Item was postponed before Citizen Discussion, Part 1, began.

10. ORDER #80-04/05 – Authorizing the City Manager to sign a lease agreement with Sixty Two E Street, LLC, for the lease of 62 E Street. Passage requires majority vote.

This Item was withdrawn before Citizen Discussion, Part 1, began.

11. ORDER #81-04/05 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor De Angelis thanked Steve Johnson for his service to the city and also expressed sympathy for the loss of Bob Hanson.

Councilor Beecher remarked how wonderful the tree lighting was this year and also congratulated the new School Board Members on their appointment.

Councilor Boudreau also commented on the lights in the park and said they are the prettiest they have ever been.

K. Executive Session

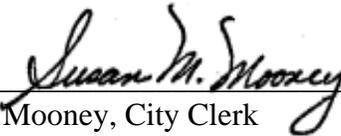
**IN REGULAR MEETING VOL. 66 PAGE 70
DECEMBER 6, 2004**

A motion may be made to go into executive session to discuss, pursuant to 1 M.R.S.A., §(6)(D), labor negotiations with the South Portland Police Patrol Association.

Motion to adjourn was made at 8:50 P.M. by Councilor De Angelis and seconded by Councilor Jacobs. Adjournment passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 71
DECEMBER 20, 2004**

Roll Call: Mayor Hughes called the meeting to order at 7:00 P.M. with Councilor Jacobs absent.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to postpone to the January 3, 2005 meeting. Passed 6-0 (Jacobs absent)

B. Communications from City Manager

The City Manager addressed the following items:

- Harbor Commission 2005 mooring fee increases.
- No change in the trash removal schedule.
- Christmas trees will be picked up for 2 weeks starting January 3, 2005.
- Berman Associates are offering to the city their interest in Brickhill Park to the city.
- Steve Johnson, who is leaving the City, was recognized for his management and expertise in Public Works.
- Steve Johnson also presented Council with his schedule for the automated curbside collection.

C. Petitions and Communications

Department Reports for the month of November, 2004.

Attendance Reports for the month of November, 2004.

D. Appointment Calendar

1. ORDER #73 -04/05 – Conservation Commission, At Large (Fickett), to fill a term which expires on 11/20/07. Postponed on 12/06/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Fickett and seconded by Councilor Boudreau. Postponed 6-0 (Jacobs absent)

2. ORDER #74 -04/05 – Conservation Commission, At Large (Boudreau), to fill a term which expires on 11/20/07. Postponed on 12/06/04. Passage requires majority vote.

**IN REGULAR MEETING VOL. 66 PAGE 72
DECEMBER 20, 2004**

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor De Angelis to reappoint Patrick Peluso to this position. Passed 6-0 (Jacobs absent)

3. ORDER #82-04/05 – Board of Assessment Review, At-Large (Boudreau) for a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to appoint Philip Notis to this position. Passed 6-0 (Jacobs absent)

4. ORDER #83-04/05 – Board of Assessment Review, At-Large (Fickett) for a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item. Postponed 6-0 (Jacobs)

5. ORDER #84-04/05 – Board of Assessment Review, District 1 (Jacobs) for a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Mayor Hughes and seconded by Councilor Beecher to postpone this item. Postponed 6-0 (Jacobs)

6. ORDER #85-04/05 – Board of Assessment Review, District 5 (Hughes) for a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Mayor Hughes and seconded by Councilor Boudreau to reappoint Alton Morgan to this position. Passed 6-0 (Jacobs absent)

7. ORDER #86-04/05 – Civil Service Commission, At-Large (Boudreau) for a term which expires 12/31/09. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Maietta to postpone this item. Postponed 6-0 (Jacobs absent)

**IN REGULAR MEETING VOL. 66 PAGE 73
DECEMBER 20, 2004**

8. ORDER #87-04/05 – Civil Service Commission, At-Large (Fickett) for a term which expires 12/31/09. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item. Postponed 6-0 (Jacobs absent)

E. Consent Calendar

F. Citizen Discussion (First Part)

H. Public Hearings and Actions

9. Business License

Benjamin Building Wrecking Company, 41 Jackson St, Automobile Graveyard/Automobile Recycling Business license renewal. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 6-0 (Jacobs absent)

H. Action on Old and New Business

10. ORDER #67-04/05 – Appealing the denial of the Public Works' Director for a curb cut on Cummings Road for SB Holdings Inc. Postponed to 12/20/04 on 11/15/04. Passage requires majority vote.

Shawn Frank of Sebago Technics representing SB Holdings was present to answer any questions.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Motion to amend was made by Councilor Boudreau and seconded by Councilor Beecher. Amendment passed 5-1 (Fickett) opposed and Jacobs absent). Main motion passed as amended 6-0 (Jacobs absent)

11. ORDER #88-04/05 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

IN REGULAR MEETING VOL. 66 PAGE 74
DECEMBER 20, 2004

Motion for passage was made by Councilor Beecher and seconded by Mayor Hughes. Passed 6-0 (Jacobs absent)

12. ORDINANCE #9-04/05 – Amending Chapter 29, “Sewer Pretreatment and Permits,” referencing the Local Limits Development Guidance Manual, July, 2004. First reading. Passage requires majority vote.

Ron LeTarte, Water Resource Protection was present to answer any questions.

There was no public discussion.

Motion for passage of first reading and to postpone to the January 19, 2005 meeting was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Jacobs absent)

I. Citizen Discussion (Second Part)

Anton Hoecker, 183 Marriner Street was impressed with the City Manager’s presentation at the previous workshop regarding the budget. He also addressed that the city lost money on unfounded federal mandates imposed by Homeland Security. He would also like to see the impact of the Tax Increment Funding’s impact on the City’s website.

J. Councilor’s Round Robin

Councilor Maietta addressed where the city was in the process of the E Street lease and asked whether this would have been a public bid. The City Manager stated that a lease does not go to public bid and that any other vacant spaces in the area were smaller than the current space.

Councilor De Angelis wished everyone a Happy Holiday.

Councilor Beecher reminded citizens that portable Basketball hoops needed to be off city streets. She also said she was sorry to have Steve Johnson leave as he did a great job for the organization.

Mayor Hughes recognized the Cape Elizabeth/South Portland Rotary for their donation of the new Welcome sign at Exit 3, and thanked Jim Gailey for his help as well. He also wished everyone a Happy Holiday.

Councilor Boudreau wished for everyone a happy and healthy holiday and to remind everyone to recycle their wrapping paper.

Councilor Fickett discussed the decline of the value of the dollar and felt we were in a very bad way.

**IN REGULAR MEETING VOL. 66 PAGE 75
DECEMBER 20, 2004**

K. Executive Session

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to adjourn at 7:50 P.M. Passed 6-0 (Jacobs absent)

A TRUE COPY

ATTEST *Karen L. Morrill*
Karen L. Morrill, Assistant City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 76
JANUARY 3, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes for the meetings of December 6th and also the meeting of December 20th. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- One Community One Book Program at the South Portland Library. The book selected for 2005 is Bill Bryson's "A Walk In The Woods".
- Report of the predictions established for 2004.
- Top ten list of the most significant projects completed in 2004.
- Top ten list of recognition of employees and city departments
- Letter from U.S. Department of Housing and Urban Development outlining the Community Development Block Grant Funds for 2005.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #73 -04/05 – Conservation Commission, At Large (Fickett), to fill a term which will expire on 11/20/07. Postponed since 12/06/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Fickett and seconded by Councilor Beecher. Postponed 7-0.

2. ORDER #83-04/05 – Board of Assessment Review, At-Large (Fickett) for a term which will expire on 12/31/07. Postponed on 12/20/04. Passage requires majority vote.

There was no public discussion.

Motion to reappoint George Koutalakis of 182 High Street, was made by Councilor Fickett and seconded by Councilor Beecher. Passed 7-0.

IN REGULAR MEETING VOL. 66 PAGE 77
JANUARY 3, 2005

3. ORDER #84-04/05 – Board of Assessment Review, District 1 (Jacobs) for a term which expires on 12/31/07. Postponed on 12/20/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Jacobs and seconded by Councilor Boudreau after the City Attorney stated there is a three year residency requirement for the Board of Assessment Review. Postponed 7-0.

4. ORDER #86-04/05 – Civil Service Commission, At-Large (Boudreau) for a term which expires 12/31/09. Postponed on 12/20/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Zachary I. Greenfield of 4 Whitehall Avenue, was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

5. ORDER #87-04/05 – Civil Service Commission, At-Large (Fickett) for a term which expires 12/31/09. Postponed on 12/20/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Fickett and seconded by Councilor Boudreau. Postponed 7-0.

6. ORDER #89-04/05 – Library Advisory Board, District 1 (Jacobs) to fill an unexpired term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Rita D. Thompson of 48 Bowers Street, was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

7. ORDER #90-04/05 – Library Advisory Board, District 2 (Maietta) to fill a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Maietta and seconded by Councilor Boudreau. Postponed 7-0.

8. ORDER #91-04/05 – Library Advisory Board, District 4 (Beecher), for a term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

**IN REGULAR MEETING VOL. 66 PAGE 78
JANUARY 3, 2005**

Motion to postpone this item was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Dave Bourke, Lowell Street – Mr. Bourke talked about the increase in spending in the municipal and school budgets.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith spoke in favor of the new green arrow at the intersection of Broadway and Westbrook Street.

Christopher Bowring, 151 Elderberry Drive – Mr. Bowring spoke on traffic issues in the Brick Hill project and also bond issues relating to the upgrade of the elementary schools.

Antone Hoecker, 183 Marriner Street – Mr. Hoecker spoke in support of maintaining a high standard of education in our community.

G. Public Hearings and Actions

H. Action on Old and New Business

9. ORDER #79-04/05 - Waiving the bid process and authorizing the City Manager to enter into a Purchase and Sale Agreement with Congregation Bet Ha'am for the sale of Sawyer School. Postponed on 12/06/04. Passage of waiver requires six (6) affirmative votes.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Beecher. Postponed 7-0.

10. ORDER #92-04/05 - Appropriating \$496,000 from the FY 2005 Capital Improvement Program to fund miscellaneous projects. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-1 (Fickett)

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JANUARY 3, 2005**

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor De Angelis thanked the City Manager for providing the list of accomplishments over the last year. She indicated that South Portland goes well beyond the State minimum for education and the City should be proud of that fact.

Councilor Boudreau reminded citizens of the Christmas tree pickup program and also reminded them to please control their dogs.

Councilor Fickett talked about the value of homes being based on Federal Reserve Notes and said he used to pay his help in silver dollars.

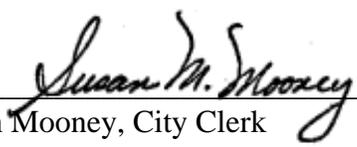
Councilor Jacobs apologized for the mix up earlier in the evening relating to an appointment to the Board of Assessment Review. He also thanked the City Manager for his presentation on the list of accomplishments in 2004 and wished everyone a Happy New Year.

K. Executive Session

Motion to adjourn was made at 8:10 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Adjournment passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

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JANUARY 19, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes for the meeting January 3rd, 2005. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Theresa and Chip Wiper regarding a Board of Appeals decision from January 5th, 2005.
- Submission of innovative practices for increased ridership from the Bus Service to the Federal Transit Administration.
- Retirement plaque presented to Richard (Porky) Curry
- Press release announcing the appointment of Dana Anderson as the Public Works Director and Tom Meyers as Director of the Vehicle Maintenance Operation

C. Petitions and Communications

Department Reports for the month of December, 2004.

Attendance Reports for the month of December, 2004.

D. Appointment Calendar

1. ORDER #73 -04/05 – Conservation Commission, At Large (Fickett), to fill a term which expires on 11/20/07. Postponed since 12/06/04. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Barbara Dee, 71 Hillside Ave., was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

2. ORDER #84-04/05 – Board of Assessment Review, District 1 (Jacobs) for a term which expires on 12/31/07. Postponed since 12/20/04. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Joseph Conroy, 83 Loveitt's Field Road, was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

3. ORDER #87-04/05 – Civil Service Commission, At-Large (Fickett) for a term which expires 12/31/09. Postponed on 12/20/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Robert Schwartz, 35 Scammon Street, was made by Councilor Fickett and seconded by Councilor Boudreau. Motion to postpone was made by Councilor Jacobs and seconded by Councilor De Angelis. Postponement failed 2-5 (Boudreau, Fickett, Hughes, Maietta, Beecher). The main motion passed 5-2 (Jacobs, De Angelis).

4. ORDER #90-04/05 – Library Advisory Board, District 2 (Maietta) to fill a term which expires on 12/31/07. Postponed on 01/03/05. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Jessica Thomas, 18 Vincent St., was made by Councilor Maietta and seconded by Councilor Beecher. Passed 7-0.

5. ORDER #91-04/05 – Library Advisory Board, District 4 (Beecher), for a term which expires on 12/31/07. Postponed on 01/03/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Beecher and seconded by Councilor Jacobs. Postponed 7-0.

6. ORDER #93-04/05 – Community Development Advisory Board, At-Large (Boudreau), to fill a term which expires on 01/15/08. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Lisa J. Munderback, of 23 Coach Road, was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

7. ORDER #94-04/05 - Community Development Advisory Board, At-Large (Fickett), to fill a term which expires on 01/15/08. Passage requires majority vote.

There was no public discussion.

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Motion to reappoint Andrew Charles, of 227 Walnut Street, was made by Councilor Fickett and seconded by Councilor Boudreau. Passed 7-0.

8. ORDER #95-04/05 – Conservation Commission, District 3 (De Angelis), to fill an unexpired term which expires on 11/20/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Richard Bernard of 5 E Street was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Campbell, 29 Washington Ave. – Mr. Campbell said he is not against the Jewish Community but felt the Sawyer School property was worth over 1.2 million dollars and the City should sell it for its full value.

Dave Bourke, 61 Lowell Street – Mr. Bourke said new school revenue should be used to reduce expenditures. He commented that city officials should not pursue issuing new debt for a new city hall and Hamlin or Marsh School should be used to address city department housing needs. Proceeds from Sawyer School should be used to retire long term debt.

