

## **Index of Meetings**

[July 7, 2008](#)

[July 21, 2008](#)

[August 4, 2008](#)

[August 18, 2008](#)

[September 3, 2008](#)

[September 15, 2008](#)

[October 6, 2008](#)

[October 20, 2008](#)

[October 27, 2008 Special](#)

[November 3, 2008](#)

[November 17, 2008](#)

[December 1, 2008 Inauguration](#)

[December 1, 2008](#)

[December 15, 2008](#)

[December 31, 2008 Special](#)

[January 5, 2009](#)

[January 21, 2009](#)

[February 2, 2009](#)

[February 18, 2009](#)

[March 2, 2009](#)

[March 16, 2009](#)

[March 23, 2009 Special Meeting](#)

[March 23, 2009 Special Meeting](#)

[April 6, 2009](#)

[April 8, 2009 Special Meeting](#)

[April 22, 2009](#)

[May 4, 2009](#)

[June 1, 2009](#)

[June 8, 2009 Special Meeting](#)

[June 15, 2009](#)

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 1**  
**JULY 7, 2008**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the June 16th Council meeting was made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following item;

- The auto-recycling program is scheduled to start on July 8<sup>th</sup>. Staff is looking into the impact of providing the service to apartment and condo dwellers.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Mayor Soule. Postponed 7-0.

2. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/09. Postponed since 04/07/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Christy Wandover, 146 Walnut Street, was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0.

3. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/10. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Morgan. Postponed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 2**  
**JULY 7, 2008**

4. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/09. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Collins, 88 Pennsylvania Ave., was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

5. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/11. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to appoint Lynnelle Wilson, 819 Broadway, was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

6. ORDER #155-07/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Postponed since 06/02/08. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #1-08/09 – Board of Appeals, District Three (Soule) to fill a term which expires on 07/23/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Ryan Saucier, 45 Forest Ave., was made by Mayor Soule and seconded by Councilor Morgan. Passed 7-0.

8. ORDER #2-08/09 – Board of Appeals, District Four (Beecher) to fill a term which expires on 07/23/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint William Arnold, 6 Northeast Lane, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

9. ORDER #3-08/09 – Board of Appeals, District Five (Hughes) to fill a term which expires on 07/23/11. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 3**  
**JULY 7, 2008**

There was no public discussion.

Motion to reappoint Gerard Jalbert, 32 Rhode Island Ave., was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

10. ORDER #4-08/09 – Harbor Commission, Mayoral Appointment to fill a term which expires on 06/30/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint John Stewart, One Sand Pebble Way, was made by Mayor Soule and seconded by Councilor Beecher. Passed 7-0.

11. ORDER #5-08/09 – Conservation Commission - Associate, At Large (Boudreau) to fill a term which expires on 03/03/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Stephanie Gilbert, 15 Hudson Road, was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

12. ORDER #6-08/09 – Energy & Recycling Committee, District Two (Loring) to fill an unexpired term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Chris McCabe, 245 Broadway was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0.

**E. Consent Calendar**

13. Street Closing

The residents of Grove Avenue are requesting the closure of Grove Avenue from Baltimore to Osborne on August 23, 2008 for an annual block party from 9:00 A.M. to 9:00 P.M. Passage requires majority vote.

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

Rosemarie DeAngelis, Buttonwood Street – Ms. DeAngelis referred to a similar task force from 2005 in which she served. She urged the committee to expand its

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 4**  
**JULY 7, 2008**

charge and do a broad review of all the parks regarding access for people and dogs.

Bill Laidley, 12 Taylor Street – Mr. Laidley spoke against considerations to renovate the Armory building for a new City Hall. He inquired about the status of the Library Union contract negotiations and asked if someone could please get in touch with him about them.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

14. ORDER #7-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #8-08/09 – Setting the street opening permit fees for FY 2009. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #9-08/09 – Authorizing the City Manager to sign a Municipal/State Agreement regarding traffic signals at Erskine Drive and Route 77, Broadway and Anthoine Street, Broadway and Waterman Drive, Broadway and Ocean Street, Broadway and Cottage Road and Highland Avenue and Cottage Road. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

Susan Chase, 63 Parrott Street – Ms. Chase indicated that there is no sign on the Portland side of the Casco Bay Bridge advising bicyclists to use the bike lane and not the side walk. She asked if someone could check into that.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 5**

**JULY 7, 2008**

Patty Smith, 63 Parrott Street – Ms. Smith expressed thanks for the new recycling bins and said she hopes the Energy and Recycling Committee will make efforts to educate citizens about recycling.

**J. Councilor's Round Robin**

Councilor Boudreau spoke positively about the new blue recycling bins. She raised concerns about the number of campaign signs that are still out.

Councilor Blake commented on the collaborative efforts between the Junior Rec Camp and the Land Trust to encourage stewardship for our park and trail systems.

Councilor Morgan requested that contractors be respectful of the laws that allow for political signage and to not place their own advertisements among those signs.

Councilor Loring asked for clarification between the two color bins. The City Manager explained that the green containers that residents have been using for automated trash pickup will still be used for that purpose. The new blue containers are replacing the recycling bins that have been used over the last few years.