Peter Larsen and Jack Brady, South Portland and Cape Elizabeth Representatives to the Portland Water District – Mr. Larsen presented the Council with a rebate check for \$29,846.00 and several cases of water. He also reported that water rates would not go up and that there has not been an increase in water rates for six years in a row.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired whether the annex at Sawyer School was to be sold and what would happen to the Historical Society. He said the school should be taken through the competitive bid process.

JoAnne Devine, 33 Carignan Ave. – Ms. Devine spoke about the efforts being conducted by a group of citizens who are interested in having a skateboard park erected in the city. She said they would be submitting a formal request to the Council soon.

Gary Crosby, 2 Tanner Street – Mr. Crosby agreed with Councilor Boudreau that Robert Schwartz should abstain from issues brought to the Civil Service Board that involved former employees. He also said he felt the Sawyer School should sold through the formal bid process.

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G. Public Hearings and Actions

9. ORDINANCE #9-04/05 - Amending Chapter 29, "Sewer Pretreatment and Permits," referencing the Local Limits Development Guidance Manual, July, 2004. Passed first reading on 12/20/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed by roll call vote 7-0.

Items #12 and #13 were taken out of order at this point.

H. Action on Old and New Business

10. ORDER #79-04/05 - Waiving the bid process and authorizing the City Manager to enter into a Purchase and Sale Agreement with Congregation Bet Ha'am for the sale of Sawyer School. Postponed since 12/06/04. Passage of waiver requires six (6) affirmative votes.

The following people addressed this item;

John McCall – 580 Ocean Street
Dan Mooers – 39 Ledge Road
Mary Anne Wallace – 87 Dyke Farm Road
Dick Bernard – 5 E Street
Eileen Arsenault – 4 Barnstable Road
Dave Caldwell – 32 Osborne Ave.
Ellen Dunn – 12 Kahill Court
Jack Berman – 43 Loveitts Field Road
Dierdre Oehrtmann, 20 Providence Ave.
Louis Maietta – 185 Elderberry Drive
Clarence Beckwith, 51 Bonnybriar Road
Sari Greene – 3 Higgins Lane
Rick Lee – 163 Westbrook Street
Cliff Marchant – 4 Hamilton Street
Anton Hoecker - 183 Marriner Street
Joan Caldwell – 32 Osborne Ave.
Christopher Bowring – 151 Elderberry Drive
Asherah Cinnamon – 25 Ledge Road
Perry Newman – 130 Fort Road
Walter Kimball – 62 Aspen Ave.
Linda England – 66 Springwood Road

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Rommie Brown – 10 E Street
Catherine Eliot – 29 North Marriner Street
Lisa Munderback – 23 Coach Road
Vincent Maietta – 199 Elderberry Drive
Syloke Soong – 757 Main Street
Joanne Devine – 33 Carignan Ave.
Sharon Newman – 130 Fort Road
Charles Hamlin – 175 School St.
Gary Crosby – 2 Tanner Street
Scott Ewing – 79 South Richland Street
Jody Sataloff – Cape Elizabeth
John Howard – 94 Loveitts Field Road
Susan Rooker – 27 Grove Ave.
Bill Arnold – 6 Northeast Lane
Jacob Jacobson – 30 Fern Lane
Max Greene – 3 Higgins Lane
Patricia Krohn – 101 Mount Vernon Street
Karen Callaghan – 241 Alfred Street
Paul O’Shea – 121 Harbor Place Condos
Bruce Green – 465 Highland Ave.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-1 (Maietta).

11. ORDER #96-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0 (Councilor De Angelis out of the room, Councilor Fickett left).

12. ORDER #97-04/05 – Award of bid #205030 for the purchase of network equipment for the School Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said email should be removed from computer systems.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

13. ORDER #98-04/05 – Award of bid #205037 for the purchase of computers for the School Department. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

14. ORDER #99-04/05 – Authorizing the City Manager to sign a lease for a building at 62 E Street. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Jacobs. Postponed 6-0 (Fickett left).

15. ORDER #100-04/05 – Authorizing the City Manager to sign an Inter-local Agreement with the City of Westbrook for assessing services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0 (Fickett left).

16. ORDER #101-04/05 – Award of bid #205031 for engineering consultant services to maintain the Maine Mall area traffic signal system. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 5-1 (Jacobs) (Fickett left).

17. ORDER #102-04/05 – Award of bid #205032 for the purchase of lightbars for the Police Department. Passage requires majority vote.

There was no public discussion.

Motion to withdraw this item was made by Councilor Jacobs and seconded by Councilor Boudreau. Withdrawn 6-0 (Fickett left).

18. ORDER #103-04/05 – Authorizing the City Manager to sign an Inter-local Agreement with the Town of Cape Elizabeth for the purpose of providing animal control services. Passage requires majority vote.

There was no public discussion.

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Motion to postpone was made by Councilor Boudreau and seconded by Councilor Maietta. Postponed 6-0 (Fickett left).

19. ORDER #104-04/05 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Patrol Association. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Maietta. Postponed 6-0 (Fickett left).

20. ORDER #105-04/05 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Command and Supervisory Unit. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Maietta. Postponed 6-0 (Fickett left).

21. ORDER #106-04/05 – Setting February 7, 2005 as the date for the condemnation hearing for property at the Fairways Condominiums for the Exit 3 improvements. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0 (Fickett left).

22. ORDINANCE #10-04/05 – Amending Chapter 2, “Purchasing,” regarding the sale of City owned property. First reading. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Maietta. Postponed 6-0 (Fickett left).

I. Citizen Discussion (Second Part)

Paul Smith, President of Tahoe Development Group, Inc. – Mr. Smith said he was the sole bidder for the property on Surfsite Road. Having offered 20,000. for the property which was valued at 61,500. he wanted to know what would happen at this point. The City Manager said this item will be brought to a Council Workshop either February 14th or 28th and notice would be provided to Mr. Smith.

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J. Councilor's Round Robin

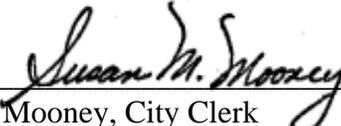
None of the Council wished to report anything at this time.

K. Executive Session

Motion to adjourn was made at 11:23 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Adjournment passed 6-0 (Fickett left).

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ATTEST



Susan Mooney, City Clerk

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FEBRUARY 7, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:01 P.M. All Councilors were present. Finance Director, Rob Coombs, sat in for City Manager, Jeffrey Jordan.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes for the meeting January 19th, 2005. Passed 7-0

B. Communications from City Manager

The Finance Director addressed the following items;

- Letter from Home Properties regarding a land transaction that would not be occurring.
- Letter from the Maine State Police advising that the South Portland Police Department passed testing requirements for submitting crime data to the State NIBRS Repository.
- Minutes from the PACT's December 16th meeting.
- Press Release from Senators Lynn Bromley and Phil Bartlett advising of the Regional Forum on School Funding and New Property Tax Relief Law scheduled for February 10th.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #91-04/05 – Library Advisory Board, District 4 (Beecher), for a term which expires on 12/31/07. Postponed since 01/03/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Abigail Greenfield of 4 Whitehall Ave. was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

2. ORDER #107-04/05 – Board of Appeals District 2 (Maietta), for a term which expires on 07/23/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Boudreau. Passed 7-0.

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3. ORDER #108-04/05 – Community Development Advisory Board, District 4 (Beecher), for a term which expires on 01/15/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0 (Jacobs out of room).

E. Consent Calendar

F. Citizen Discussion (First Part)

Stan Cox, 460 Highland Ave. – Mr. Cox explained that he did not support the sale of Sawyer School to protect future open space in the city.

Gary Crosby, 2 Tanner Street – Mr. Crosby said he was concerned about city lease agreements. He urged the Council to use a professional firm in the future to ensure that the city is getting the best lease value of city property.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the city should not be leasing any property and that existing city property should be utilized to fulfill any departmental housing needs.

Steve Hasson, 148 Breakwater Drive – Mr. Hasson asked the Council to review city sign ordinances and make sure they are clear. He relayed an experience he had with Code Enforcement regarding the placement of a sign and was upset about how it was handled.

Tony McDonald, Owner of 62 E Street – Mr. McDonald asked that the Council support Item #5, the lease agreement for 62 E Street.

Dick Bernard, 5 E Street – Mr. Bernard passed along his personal feelings regarding the Conservation Commission. He would like the Board to be charged with being pro-active rather than re-active when it comes to protecting and conserving land in the city. He offered numerous suggestions for consideration regarding open space.

G. Public Hearings and Actions

4. ORDER #109-04/05 – Taking two triangular pieces of the Fairways Condominium property by eminent domain for highway purposes. Passage requires majority vote.

The following people addressed this item;

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Richard Berman, Developer of the Brick Hill Project – Mr. Berman voiced his support for all the items relating to the Exit Three Improvements.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he would have liked more visual representation of this item for the public.

Gary Crosby, 2 Tanner Street – Mr. Crosby said traffic in this location was awful and was supportive of this project.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

H. Action on Old and New Business

The Mayor announced that Item #15 and Item #20 would be taken out of order. See those items for details of passage. The Council continued with Item #5 at the completion of the passage of Item #20.

5. ORDER #99-04/05 – Authorizing the City Manager to sign a lease for a building at 62 E Street. Postponed on 01/19/05. Passage requires majority vote.

The following people addressed this item;

Louis Maietta, 185 Elderberry Drive – Mr. Maietta said that he was a proponent of combining these three offices several years ago. He chastised Councilor Jacobs for an email that he sent to the media.

Gary Crosby, 2 Tanner Street – Mr. Crosby wanted to make sure that other locations, like Hamlin School, were fully considered before this decision was made.

Rommie Brown, 10 E Street – Ms. Brown supported the lease of 62 E Street. She feels strongly that all offices should be within walking distance of City Hall.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith suggested that the room over the Sr. Room at the Community Center be used to house the three departments.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-2 (Fickett, Maietta).

6. ORDER #103-04/05 – Authorizing the City Manager to sign an Inter-local Agreement with the Town of Cape Elizabeth for the purpose of providing animal control services. Postponed on 01/19/05. Passage requires majority vote.

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The following person addressed this item;

David Lengyel, Owner of Willows Restaurant – As a resident of Cape Elizabeth, Mr. Lengyel asked how residents of that town get assistance from Animal Control. He had an experience with a skunk and did not receive good information from his local police department.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

7. ORDER #104-04/05 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Patrol Association. Postponed on 01/19/05. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 7-0.

8. ORDER #105-04/05 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Command and Supervisory Unit. Postponed on 01/19/05. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

9. ORDINANCE #10-04/05 – Amending Chapter 2, “Purchasing,” regarding the sale of City owned property. First reading. Postponed on 01/19/05. Passage requires majority vote.

The following people addressed this item;

Louis Maietta, 185 Elderberry Drive – Mr. Maietta requested the minutes from when the original ordinance was passed.

Gary Crosby, 2 Tanner Street – Mr. Crosby would like to see the ordinance stay as written.

Stan Cox, 460 Highland Ave. – Mr. Cox also did not want to see this change. He said it should be difficult to circumvent the purchasing ordinance.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the ordinance, as written, has served us well through the years and did not want to see it changed.

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Rommie Brown, 10 E Street – Ms. Brown feels this is an appropriate change and that there are sensible reasons are in place to not send a piece of property out for public bid.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-1 (Fickett)

10. ORDER #110-04/05 – Award of bid for the purchase and installation of a playscape in Legere Park. Passage requires majority vote.

The following person addressed this item;

Rommie Brown, 10 E Street – Ms. Brown said she is thrilled to have a playscape coming back into the neighborhood.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-1 (Fickett)

11. ORDER #111-04/05 – Accepting a donation of office furniture from Fairchild Semiconductor. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked whether this was new or used furniture.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

12. ORDINANCE #11-04/05 - Amending Chapter 27, “Zoning, “ for a zone map change from Residential District A to Limited Business District LB for Map 41, Lots 48, 48B and 48A – Cash Corner. First reading. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said this was a good idea and appropriate.

Gary Crosby, 2 Tanner Street – Mr. Crosby also felt it was a good idea.

Vincent Maietta, President of G.L.M. Associates – Mr. Maietta asked the Council to support this ordinance and not make the zone change a sign issue.

David Lengyel, Owner of Willows Restaurant – Mr. Lengyel also asked the Council to support the zone change.

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Gary Jones, 29 Daytona Street – Mr. Jones asked the Council to pass the zone line change behind Willows but requested that they postpone the zone change behind Pleasant Hill Auto until he was able to confirm whether the change would have a negative impact on his property value. He presented a petition of opposition signed by four of his neighbors.

Dick Bernard, 5 E Street – Mr. Bernard said the city should invest in a G.I.S. system to avoid these types of controversy.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta questioned the appropriateness of bringing forward a partial change to the zone line that would benefit someone who had nothing to do with bringing the request forward.

Councilor Maietta abstained from this item. Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Maietta abstaining).

13. ORDER #112-04/05 – Award of bid #205029 for the purchase of a Class A Pumper for the Fire Department. Passage requires majority vote.

The following person addressed this item;

Steve Hasson, 148 Breakwater Drive – Mr. Hasson was formerly the Fire Chief in Portland. He urged the Council to support the purchase of the pumper.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Passed 6-1 (Fickett)

14. RESOLVE #5-04/05 – Regarding the PACTS Transportation Improvement Plan (TIP). Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-1 (Fickett)

15. ORDER #113-04/05 - Authorizing the City Manager to sign a Municipal/State Agreement regarding improvements to Interstate 295, Exit 3 ramps. Passage requires majority vote.

This Item was taken out of order and was presented after Public Hearings and Actions were completed. There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

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16. RESOLVE #6-04/05 – Accepting the East/West Connector Study Committee Final Report. Passage requires majority vote.

The following people addressed this item;

Herbert Gray, Consulting Engineer representing Gordon Hurtubise – Mr. Gray encouraged the Council to support this item.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta said he had documents that he felt should be reviewed by the Council in executive session. He passed a copy of I.R.S. form 8283 provided to Mr. & Mrs. Wainwright from the sale of Wainwright Field.

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta feels that Mr. Wainwright is holding the city hostage regarding the refusal of an easement to develop the East/West Connector on the Wainwright Field property.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

17. RESOLVE #7-04/05 –Establishing tobacco free zones in parks and recreational facilities. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Mayor Hughes. Passed 6-1 (Fickett).

18. ORDER #114-04/05 - Authorizing the extension of the City's Roadrunner service drops to City Councilors. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-1 (Fickett).

19. ORDER #115-04/05 – Waiving attendance requirements for Board of Appeals members, Brian Hanlon, Daniel Fortin, and Gerard Jalbert. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Beecher. Postponed 6-1 (Fickett).

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20. ORDER #116-04/05 – Authorizing the City Manager to execute agreements with the State of Maine permitting the taking of 5,933 square feet of land on Westbrook Street and donating 809 square feet of land on Broadway for the I-295 Exit 3 improvements. Passage requires majority vote.

This Item was taken out of order and was presented after Item #15 was completed. There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

I. Citizen Discussion (Second Part)

Dick Bernard, 5 E Street – Mr. Bernard said he was dismayed by the verbal abuse that occurs during Council meetings.

J. Councilor's Round Robin

Councilor Boudreau announced a PACTS open house meeting in Scarborough on February 10th and encouraged citizens to attend. She also asked people to be mindful of their dogs and watch out for kids on bikes.

Councilor Fickett remarked about the value of houses going up and that people will have to pay higher taxes on them.

Councilor Jacobs said he was impressed with the sense of community after the last snowstorm. He saw people shoveling out fire hydrants. He announced that the Waterfront Alliance Meeting would be held tomorrow at 4:00 P.M. at the new Gulf of Maine facility.

Councilor Maietta complimented Rob Coombs on the fine job of filling in for the City Manager.

Councilor De Angelis said the High School production of the Beauty and the Beast was fabulous. She complimented Tom Meyers for the extraordinary service provided by the Bus Dept. She cautioned people to be careful when they are around wild animals, such as raccoons.

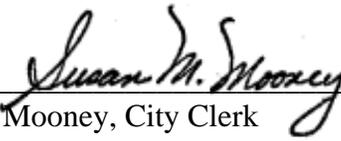
Councilor Beecher complimented Dana Anderson and the fine job his staff was doing keeping up with all the snow removal.

K. Executive Session

Motion to adjourn was made at 10:23 P.M. by Councilor Boudreau and seconded by Councilor Jacobs. Adjournment passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

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FEBRUARY 23, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:04 P.M. Councilor Maietta was absent and Councilor De Angelis arrived at 7:07 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Boudreau to accept the minutes for the meeting February 7, 2005. Passed 5-0 (De Angelis had not arrived yet)

B. Communications from City Manager

The City Manager addressed the following items;

- The Manager thanked Rob Coombs for sitting in for him at the last meeting. He also gave thanks for cards and support for the recent passing of his Mother-In-Law, Frances Harrison
- One Community / One Book initiative
- Minutes from the RWS January 20th Board Meeting
- Communication from MDOT regarding lane closures on the Casco Bay Bridge that will occur in the next week

C. Petitions and Communications

Department Reports for the month of January, 2005.

Attendance Reports for the month of January, 2005.

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals District 2 (Maietta), for a term which expires on 07/23/06. Postponed on 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Hughes and seconded by Councilor Boudreau. Postponed 6-0.

2. ORDER #108-04/05 – Community Development Advisory Board, District 4 (Beecher), for a term which expires on 01/15/07. Postponed on 02/07/05. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned that Standing Rule #3(D) be waived to allow Order #108-04/05 to be added to the agenda. Councilor Boudreau seconded the motion

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and it passed 6-0. Motion to appoint Forrest Johnson, 35 Crossmeadow Road, was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Carolyn Churchill, 112 Snowberry Drive – In regard to an exchange of emails between herself and Councilor Jacobs, Ms. Churchill requested that the Council develop a code or procedure to address the actions of a Councilor. She said she felt intimidated by Councilor Jacobs when she recently submitted a letter to the editor to voice her opinion.

Gary Crosby, 2 Tanner Street – Mr. Crosby said people in the community have expressed concerns to him about their discomfort to express their opinions at Council meetings. He said he hoped Councilors would stay neutral and open minded on issues until a vote is held so that citizens would feel comfortable bringing their opinions forward.

David Bourke, Lowell Street – Mr. Bourke said he was happy with the item being brought forward to share legal services with Portland. He would like the dog ordinance posted at the beach entrance.

Stan Cox, Highland Ave. – Mr. Cox spoke against putting a deed restriction on the property on Main Street in front of the Temple Bet Ha'am.

Ray Lee, 28 Henry Street – Mr. Lee voiced opposition to a resolve recently passed which establishes tobacco free zones in parks and recreational facilities in South Portland.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith talked the Governors proposal to issue two hundred million dollars in bonds. He suggested cutting the size of the legislature and also asked the Council to hold the school to a 2.8% budget increase.

Charlie Hamlin, 175 School Street – Mr. Hamlin encouraged the Council to work as a team. He also suggested that all departments should be located in one building if a new city hall were to be built.

Cheryle Guiod, 35 Daytona Street – In regard to a zoning change for Pleasant Hill Auto, Ms. Guiod said she was concerned about noise and the impact the change could have on the properties located in the vicinity.

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A motion was made by Councilor Boudreau and seconded by Councilor De Angelis to take item #6 out of order. The motion passed 6-0.

G. Public Hearings and Actions

3. ORDINANCE #10-04/05 – Amending Chapter 2, “Purchasing,” regarding the sale of City owned property. Passed first reading on 02/07/05. Postponed on 01/19/05. ROLL CALL VOTE. Passage requires majority vote.

The following people felt this ordinance should be left as is;

Stan Cox, Highland Ave.
Ray Lee, 26 Henry Street
Gary Crosby, 2 Tanner Street
David Bourke, Lowell Street
Clarence Beckwith, 51 Bonnybriar Road

The following person support the ordinance amendment;

Rommie Brown, 10 E Street

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed by roll call vote 4-2 (Fickett, Beecher).

A motion was made by Councilor Jacobs and seconded by Councilor De Angelis to take item #21 out of order. The motion passed 6-0.

4. ORDINANCE #11-04/05 - Amending Chapter 27, “Zoning, “ for a zone map change from Residential District A to Limited Business District LB for Map 41, Lots 48, 48B and 48A – Cash Corner. Passed first reading on 02/07/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

The following people addressed this item;

Cheryle Guiod, 35 Daytona Street – Ms. Guiod said she did not receive notice from the Planning Department regarding this zone change.

Gary Jones, 29 Daytona Street – Mr. Jones said Vincent Maietta has been cooperative and understanding. He would like the Council to consider amending the zone line five feet further away from his property line.

Vincent Maietta, GLM Associates. – Mr. Maietta said he does not currently have plans to expand and offered to double the size of the buffer and increase the height of the fence. He asked that the Council not tie the sign issue at Pleasant Hill Auto to this zoning amendment.

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Stan Cox, Highland Ave. – Mr. Cox commented that there have not been any accidents at Cash Corner.

Charles Hamlin, 175 School Street – Mr. Hamlin indicated that zones lines need to be clearly defined and should not be moved five feet away from the property line.

Gary Crosby, 2 Tanner Street – Mr. Crosby encouraged the Council to keep the sign issue a separate matter from the zone issue.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the line should be moved back.

Rommie Brown, 10 E Street – Ms. Brown said that when parcels that are split between two zones, the owner can use 30 ft. into the residential area.

Louie Maietta, 185 Elderberry Drive – Mr. Maietta researched accident reports in the Cash Corner area and provided statistical data to indicate the sign at Pleasant Hill Auto does not create a traffic hazard.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. A motion to postpone this item until a committee was created to meet with the parties and make a recommendation to resolve the issues between the neighbors and the land owner. The motion was made by Councilor Boudreau and seconded by Councilor Beecher. Postponed 4-2 (De Angelis, Jacobs).

5. ORDER #117-04/05 - Authorizing the City Manager to submit an amended Community Development Block Grant FY 2004/2005 Annual Action Plan to the Department of Housing and Urban Development. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-1 (Fickett).

H. Action on Old and New Business

6. PROCLAMATION #3-04/05 – One Community one book. Passage requires majority vote.

There was no public discussion.

This item was taken out of order just before Public Hearings and Action. Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

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7. ORDER #118-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

8. ORDER #119-04/05 – Authorizing the purchase of a school bus for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0.

9. ORDER #120-04/05 – Award of bid #205049 for the purchase of light bars for police cruisers. Passage requires majority vote.

There was no public discussion.

Motion to withdraw this item due to the bid amount coming in under the limit to require Council approval was made by Councilor De Angelis and seconded by Councilor Beecher. Withdrawn 6-0.

10. ORDER #121-04/05 – Award of bid #205048 for the purchase of a skid steer loader for the Public Works Department. Passage requires majority vote.

There following person addressed this item;

Charles Hamlin, 175 School Street – Mr. Hamlin asked if there were accessories to enhance the use of the loader. John Switzer was available for questions on this item and said there were several attachments that would allow the loader to be used as a landscape rake, a front end bucket and a fork lift.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

11. ORDER #122-04/05 - Appealing the denial of the Public Works' Director for curb cuts on Thadeus and Hunnewell Streets for Andrew Ingalls. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

12. ORDER #123-04/05 – Approving 2005 rates for Spring Point Marina. Passage requires majority vote.

The following person addressed this item;

Charles Hamlin, 175 School Street – Mr. Hamlin wanted to know if the city received any money from the Marina. The City Manager said that the city receives a percentage of the annual profits.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 6-0.

13. ORDER #124-04/05 – Setting the Ambulance Fees and authorizing the Fire Chief to adjust these fees periodically based on the Medicare usual and customary rate structure. Passage requires majority vote.

The following person addressed this item;

Charles Hamlin, 175 School Street – Mr. Hamlin said he was in favor of the rate increase.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

14. ORDINANCE #12-04/05 – Amending Chapter 27, “Zoning,” regarding a Conditional Residential and Limited Commercial Use District G-3 for Brickhill. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

15. ORDINANCE #13-04/05 – Amending Chapter 27, “Zoning,” regarding a zone text change in the Professional Office District PO to include retail sales. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

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16. ORDER #125-04/05 – Accepting a \$10,000 grant from the State of Maine, Bureau of Information Services for GIS digital parcel layer. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

17. ORDINANCE #14-04/05 – Imposing a 6 month moratorium on new automobile graveyards, automobile recycling facilities and junkyards. First reading. Passage requires majority vote.

The following person addressed this item;

Mark St. Germaine, Representative of New England Metal Recycling – Mr. St. Germaine explained that type of scrape metal business that New England Metal Recycling was planning to do in South Portland.

Motion to have this item read by title only was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0. Motion for passage was made by Councilor Boudreau and seconded by Mayor Hughes. Motion to amend the ordinance to change the heading of Article XLIX was made by Councilor Boudreau and seconded by Councilor Beecher. The amendment passed 6-1. The main motion passed as amended 6-0.

18. ORDER #126-04/05 – Authorizing the Corporation Counsel to sign an interlocal agreement for sharing legal services with the City of Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-0.

19. ORDER #127-04/05 – Authorizing an amendment to the City’s agreement with Time Warner for internet services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Motion to amend the order from “to sign the attached contract amendment” to “to sign a contract substantially similar to the attached contract amendment” was made by Councilor Boudreau and seconded by Councilor Beecher. The amendment passed 6-0. The main motion passed as amended 6-0.

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20. ORDER #128-04/05 – Authorizing the City Manager to accept a right of way from Douglas Gagne. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0.

21. PROCLAMATION #4-04/05 – Recognizing Rotary International's 100th anniversary. Passage requires majority vote.

There was no public discussion.

This proclamation was taken out of order, just before Item #4. Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0.

22. ORDER #129-04/05 - Authorizing the City Manager to execute a License Agreement granting the owner of Map 41 Lot 71 the right to place a private residential sanitary sewer line in the ROW of Holden Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0 (Councilor Boudreau out of room).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

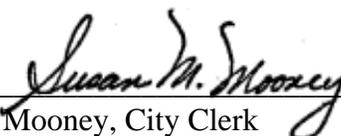
Councilor Jacobs referred to an article in the paper regarding a new movie theater proposed to be located at the Maine Mall. He said he did not think it is a good idea.

K. Executive Session

Motion to adjourn was made at 11:16 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Adjournment passed 6-0.

A TRUE COPY

ATTEST


Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 105
MARCH 7, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:04 P.M. Councilor Fickett was absent.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Boudreau to accept the minutes for the meeting February 23, 2005. Passed 6-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Memos from Stan Brown, the Animal Control Officer regarding services provided to Cape Elizabeth residents
- 2005 Federal Issues Paper
- Letter from Maine Department of Economic and Community Development regarding the audit report for the 2002 Development Fund Grant and the 2003 Public Infrastructure Grant
- Letter from George Flaherty, Director of the County Emergency Management Agency regarding the Greater Portland Regional Detour Evacuation Plan
- Letter from John Thurlow regarding excellent customer services received from several departments and in particular Patricia Doucette, Code Enforcement and Dave Thomes, Water Resource Department.
- Seasonal Road Posting restricting heavy loads on Broadway, Fickett Street and Stillman Street
- Notes from MaineDOT/South Portland Monthly Coordination Meeting

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Beecher. Postponed 6-0.

2. ORDER #130-04/05 – Board of Assessment Review, District 4 (Beecher) for a term which expires on 03/16/08. Passage requires majority vote.

There was no public discussion.

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Motion to reappoint Paul Cloutier, of 14 Whitehall Avenue was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

3. ORDER #131-04/05 – Civil Service Commission, District 2 (Maietta) for a term which expires on 03/01/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Boudreau. Postponed 6-0.

4. ORDER #132-04/05 – Civil Service Commission, District 3 (De Angelis) for a term which expires on 03/01/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint James J. Hendry, of 75 B Street was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith referred to an article regarding an email exchange between Carolyn Churchill and Councilor Jacobs.

Gary Crosby, 2 Tanner Street – Mr. Crosby addressed Item #12 regarding a deed restriction at Main and Cornell Street.

David Bourke, Lowell Street – Mr. Bourke commented on the decrease in student enrollment and also referred back to suggestions that he had made at the previous Council Meeting to post signs at Willard Beach advising citizens about the dog ordinance.

Ray Lee, 28 Henry Street – Mr. Lee questioned whether there had been a requirement of an Engineering Degree when the Public Works Directors position was posted after Ge Erskine retired.

Rommy Brown, 10 E Street – Ms. Brown provided the public with details of the Knightville / Millcreek Community Design Workshop scheduled for April 9th.

Dan Mooers, 39 Ledge Road – Mr. Mooers raised concerns about attacks on members of the Council and that the lack of civility was increasing. He supported

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Councilor Jacobs and indicated that as a representative, Councilor Jacobs was approachable, thoughtful and one of the best.

Bruce Green, 465 Highland Ave. – Mr. Green said placing a deed restriction at the corner of Main and Cornell was a waste of time because the restriction could be changed in the future.

G. Public Hearings and Actions

Motion to take the two proclamations, Items 8 and 9, out of order was made by Councilor Maietta and seconded by Councilor Boudreau and passed 6-0. See those items for details.

5. ORDINANCE #12-04/05 – Amending Chapter 27, “Zoning,” regarding a Conditional Residential and Limited Commercial Use District G-3 for Brickhill. Passed first reading on 02/23/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

There was no public discussion.

Richard Berman was available to answer questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed roll call vote 6-0.

6. ORDINANCE #13-04/05 – Amending Chapter 27, “Zoning,” regarding a zone text change in the Professional Office District PO to include retail sales. Passed first reading on 02/23/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

There was no public discussion.

Motion for postponement was made by Councilor Jacobs and seconded by Councilor Boudreau. Postponed 6-0.

7. ORDINANCE #14-04/05 – Amending Chapter 27, “Zoning”, imposing a 6 month moratorium on new automobile graveyards, automobile recycling facilities and junkyards. Passed first reading on 02/23/05 reading. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed roll call vote 6-0.

H. Action on Old and New Business

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8. PROCLAMATION #5-04/05 – Proclaiming 2004 Officer of the Year. Passage requires majority vote.

The following people addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby said Jeff Caldwell was very deserving of this award and that Officer Caldwell was always responsive.

Sergeant Chris Cook, Police Department – Sergeant Cook said Officer Caldwell was a fine representative to the city slogan “Premiere Provider of Public Service”.

Chief Googins presented Officer Jeffery Caldwell with the Officer of the Year Award. The Mayor Hughes presented Officer Caldwell with a framed copy of the proclamation. Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0.

9. PROCLAMATION #6-04/05 – Proclaiming Public Works Week. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

10. ORDER #133-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

11. ORDER #134-04/05 – Award of bid #205041 for the purchase of Recreation Management Software. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby questioned the differences in the bid prices of the software packages.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

12. ORDER #135-04/05 – Authorizing the City Manager to execute a deed restriction on open space at Main and Cornell Street. Passage requires majority vote.

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The following people addressed this item;

Stan Cox, Highland Ave. – Mr. Cox said things should be left as they are.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said this was a waste of time.

Gary Crosby, 2 Tanner Street – Mr. Crosby encouraged the Council to leave the property as is because no one knows what the needs will be 20 years from now.

JoAnne Devine, 22 Carignan Ave. – Ms. Devine requested that the Council not place further restrictions on this property.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Failed 3-3 (Boudreau, Maietta, Beecher).

13. ORDER #136-04/05 – Amending Order #109-04/05 regarding the Fairways Condominium property. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired as to why the city was taking this property by eminent domain.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Motion to amend the order to change Order #106 to Order #109 in the first paragraph was made by Councilor Beecher and seconded by Councilor Boudreau. The amendment passed 6-0. The main motion passed as amended 6-0.

14. ORDER #137-04/05 – Award of bid #205045 for the purchase of a closed circuit TV system. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Passed 6-0.

15. ORDER #138-04/05 – Authorizing appropriations to fund the upgrade of the City's Microsoft Licensing and Computer Reserve Account as part of the FY 2005 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

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I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau expressed disappointment in the divisiveness generated from the Sawyer School property and hoped that everyone would remain open minded if a skateboard park in considered for this location.

Councilor De Angelis thanked Dan Mooers for his kind words and said she was tired of the public badgering. She expressed excitement about the Knightville / Millcreek Community Design Workshop and encouraged participation.

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841 to discuss application for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A. §405 (6) (e), consultation with Corporation Counsel regarding pending litigation, Banks and Lavigne v. City of South Portland.

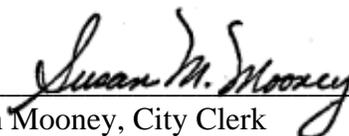
Motion to adjourn to executive session was made at 9:13 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Adjournment passed 6-0.

Motion to return from executive session was made by Councilor Beecher and seconded by Councilor De Angelis, 6-0.

Motion to adjourn was made at 9:45 P.M. by Councilor Maietta and seconded by Councilor Beecher. Adjournment passed 6-0.

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ATTEST



Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 66 PAGE 111
MARCH 21, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor De Angelis and seconded by Councilor Beecher to accept the minutes for the meeting March 7, 2005. Passed 7-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Minutes from PACTS 2/16/05 Meeting
- Letter from Art Cleaves, Me. Emergency Management Agency, recognizing Jeff Temple assisting MEMA with a "Blackout" exercise.
- Recognition of Time Warner Cable's National Teacher Award to South Portland High School Teacher, Julie McCubrey
- 2005/2006 Budget Information

C. Petitions and Communications

Department Reports for the month of February, 2005.

Attendance Reports for the month of February, 2005.

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Jacobs. Postponed 7-0.

2. ORDER #131-04/05 – Civil Service Commission, District 2 (Maietta) for a term which expires on 03/01/10. Postponed on 03/07/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Michael W. Holmes of 79 Parrott Street was made by Councilor Maietta and seconded by Councilor Beecher. Passed 5-2 (De Angelis, Jacobs).

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3. ORDER #139-04/05 – Planning Board, District 4 (Beecher), for a term which expires on 04/01/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0.

4. ORDER #140-04/05 – Planning Board, District 5 (Hughes) for a tem which expires 04/01/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Carol Thorne, of 96 Sandy Hill Road was made by Mayor Hughes and seconded by Councilor Beecher. Passed 7-0.

5. ORDER #141-04/05 – Housing Authority, District 3 (De Angelis) for a term which expires on 03/25/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Frank Morong of 325 Evans Street was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Carole Schmidt, 10 Soule Street – Ms. Schmidt said lighting around Mill Creek Park and the Greenbelt walkway in the Soule Street areas was poor and asked that at least two lanterns be installed.

Pioprek Stamieszkin, Chairman of Temple Bet Ha'Am Building Committee – Mr. Stamieszkin asked that the open space near the Temple not be considered for a skateboard park.

Stan Cox, 460 Highland Ave. – Mr. Cox talked about the State's plan to reduce the number of 911 call centers.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith again raised the issue concerning an email exchange between Councilor Jacobs and Carolyn Churchill. He also talked about 450 million dollars in bonds that he said will be passed at the State that would not be voted on by the residents of the State.

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Ray Lee, 28 Henry Street – Mr. Lee said one skateboard park in the city would not be enough. He also recommended that the City install a fence at the top of the stream embankment in Bug Light Park.

Rommy Brown, 10 E Street – Ms. Brown hopes that people will return to civility and said the personal attacks have got to stop. She encouraged speaking to focus on issues, not people.

G. Public Hearings and Actions

6. ORDINANCE #13-04/05 – Amending Chapter 27, “Zoning,” regarding a zone text change in the Professional Office District PO to include retail sales. Passed first reading on 02/23/05. Postponed on 03/07/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

There was no public discussion.

Tex Haeuser presented information and Ed Palmer, Manager of The Marriott and Tom Keene, Representing Sable Oaks Development were available to answer questions. Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Motion was made by Councilor Boudreau to amend the ordinance to break, “The maximum size of the retail use or uses shall not exceed 15,000 square feet in the aggregate.” into a subsection and also to include additional subsections,

(2) The exterior material of the building(s) containing a retail use or uses shall consist of brick, architectural stone, or other similar material equivalent in quality to the exterior treatments of a majority of the other buildings in the PO zoning district. The use of metal or vinyl siding is specifically prohibited.

(3) Section 27-139(d)(ii & iii) notwithstanding, a single sign is permitted at an entrance to a lot containing a retail use provided it is a ground sign no more than ten (10) feet in height and no more than eighty (80) square feet in area. For the purposes of this section, a ground sign is a free-standing sign in which the entire bottom is in contact with or is close to the ground.

Councilor De Angelis seconded the motion. The amendment passes 7-0. The main motion passed by roll call vote, as amended, 7-0.

H. Action on Old and New Business

7. ORDER #142-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

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Rommy Brown, 10 E Street – Ms. Brown provided some background on the Knightville / Mill Creek Design Workshop and encouraged citizens to participate.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

8. ORDER #143-04/05 - Amending the Traffic Schedule regarding a three-way stop at the intersection of McKinley Street, Washington Avenue and President's Way. Passage requires majority vote.

The following people addressed this item;

April Hill, 98 Washington Ave. – Ms. Hill spoke in favor of the three way stop sign.

Two correspondence from residents that were unable to attend the meeting; Jane Hunter, 85 Washington Street and Paul Rollins, 68 Washington Street. Both were opposed to the stop sign.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Councilor Boudreau requested that this be a temporary fix until the area could be reworked to accommodate a single stop sign. The motion passed 7-0.

9. ORDER #144-04/05 - Waiving the bid process and authorizing the sale of city-owned property on Margaret Street to Jay Woodward. Passage of waiver requires five (5) affirmative votes.

The following people spoke on this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the buyers should be able to put up a tool shed.

Bruce Green, 465 Highland Ave. – Mr. Green pointed out that passage would only require five affirmative votes. The Agenda listed that passage required majority vote.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker said he supported this item.

Christin Rioux, 56 Sprague Street – Ms. Rioux also encouraged support of this item and said it was a great neighborhood.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Councilor Boudreau made a motion to amend the deed to remove the words that have been struck through; "The above-described Lot 202 is hereby conveyed with the further restriction that no structure ~~other than a garage or other~~

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~~accessory structure permitted by the Zoning Ordinance, as that Ordinance may be amended from time to time,~~ may be placed on the parcel being conveyed by this Deed.” Councilor De Angelis seconded the motion. The deed amendment passed 6-1 (Fickett). The order passed 6-1 (Fickett).

10. ORDINANCE #15-04/05 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Commercial District C at 1199 Broadway. First reading. Passage requires majority vote.

The following people addressed this item;

Margaret Lyons, 1207 Broadway – Ms. Lyons said she was not opposed to the addition on the property but did have concerns about the zone change. She worried about the property being sold to an active chain like Starbucks or 7-11 Convenience Stores.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker asked whether a Conditional Zone would work in this location.

Stan Cox, 460 Highland Ave. – In consideration of the living quarters currently maintained above the business, Mr. Cox suggested that someone check to make sure an apartment is allowed if the area was changed to an LB Zone.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. The motion passed 4-3 (Jacobs, Fickett and De Angelis).

11. RESOLVE #8-04/05 – Designating three alternative sites for a skateboard park. Passage requires majority vote.

The following people spoke in support of this Resolve;

Jeff Ball, 19 Lawn Ave.
Joanne Devine, 33 Carignan Ave.
Bobby Bassonette, 101 Cottage Road
Alex Devine, 33 Carignan Ave.
Josh Kennedy, 12 Coach Road
Patrick Ryan, 338 Ocean Street
Anton Hoecker, 183 Marriner Street
Christopher Wood, 204 Elm Street
Bruce Green, 465 Highland Ave.
Chief Edward Googins, South Portland Police Department

The following citizens did not necessarily speak for or against but asked that certain locations not be considered for a skateboard park or had general comments about skateboarding;

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Pioprek Stamieszkin, Temple Bet Ha'am
Toby Rosenberg, Temple Bet Ha'am
Clarence Beckwith, 51 Bonnybriar Road
Rommy Brown, 10 E Street
Dick Bernard, 5 E Street

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. A motion was made to amend the resolve to include the following paragraph at the end of the resolve;

AND, BE IT FURTHER RESOLVED, that the South Portland City Council hereby authorizes and directs the City's Finance Department to create a municipal reserve account for the purpose of receiving tax exempt donations for the construction, maintenance and repair of a skateboard park or facility in the city, and/or scholarship money for South Portland students to attend skateboard camps or lessons, or transportation and fees to private skateboard facilities.

The motion was made by Councilor Beecher and seconded by Councilor Boudreau. The amendment passed 6-1 (Fickett). A seconded amendment was made by Councilor Boudreau and seconded by Councilor Jacobs to change "South Portland High School Athletic Field Complex" to "A city owned property near or between the South Portland High School Athletic Complex and the South Portland Community Center". The second amendment passed 6-1 (Fickett). The Resolve passed as amended 4-2 (Fickett, De Angelis) (Jacobs was out of the room).

12. ORDER #145-04/05 - Authorizing the City Manager to sign an Interlocal Solid Waste Agreement with Environmental Cooperative of Maine (EcoMaine), formerly Regional Waste Systems. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

13. ORDER #146-04/05 - Authorizing the City Manager to sign a Waste Handling Agreement with Environmental Cooperative of Maine (EcoMaine), formerly Regional Waste Systems. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0.

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14. ORDER #147-04/05 - Authorizing the City Manager to sign agreements with the Maine Department of Transportation to transport heavy construction equipment over city streets. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

15. ORDER #148-04/05 - Setting April 6, 2005, as the date for Public Hearing in City Council Chambers for the Proposed FY 2006 Municipal Budget. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0 (Boudreau out of room).

16. ORDER #149-04/05 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

I. Citizen Discussion (Second Part)

Dick Bernard, 5 E Street – Mr. Bernard disapproved of earlier negative comments from a citizen directed towards Councilor Jacobs. He encouraged this kind of behavior be coached.

John Collins, 53 Harborview Ave. – Mr. Collins addressed the same issue and commented on the decline of civility in society.

Casamira McIntire, 72 Skillings Street – Ms. McIntire expressed an interest in the Cash Corner neighborhood and voiced concerns about the heavy equipment coming in and out of the area.

J. Councilor's Round Robin

Councilor Fickett raised concerns about the growing value of local properties and the rate of taxes that citizens have to pay.

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Councilor Jacobs apologized to Councilor Maietta for not offering his reasons for not supporting his appointment to the Civil Service Commission earlier when the item came up for discussion. He indicated that he did not have any issues with the individual, however was concerned about appointing citizens who had previously supervised employees in the Fire or Police Departments.

Councilor De Angelis shared the same concerns as Councilor Jacobs. She also addressed comments from Mr. Beckwith earlier in the evening where he indicated that Councilor De Angelis had no interest in reviewing newspaper articles that he copied for her. She said that she had already read through the articles previously.

Mayor Hughes recognized the amount of hours that the City Manager works over and above his scheduled workweek.

Councilor Boudreau referred to an editorial she read in the paper by Jim Burnell. The article addressed the fact that important issues are getting lost, and not discussed because people are not focusing on the issues, they are focusing on people. She encouraged the need to look and identify the issues on hand.

Councilor Beecher said Councilor Boudreau hit the nail on the head. She said the Council needs to focus and pay attention to how we react and respond to people.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M. R. S. A. §405 (6)(C), to discuss the acquisition of real property.

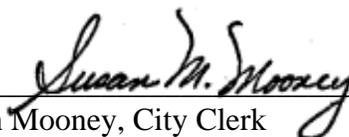
Motion to adjourn to executive session was made at 10:44 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Adjournment passed 7-0.

Motion to return from executive session was made by Councilor Fickett and seconded by Councilor Jacobs. Passed 7-0.

Motion to adjourn was made at 11:28 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Adjournment passed 7-0.

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Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 119
MARCH 28, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:35 P.M. Councilor Jacobs was absent. Rob Coombs, Finance Director sat in for City Manager, Jeff Jordan, who was away on vacation.

H. Action on Old and New Business

1. ORDER #150-04/05 - Award of bids for municipal pier and floats at Thomas Knight Park. Passage requires majority vote.

The following people addressed this item;

Shawn Toohey, Maritime Construction and Engineering Corp. – Mr. Toohey said he did not put in a bid when the initial request for proposal was sent out because the scope of work was more than he was able to take on at that time. He did submit a proposal, which ended up \$25,000.00 less than the accepted low bidder, however, he did not include the required bid bond with his proposal and his bid was rejected. He said he did not think this process was fair.

Rommie Brown, 10 E Street – Ms. Brown said she was happy the project is underway and indicated that this development will be good for the whole city.

Sarah Kirn, 58 D Street, member of the Boat Landing Advisory Committee – Ms. Kirn said she was also happy this is coming forward.

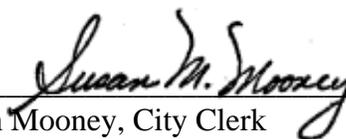
Tom Meyers, Director of Transportation and Waterfront and Steve DeWick, from Pine Tree Engineering presented information and answered questions from the Councilor.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-1 (Fickett).

Motion to adjourn from the Special Meeting was made at 7:10 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Adjournment passed 6-0.

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ATTEST _____


Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 120
APRIL 4, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. Councilor Beecher was absent.

A. Acceptance of Minutes

Motion was made by Councilor De Angelis and seconded by Councilor Boudreau to accept the minutes for the meeting March 21, 2005 and the Special Meeting on March 28, 2005. Passed 6-0.

B. Communications from City Manager

The City Manager addressed the following items;

- RWS Board Minutes from 03/17/05
- A copy of the proposed budget was passed out to Council members

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor De Angelis. Postponed 6-0.

2. ORDER #139-04/05 – Planning Board, District 4 (Beecher), for a term which expires on 04/01/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Hughes and seconded by Councilor Jacobs. Postponed 6-0.

E. Consent Calendar

3. Sign Permit

South Portland Rotary Club is requesting to place banners advertising an International Food Festival in various locations. Passage requires majority vote.

The following person addressed this item;

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Bill Arnold, 6 Northeast Lane – Mr. Arnold explained that the Festival was a fund raising event scheduled for May 7th, to sponsor a scholarship for an international student from a strife torn Country.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

F. Citizen Discussion (First Part)

David Lengyel, Owner of Willows Restaurant – Mr. Lengyel said he had a box of petitions from residents supporting the passage of Ordinance #11-04/05.

Craig Babbidge, 174 Barnstable Road – Mr. Babbidge was very upset about an email that was circulated by Councilor Jacobs, to support a campaign to keep Mr. Babbidge from being reappointed to the Planning Board. He indicated that he has recused himself from acting on items involving Maietta Construction and stated that this was a personal attack.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker said Mr. Babbidge was probably a very knowledgeable person, however, he did not feel it bodes well when another contractor or developer comes before the Planning Board.

Lori Bowring Michaud, 10 Hudson Road – Ms. Michaud supported Mr. Babbidge as a reappointment to the Planning Department. She received information from Chris Bowring indicating that Mr. Babbidge's wealth of information has served the Board well.

Rick Prince, 130 Fellows Street – Mr. Prince spoke in support of the zoning change in Cash Corner and encourage the Council to support the Ordinance.

David Bourke, 61 Willow Street – Mr. Bourke asked that the School Budget be considered closely before it is passed, sighting school enrollment is down.

Mike Legere, Winding Way – Mr. Legere said he is the third generation to be here in South Portland. He said Councilor Jacobs has been a strong supporter in the community.

Cheryle Guidod, 35 Daytona Street – Ms. Guidod expressed disappointment that Item #4 was to be postponed. She said she has no ill will against Willows, or GLM Associates, however, she is concerned about the property values of the residents in the neighborhood if the zone is changed.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta voiced concern about the growing problem with graffiti in the area. He said he has invested quite a bit to improve the area behind the Thomas Room to make it nicer for citizens who park

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in his lot and walk on the Greenbelt Walkway. Officer Caldwell has been good to work with but the problem is getting to the point where Mr. Maietta is considering putting up a fence.

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta was angry about the email from Councilor Jacobs and was disgusted with his tactics. He said if Councilor Jacobs has an issue, he should come out with it publicly.

Dan Mooers, 39 Ledge Road – Mr. Mooers encouraged decorum and civility at Council Meetings. He is concerned that the watered down city ordinance on conflict of interest puts the city in serious jeopardy and read through a law court article. He said Mr. Babbidge voted on the Pleasant Hill Auto zone change.

Ray Lee, 28 Henry Street – Mr. Lee supported the work that Mr. Babbidge has done on the Planning Board. He said Councilor Boudreau shouldn't vote on any Maietta issues because she has a relative that works for them. He said Councilor Jacobs was trying to line up people who think the way he does.

Gary Crosby, 2 Tanner Street – Mr. Crosby said he would defend ones right to write the debated email but he has never felt that Mr. Babbidge has been biased. He defended individual points of view and said you shouldn't get rid of someone because you don't agree with them. He said he has watched Planning Board meetings and thinks Mr. Babbidge has done a good job.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith defended his right to express his personal concerns without tying the expressed concerns to the Housing Authority, on which he serves. He said he was disappointed to see that the City Manager cut \$400,000 from the street-paving budget. He also said he attended the meeting coordinated in February by Senator's Bromley and Bartlett and said he didn't get a good answer from them regarding the Homestead Exemption. The City Manager explained why the homestead exemption is not exactly the same in each community.

David Jacobs, 52 High Street – Mr. Jacobs said the email did not have anything to do with the Council and that just because he is elected, it should not preclude him to react as a citizen. He said he agreed to forward the email. He also said that as a Councilor, he would never imply that his vote was "for sale" and indicated that you shouldn't believe everything you read.

G. Public Hearings and Actions

4. ORDINANCE #11-04/05 - Amending Chapter 27, "Zoning," for a zone map change from Residential District A to Limited Business District LB for Map 41, Lots 48, 48B and 48A – Cash Corner. Passed first reading on 02/07/05. Postponed on 02/23/05. Roll Call Vote. Passage requires five affirmative votes.

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There was no public discussion.

Motion to postpone was made by Mayor Hughes and seconded by Councilor Boudreau. Postponed 5-0 (Maietta abstaining).

5. ORDINANCE #15-04/05 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Commercial District C at 1199 Broadway. Passed first reading on 03/21/05. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Motion to postpone was made by Mayor Hughes and seconded by Councilor Maietta. Postponed 6-0.

Motion to take Item #8 out of order was made by Councilor Maietta and seconded by Councilor De Angelis. Passed 6-0. See Item #8 for detail.

6. ORDER #151-04/05 – Authorizing the City Manager to submit to the South Portland Community Development Block Grant Annual Action Plan for FY2005 to the Department of Housing and Urban Development. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith was in favor of the order but voiced concerns about the future of the CDBG grant.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker said he was unsure whether he would support the increase of \$2,000 for the Dare Van. He questioned the long term effectiveness of the program.

James Gailey, CDBG Director answered questions from the Council and introduced the Community Development Advisory Committee. Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Motion to amend the action plan, per the recommendations of the City Manager, was made by Councilor Jacobs and seconded by Councilor De Angelis. The amendment, as follows;

1. Fund the full request for recreation scholarships for disadvantaged youth in our community - +\$5,000
 2. Fund both passenger van requests (Boys Club and DARE) at \$10,000
 3. Fund Southern Maine Area Agency on Aging (SMAAA) Meals on Wheels program for \$3,000; a 50% increase over last year’s appropriation
 4. Fund SMAAA’s Mr. Fix It program for the \$2,000 they requested.
- passed 6-0. The main motion passed as amended 6-0.

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H. Action on Old and New Business

7. PROCLAMATION #7-04/05 - Proclaiming the week of April 10 through April 16, 2005, as Maine Public Safety Telecommunicators Week. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

8. ORDER #152-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Chief Gogins was present to express his appreciation to the Lion's Club for the donation to purchase 4 Tasers, 20 Training and 20 Active cartridges. Three members of the Lions Club attended the meeting. Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

9. ORDER #153-04/05 – Accepting a donation of office furniture from Disability Reinsurance Management Services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Mayor Hughes. Passed 6-0.

10. ORDER #154-04/05 – Amending Order #143-04/05 regarding an amendment to the Traffic Schedule for a three-way stop on President's Way and Washington Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

11. ORDER #155-04/05 – Accepting a portion of Spring Street (easterly of Summit Street) as a City street. Passage requires majority vote.

There was no public discussion.

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Motion to postpone was made by Councilor De Angelis and seconded by Councilor Boudreau. Postponed 6-0.

12. ORDER #156-04/05 – Accepting a grant from the Maine Humanities Council to be used by the South Portland Library. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0.

13. ORDER #157-04/05 – Award of bid #205054 to provide paving services for the 2005 season. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

14. ORDER #158-04/05 – Authorizing the City Manager to sign a Purchase and Sale agreement for the acquisition of One Wallace Avenue. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith voiced concerns about receiving a Quit Claim Deed on the property and also whether the soil may be contaminated.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker said this was an exciting opportunity and hopes that the City will work with private individuals to explore the possibility of utilizing the property to recycle steel.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

15. ORDINANCE #16-04/05 – Authorizing the appropriation for the acquisition of One Wallace Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

16. ORDER #159-04/05 – Accepting the warrant announcing the Special Municipal Election for June 7, 2005. Passage requires majority vote.

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The following people addressed this item;

Alan Mills, 317 Preble Street – Mr. Mills suggested that the Council take special care to educate the community on the purchase of Wallace Ave.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker inquired whether the possibility to consolidate polling places would be an option. The City Clerk said it would have to happen at least 90 days before the election.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

I. Citizen Discussion (Second Part)

Jim Soule, 23 Whitworth Drive – Mr. Soule asked the Council to consider holding another workshop before the final consideration of the zoning amendment outlined in Ordinance #15-04/05. He requested a discussion on zoning issues in the City for comparisons of businesses in Commercial verses Limited Business zones.

J. Councilor's Round Robin

Councilor Jacobs addressed the breakdown of civility at Council meetings.

K. Executive Session

Pursuant to 1 MRSA §405(6)(E), consultation with the Corporation Counsel regarding pending litigation, Theodore Wainwright v. City of South Portland.

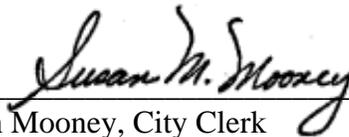
Motion to adjourn to executive session was made at 10:11 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

Motion to return from executive session was made at 10:40 P.M. by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-0.

Motion to adjourn was made at 10:40 P.M. by Councilor Jacobs and seconded by Councilor Boudreau. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 127
APRIL 20, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:33 P.M. Councilor Maietta was absent and Councilor De Angelis had not yet arrived. A motion to adjourn to executive session was made by Councilor Boudreau and seconded by Councilor Beecher. Motion passed 5-0. Motion was made at 7:17 P.M. to return from executive session by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes for the meeting April 7th, 2005 Council Meeting. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Final report on the One Community One Book program
- Tax Abatement Report from the Finance Director
- The Manager distributed copies of Financial Statements for the period ending 03/31/05
- Letter from Susan Collins stating her support of CDBG funding
- A copy of the State Statute and City Ordinance addressing Conflict of Interest was distributed. Corporation Counsel, Mary Kahl, provided an explanation on both.

C. Petitions and Communications

Department Reports for the month of March, 2005

Attendance Reports for the month of March, 2005

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Mayor Hughes and seconded by Councilor De Angelis. Passed 6-0.

2. ORDER #139-04/05 – Planning Board, District 4 (Beecher), for a term which expires on 04/01/08. Postponed on 04/04/05. Passage requires majority vote.

The following people spoke in support of the reappointment of Craig Babbidge;

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Carol Thorne, 96 Sandy Hill Road
Chris Bowring, 151 Elderberry Drive
Stan Cox, 460 Highland Ave.
Steve Hasson, 148 Breakwater Drive
Gary Crosby, 2 Tanner Street
Clarence Beckwith, 51 Bonnybriar Road
Kay Loring, 11 Riverplace Drive
Ed Beecher, 1359 Highland Ave.
Ray Lee, 28 Henry Street
Mark Loring, 5 Woodmoor Road
Lori Michaud Bowring, 10 Hudson Road
Craig Babbidge, 174 Barnstable Road

The following people either did not support the reappointment for reasons of conflict of interest, or spoke in support of deferring the appointment;

Bill Arnold, 6 Northeast Lane
Brenda Peluso, 11 Myrtle Ave.
John Collins, 53 Harbor View Ave.
John Jamieson, 28 Jennies Court
Richard Rottkov, 14 Woodbury Street
Alan Mills, 317 Preble Street
Dick Bernard, 5 E Street
Anton Hoecker, 183 Marriner Street
Joan Ura-neck, 82 Willow Street

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. A second motion was made by Councilor De Angelis and seconded by Councilor Jacobs to postpone this item. The postponement failed 2-4 (Hughes, Boudreau, Jacobs, Beecher). The main motion passed 4-2 (Jacobs, De Angelis)

E. Consent Calendar

F. Citizen Discussion (First Part)

Ed Beecher, 1359 Highland Ave. – Mr. Beecher remarked this was a sad time for the City and that the amount of time spent on item #2 shortchanges the taxpayers in the City. Mr. Beecher was very upset about a communication sent by Dan Mooers to Councilor Beecher regarding conflict of interest.

Steven Hasson, 148 Breakwater Drive – Mr. Hasson expressed concerns about the deterioration of the sea wall at Fort Preble.

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Ray Lee, 28 Henry Street – Mr. Lee said that in the thirty years he has been attending Council Meetings, he has never seen the Council spend over two hours on an appointment. He supported the improvements made by Mr. Soule at the Lincoln Street/Broadway business location.

Gary Crosby, 2 Tanner Street – Mr. Crosby said he doesn't see how conflict of interest could be removed in every situation.

Chris Bowring, 151 Elderberry Drive – Mr. Bowring questioned using unobligated funds for Item #12 and suggested using funds from the Land Bank Trust. He also inquired about the twenty-five cent budget increases targeted for debt service.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he was in favor of a bond issue to buy the Durastone building. He also expressed concerns about the massive cleanup job in that area.

Bill Ridlon, 56 Summers Street – Mr. Ridlon asked that the Council support Order #155, acceptance of a portion of Spring Street.

Alan Mills, 317 Preble Street – Mr. Mills said that disagreements can occur without personal attacks.

Joan Uraneck, 82 Willow Street – Ms. Uraneck expressed frustration with the Planning Board and said that they do not listen to citizens concerns.

Dick Bernard, 5 E Street – Mr. Bernard agreed with Mr. Mills. He said it is important to hear the minority view on issues.

Rommie Brown, 10 E Street – In regard to the Planning Board, Ms. Brown said it was important to have a vision for the City. She indicated the need to develop ordinances to support that vision.

Brenda Peluso, 19 Myrtle Ave. – Ms. Peluso encouraged dialog and comprehensive planning to continue with the neighborhood associations.

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta inquired about the amount of streetlights that were burned out in the Maine Mall area. The City Manager said the problem had been addressed and the City has received reimbursement for that issue.

John Collins, 53 Harbor View Ave – Mr. Collins thanked the Council for their work and commented that it is important to hear what the public has to say.

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Richard Rottkov, 14 Woodbury Street – Mr. Rottkov pointed out that other cities use a screening committee to review board appointments. He encouraged the need to look at a liberal point of view.

G. Public Hearings and Actions

3. ORDINANCE #11-04/05 - Amending Chapter 27, “Zoning, “ for a zone map change from Residential District A to Limited Business District LB for Map 41, Lots 48, 48B and 48A – Cash Corner. Passed first reading on 02/07/05. Postponed since 02/23/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

The following people spoke in opposition to this item;

Cheryle Guidod, 35 Daytona Street
Henry Guidod, 35 Daytona Street
Lillian Frost, 26 Daytona Street
Jean Oneill, 21 Daytona Street
Francis Oddi, 31 Daytona Street
Rommie Brown, 10 E Street
Judy Hill, 146 Brigham Street
William Keniston, 17 Lubec Street

The following people spoke in support of this item;

David Lengyel, Owner of Willows Restaurant
Richard Varney, 1584 Broadway
Peter Clark, 31 Winding Way
Nichole Roberts, 5 Wythburn Road

The following people made general comments on this item;

Louis Maietta, 185 Elderberry Drive
Casimara McIntire, 72 Skillings Street

Motion to open the item for discussion was made by Councilor Jacobs and seconded by Councilor De Angelis. The item failed roll call vote 0-6 (Beecher, Jacobs, Hughes, Fickett, Boudreau, De Angelis).

The Council adjourned for a five minute recess.

4. ORDINANCE #15-04/05 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Commercial District C at 1199 Broadway. Passed first reading on 03/21/05. ROLL CALL VOTE. Postponed on 04/04/05. Passage requires 5 (five) affirmative votes.

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The following people spoke saying they did not have an issue with an amendment to change the ordinance to read “from Residential District A to Transitional Residential RT”.

Margaret Lyons, 1207 Broadway
Bill Lee, 1254 Broadway
Janice McNally, 401 Lincoln Street

Jim Soule, 23 Whitworth Drive – Mr. Soule reviewed information previously presented at a Council Workshop.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Motion to amend the ordinance from Commercial District to Transitional Residential RT was made by Councilor Jacobs and seconded by Councilor De Angelis. The amendment passed 6-0. The main motion passed roll call vote as amended 6-0.

5. ORDINANCE #16-04/05 – Authorizing the appropriation for the acquisition of One Wallace Avenue. Passed first reading on 04/04/05. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed roll call vote 6-0.

A motion to postpone items 7, 8 and 10 was made by Councilor De Angelis and seconded by Councilor Jacobs. Postponement of these items passed 6-0.

H. Action on Old and New Business

6. ORDER #155-04/05 – Accepting a portion of Spring Street (easterly of Summit Street) as a City street. Postponed on 04/04/05. Passage requires majority vote.

The following person addressed this item;

Hobie Harnden, 144 Clifford Street – Mr. Harnden opposed the passage of this item sighting several issues.

Motion to open this item for discussion was made by Councilor Jacobs and seconded by Councilor Beecher. The motion failed 1-5 (Beecher, Jacobs, Hughes, Boudreau, De Angelis)

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7. ORDER #160-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

Postponed.

8. ORDER #161-04/05 - Award of bid #205060 for the purchase of a handicapped accessible bus for the Parks and Recreation Department. Passage requires majority vote.

Postponed

9. ORDER #162-04/05 – Approving the installation of a sub-surface holding tank in the right-of-way off Main Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0.

10. ORDER #163- 04/05 - Award of bid #205058 for piling replacement and debris removal at Portland Street Pier. Passage requires majority vote.

Postponed

11. ORDER #164-04/05 – Award of bid #205068 for Architectural /Engineering Services at One Wallace Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

12. ORDER #165-04/05 – Authorizing an appropriation of \$50,000 from unobligated fund balance for the purpose of acquiring One Wallace Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0.

I. Citizen Discussion (Second Part)

Dan Mooers, 39 Ledge Road – Mr. Mooers defended a communication he made to Councilor Beecher regarding his opinions on conflict of interest, in response to comments made earlier in the evening by Mr. Beecher.

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Cheryle Guiod, 35 Daytona Street – Ms. Guiod was very upset about a verbal confrontation that occurred between her husband, Mr. Maietta and Mr. Lengyel by the back entrance of City Hall when members attending the meeting were leaving after Item #3. She wanted a public apology.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta indicated that there were two sides to that confrontation and that Ms. Guiod came out into it about 5 or 6 minutes after it started.

J. Councilor's Round Robin

Councilor De Angelis said the meeting was distressing.

Regarding dogs on Willard Beach, Councilor Boudreau reminded people to be respectful and to have their dog on a leash. She also expressed distress over this meeting and recommended that communications by email be stopped.

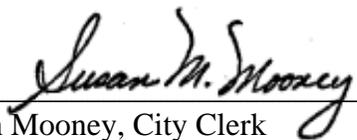
K. Executive Session

A motion may be made to go into Executive session pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with the South Portland Firefighters IAFF Local #1476; and pursuant to 1 M.R.S.A. §405 (6) (E) discussion with Corporation Counsel regarding the City Council's legal rights and duties.

A motion to adjourn was made at 12:10 P.M. by Councilor De Angelis and seconded by Councilor Jacobs. Adjournment passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 134
MAY 2, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. Councilor Jacobs was absent.

A. Acceptance of Minutes

Motion was made by Councilor De Angelis and seconded by Councilor Boudreau to accept the minutes for the meeting April 20th, 2005 Council Meeting. Passed 6-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Training exercise for Weapons of Mass Destruction scheduled for May 11th
- RWS – Minutes from 3/28 and 4/22. Also, information of Mercury
- PACTS Policy Committee meeting minutes from 2/16 and 3/17
- Police Department Annual Awards Ceremony – review of recipients

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Maietta and seconded by Councilor De Angelis. Postponed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Stan Cox, 460 Highland Ave. – Mr. Cox said comments from some Council members regarding the zoning change at Cash Corner were that this zone change was different than a similar zone change that occurred across the street near One Stop Party Shop. He said it was his opinion that the same restrictions would have been in place and that the owner of the property abutting that location was not given the same consideration.

John Murphy, 6 Willard Street – Mr. Murphy said he submitted a 10% bid deposit for the sale of Surfsite Road (Item # 7) in the amount of \$7,500, however he mistakenly enclosed a bid that indicated his bid to be \$67,998. He said he hopes

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the Council will accept his bid at the intended \$75,000 and consider him to be the highest bidder.

Attorney Mike Vaillancourt, 590 Sawyer Street – Mr. Vaillancourt spoke on behalf of his client, Paul Smith – Tahoe Development. Mr. Vaillancourt said Mr. Smith was the actual high bidder of the Surfsite Road property at \$68,000.

Larry Tenan, 193 Stanford Street – Mr. Tenan complained about the cost to taxpayers for the bus service and Park Rangers. He offered to pay for an efficiency expert to do a review of the school department if the Council would commit to agreeing with his findings.

Ray Lee, 28 Henry Street – Mr. Lee said he was misquoted at the last Council meeting. He said Councilor Boudreau indicated that he was in support of the purchase of the Durastone Building. He said he is not. He raised concerns about setbacks problems with the new house on Cottage Road across from Hobbs Funeral Home.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith agreed with Mr. Tenan's comments about the cost of the bus service.

Sarah Whitney, 20 Edgewood Road – Ms. Whitney was looking for clarification from the Council regarding the court case involving a housing development in Cape Elizabeth that abuts the neighborhood where she lives.

Anna Bragdon, 276 Broadway – Ms. Bragdon encouraged the Council to support Mr. Murphy's proposal for the Surfsite Road property.

Tom Meyers, Director of Transportation and Waterfront spoke at the request of the Manager. He said that there are no public transit systems that are not subsidized. He stated that ridership has increased by 20% and accounts for 179,000 rides per year. Based on those increased rides and additional grants, needs from taxes decreased by 1.8%, even though salaries in the department have increased by 3%. A one mile trip in a cab would cost \$3.65 and the real cost per bus trip is \$3.44.

G. Public Hearings and Actions

H. Action on Old and New Business

2. ORDER #160-04/05 – Accepting miscellaneous donations. Postponed on 04/20/05. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

3. ORDER #161-04/05 - Award of bid #205060 for the purchase of a handicapped accessible bus for the Parks and Recreation Department. Postponed on 04/20/05. Passage requires majority vote.

There following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee said City buses should be used.

Tom Meyers, Director of Transportation and Waterfront – Mr. Meyers said if municipal buses are allowed to be used for non fixed route service, the City would lose federal grant money.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-1 (Fickett)

4. ORDER #163- 04/05 - Award of bid #205058 for piling replacement and debris removal at Portland Street Pier. Postponed on 04/20/05. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he hopes the pier looks better when its done.

Ray Lee, 28 Henry Street – Mr. Lee said he was confused about the bid process and asked if low bid was accepted. He was told that low bid was accepted.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0

5. ORDER #166-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

6. ORDER #167-04/05 – Award of bid for sale of city-owned property at 1396 Broadway. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0.

7. ORDER #168-04/05 – Award of bid for the sale of city-owned property at 0 Surfsite Road. Passage requires majority vote.

The following people addressed this item;

Attorney Mike Vaillancourt, 590 Sawyer Street – Mr. Vaillancourt said Tahoe made the highest bid and letters from Mr. Murphy signed by neighbors should not bear any weight with the Council.

John Murphy, 6 Willard Street – Mr. Murphy said bid specs clearly state that the City can accept or reject any bid. He asked that if the Council does not award the bid to him, he would like them to reject all bids and put it out to bid again.

Ray Lee, 28 Henry Street – Mr. Lee said the Council should support a local taxpayer and that the bid should be awarded to Mr. Murphy.

Stan Cox, 460 Highland Ave. – Mr. Cox said conditions on the property have changed. He felt the Council should cancel the bid and put it back out to bid once the lawsuit is settled.

Motion for passage was made by Councilor Boudreau and seconded by Mayor Hughes. An amendment was made by Councilor Boudreau to postpone the closing until two weeks after a final court decision in favor of the City was passed. Mayor Hughes seconded the amendment. The amendment passed 4-2 (Fickett, Beecher). The main motion failed as amended 3-3 (Fickett, Beecher, Maietta).

Councilor Boudreau made a motion to reject all bids so that the order would have closure. Councilor De Angelis seconded the motion. The motion to reject all bids passed 6-0.

8. ORDER #169-04/05 – Authorizing the City Manager to submit a report on Brick Hill Affordable Housing TIF District to the State of Maine. Passage requires majority vote.

The following people addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby wanted to make sure that there would be stop gaps in place to ensure that income would be verified for eligibility of the affordable housing units.

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Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked for clarification on whether occupancy permits would be issued before the completion of the Jetport Plaza Road and the Exit 3 ramp.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-1 (Fickett)

9. ORDER #170-04/05 – Authorizing the City Manager to sign an agreement with David Lengyel regarding a setback violation. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 5-1 (Fickett).

10. ORDER #171-04/05 - Authorizing the City Manager to sign a collective bargaining agreement with South Portland Firefighters IAFF Local #1476. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 6-0.

11. ORDER #172-04/05 -- authorizing the law firm of Bernstein, Shur, Sawyer & Nelson to provide legal services to the City. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

I. Citizen Discussion (Second Part)

Paul Smith, Tahoe Development – Mr. Smith indicated that the Council made a mistake by not awarded the bid for Surfside Road to him. He said he was willing to take the risk that the pending law suit might not be awarded in the City's favor.

Gary Crosby, 2 Tanner Road – Mr. Crosby asked if it is possible to list a City owned property with a broker. The ordinance requires that City property be put out to bid unless it is offered to an abutting owner with a unique interest or a non-profit agency.

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William Fowler, 196 Stanford Street – Mr. Fowler asked about the approval of three 30 gallon propane tanks and asked why it was allowed to pass when a “No new tanks” ordinance had been put in place.

J. Councilor’s Round Robin

Councilor Fickett said the prices of houses are higher than they should be. He indicated that people are paying for a value that doesn’t exist.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council’s legal rights and duties.

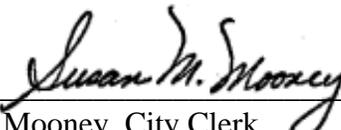
Motion to adjourn to executive session was made at 10:01 P.M. by Mayor Hughes and seconded by Councilor Boudreau. Passed 6-0.

Motion to return from executive session was made at 10:55 by Councilor Fickett and seconded by Councilor Beecher. Passed 6-0.

Motion to adjourn was made at 10:56 by Councilor Boudreau and seconded by Councilor Maietta. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 66 PAGE 140
MAY 16, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:31 P.M. A motion to adjourn to executive session was made by Councilor Jacobs and seconded by Councilor Boudreau. Motion passed 7-0. Motion was made at 7:06 P.M. to return from executive session by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes for the meeting May 2nd, 2005 Council Meeting. Passed 7-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Willard Beach Cleanup – Update from Theresa Wiper
- Article on Officer Robert Scarpelli’s presentation on Students Teaching Other People (S.T.O.P.)

The City Clerk reminded citizens of the June 7th Election and said absentee ballots are available in the Clerk’s Office now. She also indicated that volunteers were needed to place markers on Veteran’s graves in four cemeteries in South Portland on May 28th and asked that interested citizens call 767-7601.

C. Petitions and Communications

Department reports for the month of April, 2005
Attendance reports for the month of April, 2005

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Maietta and seconded by Councilor Boudreau. Postponed 7-0.

E. Consent Calendar

2. Sign Permit

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Southern Maine Community College – Art by the Bay is requesting to place signs at the intersection of Broadway and Westbrook; and at the intersection of Waterman Drive and Broadway. Passage requires majority vote.

There was no public discussion.

Tim Carr was present on behalf of “Art by the Bay” and answered questions from the Council. Motion for passage was made by Councilor Maietta and seconded by Councilor Beecher. Passed 7-0.

F. Citizen Discussion (First Part)

Bill Arnold, 6 Northeast Lane – Mr. Arnold expressed safety concerns in regard to traffic turning left from Alfred Street onto Evans. He pointed out several areas that should be looked at and questioned whether a 30-mile per hour speed limit in the area heading towards the High School was appropriate.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he attended a presentation at SMCC regarding a proposal to develop a convention center near Bug Light Park. He said the project would generate good tax revenue and he hopes that the project is supported.

Ray Lee, 28 Henry Street – Mr. Lee inquired whether any bonds would be retired in the next year. He said purchasing the Durastone Building would be a good investment for the City if we were not already carrying \$42,000,000 in debt.

Stan Cox, 460 Highland Ave. – Mr. Cox said Item #4 should not be brought back for a reconsideration because there were too many controversial elements hanging overhead. He encouraged the Council to put the property back out to bid once the lawsuit was settled.

G. Public Hearings and Actions

3. Business Licenses

Lodging Establishment Renewals

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

H. Action on Old and New Business

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4. ORDER #168-04/05 – Reconsideration of award of bid for the sale of city-owned property at 0 Surfsite Road. Passage requires majority vote.

Corporation Counsel, Mary Kahl, explained how the process of reconsideration should be conducted for this item. Councilor De Angelis made a motion to reconsider the rejection of all bids. Councilor Boudreau seconded the motion. The reconsideration passed 5-2 (Fickett, Beecher).

The Mayor opened the floor for public discussion and the following people addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee agreed with the earlier comments made by Mr. Cox during Public Discussion – Part One.

John Murphy, 6 Willard Street – Mr. Murphy encouraged the Council to reject all bids and said this process has been very cumbersome and convoluted. He also said the offering has changed since the bid was mailed out.

Tim Keiter, Legal Representative of John Smith – Mr. Keiter said he and Mr. Smith had researched the property and knew of the lawsuit before the bid was submitted. Mr. Smith was willing to accept the risk.

The reconsideration left the vote in favor of rejecting all bids on the table. Councilor's Beecher and Fickett voted in favor of rejecting all the bids and Jacobs, Maietta, Hughes, Boudreau and De Angelis voted against rejecting all the bids.

A motion was made by Councilor Maietta and seconded by Councilor Boudreau to reconsider the vote to award the bid as amended. The reconsideration passed 5-2 (Fickett, Beecher).

The Mayor again opened the floor up for public discussion. The following people addressed the item;

Stan Cox, 460 Highland Ave. – Mr. Cox inquired as to whether the motions were in order. Corporation Counsel ensured that they were.

Ray Lee, 28 Henry Street – Mr. Lee said that if the award of bid was going to happen tonight, the bid should be awarded to Mr. Murphy.

Marion Morang, 33 Wildrose Ave. – Mrs. Morang took offense to comments that suggested Mr. Smith didn't care about the City of South Portland. She said she was Mr. Smith's Aunt and both she and Mr. Smith's Grandparents live in South Portland and he should have the same consideration as any other resident in the State of Maine.

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John Murphy, 6 Willard Street – Mr. Murphy again asked the Council to re-bid the property.

Tim Keiter, Legal Representative of John Smith – Mr. Keiter said they do not wish to tell the Council how to conduct its business. They are willing to accept the Council's decision on how to handle this item.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the property should be awarded to the highest bidder.

A motion was made by Councilor Maietta to remove the amendment that had passed at the last Council Meeting to direct the closing to take place after the lawsuit had been settled. Councilor De Angelis seconded the motion. The motion passed 7-0. This action brought the Order back to where it could be voted on as originally submitted.

The Order passed, awarding the bid to Tahoe Development for \$68,000 with a vote of 5-2 (Fickett, Beecher).

5. ORDER #173-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

6. PROCLAMATION #8-04/05 – Proclaiming May 21, 2005 as Arbor Day within the City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

7. ORDER #174-04/05 – Award of bid #205072 for the furniture for Dyer School. Passage requires majority vote.

There was no public discussion.

This item was withdrawn from the agenda.

8. ORDER #175-04/05 – Accepting a \$10,000 grant from the Greater Portland Public Development Commission to be used by the South Portland Public Library. Passage requires majority vote.

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MAY 16, 2005

There was no public discussion.

Marion Peterson, Library Director, was available and answered questions from the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Passed 7-0.

9. RESOLVE #9-04/05 – Adopting the 2004 Cumberland County Hazard Mitigation Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

10. ORDER #176-04/05 – Accepting \$4,412.40 under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

11. ORDER #177-04/05 – Authorizing the City Manager to sign a Federal Equitable Sharing Agreement with the U.S. Department of Justice for participation in the equitable sharing program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

12. ORDER #178-04/05 – Authorizing the approval of Transportation Projects funded by the State of Maine within the City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. A motion to amend the order to include an AVL System for the Bus Service was made by Councilor Boudreau and seconded by Councilor Beecher. The amendment passed 7-0. The main motion passed as amended 7-0.

13. ORDER #179-04/05 - Authorizing the City Manager to submit an Edward Byrne Memorial Justice Assistance Grant application to be used by the Police Department. Passage requires majority vote.

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There was no public discussion.

Chief Googins presented the background information for this item. Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

I. Citizen Discussion (Second Part)

Lou Sandmeyer, 54 Surfsite Road – Mr. Sandmeyer asked whether the lawsuit will transfer to Mr. Smith once the sale of 0 Surfsite Road takes place. Corporation Counsel, Mary Kahl, said the City would make a motion to the Court to substitute the name.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker was concerned about not having been contacted regarding his application to fill a vacancy on the Board of Appeals. He said he was furious about the Council's decision to sell the Surfsite property. He felt the Council was unloading its responsibilities and that it was not fair.

J. Councilor's Round Robin

Councilor Jacobs reminded citizens of several events scheduled to take place;

- South Portland Land Trust Plant Sale – Saturday morning
- South Portland Historical Society Annual Meeting – Wednesday evening
- Memorial Day Parade – May 30th
- Commute Another Way Day – June 15th – Details at www.gomaine.org
- Vote – June 7th

Councilor Maietta addressed concerns raised by Mr. Hoecker about the vacancy on the Board of Appeals. He said he has been communicating with two other citizens regarding the open seat.

Councilor De Angelis informed citizens about P.R.O.P.'s Peoples Golf Classic on June 17th. Information is available at P.R.O.P.'s website or she will answer questions if anyone wants to email her. She also invited citizens to the opening of the Parkside Community Center on June 3rd.

Councilor Beecher remarked about the wonderful luncheon hosted by Meals on Wheels. She said Ann Vain and her staff did a great job. She also addressed concerns about her microphone not working correctly at the last Council meeting. She apologized for having accidentally placed her packet material over the "cough" button, which mutes the microphone.

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Mayor Hughes advised the public of an ad hoc committee meeting on Wednesday night at 6:30 P.M. which is discussing ways to improve communications and issues regarding Council appointed boards and committees.

Councilor Boudreau asked if the Council could be presented with an update on the Greater Portland Public Development Commission.

Councilor Fickett raised concerns about the decline of the value of the dollar and rising property values.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

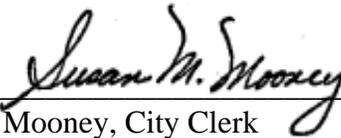
Motion to adjourn to executive session was made at 9:06 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

Motion to return from executive session was made at 9:53 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

Motion to adjourn was made at 9:54 P.M. by Councilor Jacobs and seconded by Councilor Maietta. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 66 PAGE 147
MAY 20, 2005

Roll Call: Mayor Hughes called the Special Meeting to order at 8:00 A.M. Councilors Fickett, Beecher and Jacobs were not in attendance. Councilor De Angelis arrived late.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

A motion to adjourn to executive session was made by Councilor Boudreau and seconded by Councilor Maietta. Motion passed 3-0.

IN SPECIAL MEETING VOL. 66 PAGE 148
JUNE 2, 2005

Roll Call: Mayor Hughes called the Special Meeting to order at 3:00 P.M. Councilor Jacobs was absent.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

A motion to adjourn to executive session was made by Councilor De Angelis and seconded by Councilor Boudreau. Motion passed 5-0. Motion was made to return from executive session by Councilor Boudreau and seconded by Councilor De Angelis. Passed 4-0. Motion to adjourn was made by Councilor Fickett and seconded by Councilor Beecher.

IN REGULAR MEETING VOL. 66 PAGE 149
JUNE 6, 2005

Roll Call: Mayor Hughes called the Special Meeting to order at 6:40 P.M. A motion to adjourn to executive session was made by Councilor Boudreau and seconded by Councilor Jacobs. Motion passed 4-0. Motion was made at 6:48 P.M. to return from executive session by Councilor Boudreau and seconded by Councilor Maietta. Passed 4-0.

Motion to pass Hardship Abatement #3-04/05 in the amount of \$1,144.03, plus interest and costs was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 4-0. Motion to adjourn from the Special Meeting was made by Councilor Boudreau and seconded by Councilor Maietta at 6:49 P.M. 4-0

Mayor Hughes called the regular meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Boudreau to accept the minutes for the meeting May 16, 2005 Council Meeting. Passed 7-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Commute Another Way Day – June 15th
- Spring Point Ledge Lighthouse – A Brief History by Rusty Nelson
- 2005 Mill Creek Park concert schedule
- Thank you from Richard Small for contribution to the Robert Hanson Memorial Fund
- Thank you from AARP for meeting space at the Public Library for their Tax Aide Program
- Branch Library – new hours
- Spring Point Ledge Light Innovation Leadership Award to Elaine Clark and Richard Berman to recognize their efforts on the Brick Hill Development

Other communications included in packet but not addressed were;

- Asset and member list from the Greater Portland Public Development Commission
- R.W.S. Bond refinancing plan
- Real Estate Conference – Tex Haeuser as a Presenter
- PACTS Minutes – April 28, 2005

C. Petitions and Communications

Board of Harbor Commissioners revision and amendment to the rules regarding licensing of Bar Pilots and Docking Masters. These rules will become effective

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July 10, 2005 in the absence of action from City Councilors in Portland and South Portland.

D. Appointment Calendar

1. ORDER #107-04/05 – Board of Appeals, District 2 (Maietta), for a term which expires on 07/23/06. Postponed since 02/07/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Albert G. Ayre, 560 Sawyer Street was made by Councilor Maietta and seconded by Councilor Boudreau. Passed 7-0.

2. ORDER #180-04/05 – Spring Point Ledge Light Board of Trustees, for a term that expires on June 1, 2007. Passage requires majority vote.

There was no public discussion.

Motion to appoint Timothy Carr, 31 Hoyt Street was made by Mayor Hughes and seconded by Councilor Maietta. Passed 7-0.

3. ORDER #181-04/05 – Spring Point Ledge Light Board of Trustees, for a term that expires on June 1, 2007. Passage requires majority vote.

There was no public discussion.

Motion to appoint Margaret (Maggie) Beals, 245 Broadway was made by Mayor Hughes and seconded by Councilor Jacobs. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Thomas Perron, 94 Hillside Ave. - Mr. Perron inquired about the plans for the current Public Works complex should the bond issue pass. The Manager explained that the current Council is supportive of keeping the area residential.

Margaret (Maggie) Beals, 245 Broadway – Ms. Beals presented Spring Point Ledge Light t-shirts to the Councilors and thanked them for their support of the Board of Trustees.

Steve Marston, 95 Hillside Ave. – Mr. Marston expressed concern over the cost of the Durastone complex and thought the current Public Works complex could be upgraded for a fraction of the cost. He said we would probably need a new City

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Hall eventually and was apprehensive about incurring debt for the Wallace Ave. property.

Ray Lee, 28 Henry Street – Mr. Lee raised concerns about the cost of clean up at the current Public Works facility. He was also upset about two graves that did not have Veteran markers placed on them for Memorial Day and he talked about the new trash collection system.

Dick Bernard, 5 E Street – Mr. Bernard invited the Council to come to Legion Square Park on the Fourth of July where he is planning a program in which he will dress up as Thomas Jefferson and read the Declaration of Independence. The program is scheduled for 11:00 A.M.

Dave Bourke, 61 Lowell Street – Mr. Bourke encouraged voters to get to the polls and vote in support of the Durastone complex. He said with 22 acres of land, the City could sell or lease a portion of the property to recoup some of the cost. He also noted the savings by eliminating redundancies in the departments that would be consolidated in one location.

Steve Bromage, 63 Hillside Ave. – Mr. Bromage asked whether restrictions could be placed on the land that the current Public Works facility sits, should it be sold. The Manager explained that there is a wide spectrum on what the Council may decide. The property could be sold as one parcel or broken into separate lots.

Louie Maietta, 185 Elderberry Drive – Mr. Maietta asked for clarification on what has been budgeted for the bonds for the elementary school upgrades. He is concerned that money budgeted for the School Capital Reserve may be more than what was needed.

Chris Bowring, 151 Elderberry Drive – Mr. Bowring raised similar concerns to Mr. Maietta's. He asked that the Council not pass the Appropriation Resolve tonight if there is uncertainty that some of the money budgeted for the upgrades may be ending up in surplus.

Rob Coombs, Finance Director for the City explained the complexity of the commitment from the Council to budget for the upgrade. Because of the changes to the taxable valuation, a flat .33 per year could not be budgeted. He indicated that the budgeted rate for the School Capital Reserve was correct.

G. Public Hearings and Actions

H. Action on Old and New Business

4. ORDER #182-04/05 – Accepting miscellaneous donations. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

5. ORDER #183-04/05 - Accepting a donation of office furniture from Disability Reinsurance Management Services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

6. ORDER #184-04/05 – Accepting a \$50,000.00 grant from the Greater Portland Public Development Commission. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

7. ORDER #185-04/05 – Award of bid #205072 for the furniture for Dyer School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

8. ORDER #186-04/05 – Award of bid #205083 for the purchase of technology equipment for Dyer School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Andy Wallace, the School Technology Director, answered questions from the Council. Passed 7-0.

9. ORDER #187-04/05 – Award of bid for the purchase of a point of sales system for Dyer School. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Andy Wallace explained how the swipe card technology works in the School Lunch Program. Passed 7-0.

10. ORDER #188-04/05 – Appropriating \$1,510,448 from the School Department Undesignated Fund for Dyer School construction, Memorial mold abatement and Martins Field bleachers. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby supported the funding to upgrade the bleachers at the High School.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Polly Ward, the School Business Manager, provided additional information on the necessity of the work to be completed. Passed 7-0.

11. ORDER #189-04/05 – Authorizing the City Manager to execute a retroactive State of Maine School Revolving Renovation Fund Loan Forgiveness grant for completed school renovation projects. Passage requires majority vote.

This item was read by title only by a motion from Councilor De Angelis and a second from Councilor Beecher. Passed 7-0.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

Item #17 was taken out of order, before Item #12, by a motion from Councilor Jacobs, seconded by Councilor De Angelis. Passed 7-0. See Item #17 for details.

12. RESOLVE #10-04/05– Approving the Appropriation Resolve for Fiscal Year 2006. Passage requires majority vote.

The following people addressed this item;

Dave Bourke, 61 Lowell Street – Mr. Bourke said a lot of the reduced taxes are due to State credits. He is concerned about that. He also said the School Budget was not bad but did not take into account declining enrollments.

Michael Eastman, 100 Chapel Street – Mr. Eastman defended the process saying the School Board took the Council assigned guidelines seriously and worked hard to come up with the current budget. In response to Mr. Bourke's comments about

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declining enrollment, he indicated that when you lose 70 students across grades from Kindergarten to grade 12, you could not arbitrarily eliminate teachers.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Motion to amend the State Assessment date to 2005 and the commitment date from August 2004 to August 2005 was made by Councilor De Angelis and seconded by Councilor Boudreau. The amendment passed 7-0. The main motion passed as amended 6-1 (Fickett).

13. ORDER #190-04/05 – Setting the Sewer User Fees for Fiscal Year 2005/06. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

14. ORDER #191-04/05 - Authorizing the City Manager to sign a Grant Agreement between the City of South Portland and State of Maine, Department of Environmental Protection, in the amount of thirty-five thousand dollars (\$35,000.00) for a boat holding tank pumpout system at Thomas Knight Park. Passage requires majority vote.

There was no public discussion.

Tom Meyers, Director of Transportation and Waterfront presented information on this item. Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

15. ORDER #192-04/05 - Authorizing the City Manager to sign a Project Agreement between the City of South Portland and State of Maine, Department of Conservation, for signs, technical assistance, concrete planks, and cash reimbursement not to exceed fifty thousand dollars (\$50,000.00) for upgrades to the Fore River Boating Facility. Passage requires majority vote.

There was no public discussion.

Tom Meyers, Director of Transportation and Waterfront presented information on this item. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

16. ORDER #193-04/05 – Award of bid #205077 for the purchase of fencing and gates at the South Portland Athletic Fields. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

17. ORDER #194-04/05 - Ordering that notice be sent as required by statute regarding the proposed vacation of a paper street off Berwick Street. Passage requires majority vote.

This item was taken out of order before Item #12.

The following people addressed this item;

Karina Babcock, 43 Berwick Street – Ms. Babcock presented a map of the area that she felt showed a better property line description. She explained her reasons for the request to have the paper street vacated.

Bruce Babcock, 43 Berwick Street – Mr. Babcock explained that the addition planned for their property was not contingent on the vacation of the paper street, but asked that the Council support the request. He said Wainwright Field had ample parking and fields to accommodate the whole city.

Cliff Marchant, 4 Hamilton Street – Mr. Marchant asked for an explanation of the vacation of a street and also if there were plans to continue using the baseball fields in Wilkinson Park. The Manager explained that when subdivision plans are filed, space is reserved for consideration of a street. When a paper street is vacated, the city relinquishes rights to the land and it is split between the abutting owners. He also said that the South Portland Little League has made a significant investment in the ball fields in Wilkinson Park and there are no plans to give them up.

Motion for passage was made by Councilor Jacobs and seconded by Mayor Hughes. The Order failed 0-6 (Boudreau out of the room).

A motion to take Items #20 to #23 out of order to allow School Personnel to leave was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0. See those items for details.

18. ORDER #195-04/05 - Appointing Three Members to the EcoMaine (formerly Regional Waste Systems) Board of Directors. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Motion to amend the Order to include Councilor Beecher as an alternate was made by Councilor De Angelis and seconded by Councilor Hughes. The amendment passed 7-0. The main motion passed as amended 7-0.

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19. RESOLVE #11-04/05 - Supporting the placement of a monument at Bug Light Park recognizing the Cushings Point residents during the World War II effort. Passage requires majority vote.

The following person addressed this item;

Mike Eastman, 100 Chapel Street – As President of the South Portland Historical Society, Mr. Eastman thanked the Council for their support in this effort.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. After brief discussion as to whether the Ferry Village Area should be added to the Resolve, a motion to postpone the item was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0.

20. RESOLVE #12-04/05 - Approving the contribution to the total cost of funding public education from kindergarten through grade 12. Passage requires majority vote.

The following person addressed this item;

Dave Bourke, 61 Lowell Street – Mr. Bourke asked if this Resolve includes funds over and above the essential needs. The Manager answered no.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

21. RESOLVE #13 - 04/05 - Approving State non-funded debt service. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-1 (Fickett).

22. RESOLVE #14 - 04/05 - Approving additional local appropriation for school. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-1 (Fickett).

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23. RESOLVE #15 - 04/05 - Approving the FY2006 Appropriation Resolve for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 5-1 (Fickett) (Boudreau out of room).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau motioned to waive Councilor's Round Robin. Councilor De Angelis seconded the motion. Passed 7-0.

Councilor Jacobs wanted to extend a quick reminder for citizens to get out and vote tomorrow.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties, and discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

Motion to adjourn to executive session was made at 10:32 P.M. by Councilor De Angelis and seconded by Mayor Hughes. Passed 7-0.

Motion to return from executive session was made at 11:15 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

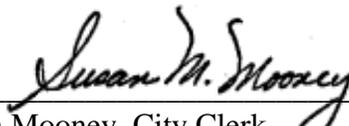
Motion to retain William McClaran and Lisa Beecher to assist the Council regarding personnel matters was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0

Councilor Beecher disclosed that Lisa Beecher is her cousin but felt that this would not be a conflict and that she could act fairly.

Motion to adjourn was made at 11:16 P.M. by Councilor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

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Roll Call: Mayor Hughes called the meeting to order at 7:00 P.M. Councilor Maietta was absent and Councilors' Beecher and Fickett arrived at 7:10 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Jacobs to accept the minutes from the June 6, 2005 meeting. Passed 4-0 (Beecher, Fickett, Maietta absent)

B. Communications from City Manager

Finance Director Rob Coombs stood in for the City Manager and addressed the following items:

- Department of Transportation granted the City \$120,446 for FY 2006
- RWS Minutes from the 5/19/05 Board Meeting
- Councilor Boudreau was appointed Chair of the Recycling Committee

C. Petitions and Communications

Department reports for the month of May, 2005
Attendance reports for the month of May, 2005

D. Appointment Calendar

1. ORDER #196-04/05 - Board of Assessment Review, District 2 (Maietta), to fill an unexpired term which expires on 03/16/07. Passage requires majority vote.

Motion was made by Councilor Beecher and seconded by Councilor Jacobs to postpone this item to the 07/06/05 meeting. Postponed 4-0 (Beecher, Fickett, Maietta absent)

E. Consent Calendar

F. Citizen Discussion (First Part)

Dolores Broberg, 38 Bellevue Avenue – Ms. Broberg presented a letter to the Council on behalf of the Willard Neighbors Association. She commended the City for being designated as a Tree City USA. The association would like the City to create a designated tree replacement fund.

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Mike Brown, 77 Pleasant Avenue – Mr. Brown stated that the Council would be wrong in pursuing the acquisition of the Durastone property after the voters had already said no.

Steve Marston, Hillside Avenue – Mr. Marston also addressed the Durastone issue and stated that the Council should abide by the outcome of the election. He also felt that his neighbors were not aware of the election or the issue and did not vote, as they felt Council would do whatever they wanted to regardless. He felt the Council did not want the public to know of the discussion regarding the property.

Ray Lee, Henry Street – Mr. Lee felt the outcome of the election showed what the people wanted. Mr. Lee also addressed the condition of Willard Beach, he stated that the beach is almost gone due to the protection of the dune grass.

Casimira McIntyre, 72 Skillings Street – Ms McIntyre felt that people should sacrifice for the good of the community, she stated that the Durastone building would have been good for the community.

Gary Crosby, Tanner Street – Mr. Crosby asked the Council to respect the results of the election. He also addressed the new trash bins and felt that they were not going to save the taxpayers money when they had to pay for any excess trash that would not fit in the furnished bin. He stated that there was a waiting list to get a bigger bin and in the meantime he would have to take the extra trash to the transfer station and be charged.

G. Public Hearing and Actions

H. Action on Old and New Business

2. RESOLVE #11-04/05 - Supporting the placement of a monument at Bug Light Park recognizing the Cushings Point residents during the World War II effort. Postponed on 06/06/05. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor Beecher for passage. Passed 6-0 (Maietta absent)

3. ORDER #197-04/05 – Extending the contract with Pine Tree Waste, Inc., of South Portland, to provide curbside collection of recyclable materials. Passage requires majority vote.

The following people addressed this item:

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Ray Lee, Henry Street

Gary Crosby, Tanner Street

Motion was made by Councilor De Angelis and seconded by Councilor Boudreau for passage. Passed 6-0 (Maietta Absent)

4. ORDER #198-04/05 – Authorizing a three-percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Jacobs for passage. Passed 6-0 (Maietta absent)

5. ORDER #199-04/05 - Authorizing the Finance Director to release city interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor Beecher for passage. Passed 6-0 (Maietta absent)

6. ORDER #200-04/05 – Authorizing the Finance Director to accept prepayment of FY 2006 property taxes. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor De Angelis and seconded by Councilor Boudreau for passage. Passed 6-0 (Maietta absent)

I. Citizen Discussion (Second Part)

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith discussed the 06/20/05 Workshop and said he felt that there was too much discussion on the Durastone issue.

L. Councilor's Round Robin

Councilor Boudreau reminded citizens that the new automated trash pick-up would start the next day.

Councilor Fickett discussed the Federal Reserve and interest rates.

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Councilor Jacobs asked that the public please be patient with the new trash system as it will take some time for everyone to get used to it.

Councilor De Angelis addressed the beauty of Bug Light Park and encouraged the public to see the Liberty Ship Exhibit. She also commended the City and Dolores Broberg for the Tree City designation and the idea for funding. She stated that she had received many calls from senior citizens disappointed that the bond ordinance failed. She reminded the public that Alan Holt would be presenting the results from the The Knightville/Mill Creek Community Design Workshop at the Community Center during the workshop on the 27th of June.

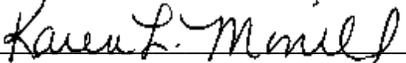
Councilor Beecher commended the 8th grade awards banquet and announced that Andrew Gerry was the recipient of the Volunteer of the Year Award. She also asked that the public please call with any problems with the new trash pick-up.

L. Executive Session

Motion was made by Councilor Boudreau and seconded by Councilor De Angelis to go into executive session. Passed 6-0

Motion was made by Councilor Beecher and seconded by Councilor Boudreau to adjourn. Passed 6-0

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ATTEST 
Karen L. Morrill, Assistant City Clerk