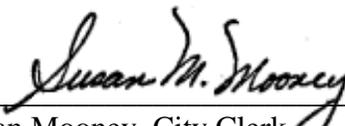
Councilor Beecher praised the staff involved with the soccer tournament recently held at Wainwright Fields. She commented on how well the event was organized.

**K. Executive Session**

Motion to adjourn was made at 8:11 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 6**  
**JULY 21, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Blake was out of the room at the beginning of the meeting and Councilor Loring arrived at 7:04 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the July 7th Council meeting was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0 (Blake out of the room, Loring had not yet arrived)

**B. Communications from City Manager**

The Manager addressed the following items;

- Tax rate was estimated at \$14.25 but will come in at \$14.00
- Visit by Presidential Candidate, John McCain at the Maine Military Museum. Thanks to Fire, Police, Parks, Eric Carson and Mary Perry for their assistance with addressing the complexities of a visiting dignitary.
- Ralph Baxter Jr. provided an update from the School Facilities Committee. Currently there are no plans to keep Beal Gym. The Committee is looking at a one, three and five year plan for school maintenance. They have been working with Tex Haeuser, the Planning and Development Director, to determine if there may be an alternate location for the High School.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #124-07/08 – Economic Development Committee, District Three (Soule) to fill a term which expires on 03/23/10. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Morgan. Postponed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 7**  
**JULY 21, 2008**

3. ORDER #155-07/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Postponed since 06/02/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Lisa Munderback of 23 Coach Road was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0

4. ORDER #10-08/09 - Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for a term which expires 8/8/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Linda Johnson of 27 Rhode Island Ave. was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

**E. Consent Calendar**

5. The residents of Providence Avenue are requesting their street to be closed for a block party on August 3, 2008. (Rain date August 4, 2008). Passage requires majority vote.

There was no public discussion.

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

6. The residents of Simmons Road are requesting the closure of their street for a block party on August 2, 2008 4:00 until dark. (Rain date to be August 3). Passage requires majority vote

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo again raised concerns over the costs of school operations and the school budget. He also questioned whether there might be a constitutional conflict with the assignment of council representation by district when Councilors are elected by city wide vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 8**  
**JULY 21, 2008**

Robert Bogosian, New England Institute for Infection and Immunity – Dr. Bogosian took 10 soil samples on Willard Beach and stated that 7 tested positive for E-coli. He provided the Council with a copy of his report.

Dan Lebrie, 6 Beach Street – Mr. Lebrie said that dogs currently have access to the beach 77% of the time and also addressed concerns about the health and safety of those folks that use the beach. He also provided a handout with pictures and literature that supported his position on this matter.

Rosemarie DeAngelis, Pleasantdale – Ms. DeAngelis thanked the dog committee for expanding their charge. She recognized John Hasson and Zoo Cain as concerned citizens in the community.

John Gillick, 60 Beach Street – Mr. Gillick said he had heard that a doctor on the Willard Beach Task Force had indicated that dog feces and urine did not pose a harmful threat at the beach. He said it was bothersome to have someone with that authority pass that along.

**G. Public Hearings and Action**

7. David Cram, D/B/A Spring Point Tavern, 175 Benjamin W. Pickett St. for a Special Amusement without Dancing License. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Beecher seconded. There was some discussion by Councilors about relaxing some of the restrictions on the Special Amusement license. The Council will address the restrictions at a Council Workshop in the near future. Passed 7-0

**H. Action on Old and New Business**

8. ORDER #11-08/09 – Award of bid ID #14 through GetBestBid.com, to Dell Corporation, of Round Rock, TX, for the purchase of computer desktops for the School Department. Passage requires majority vote.

There was no public discussion. Andy Wallace, the School Technology Administrator was available and answered questions about the GetBestBid.com program.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Passed 7-0

9. ORDER #12-08/09 – Award of bid ID # 17 through GetBestBid.com, to Dell Corporation, of Round Rock, TX, for the purchase of laptops for the School Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 9**  
**JULY 21, 2008**

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Loring seconded. Passed 7-0

10. ORDER #13-08/09 – Award of sole source bid to Headlight Audio Visual, Inc., of Portland, ME, for the purchase of Smartboards for the School Department. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #14-08/09 – Award of bid #62-08 to Jensen Baird Gardner & Henry, of Portland, ME, to provide legal services. Passage requires majority vote.

The following person addressed this item;

Paul Nixon, Preble Street – Mr. Nixon inquired about the anticipated cost difference between a full time in house attorney and legal services provided by a law firm.

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

12. ORDER #15-08/09 – Adopting a Transit Exclusion Policy on transit buses. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #16-08/09 – Amending ORDER #136-07/08 regarding award of bid # 51-08 to Maietta Construction, of Scarborough, ME, for the Ferry Village Sidewalk Construction Project. 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

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 10**  
**JULY 21, 2008**

14. ORDINANCE #1-08/09 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Limited Business District (LB) at 1400 and 1422 Broadway. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Loring seconded. Passed 7-0

15. ORDINANCE #2-08/09 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Transitional Residential District (RT) at 745,747,753 and 761 Main Street. First reading. Passage requires majority vote.

The following people addressed this item;

Paul Nixon, Preble Street – Mr. Nixon inquired about what the issues were when an amendment to rezone this area was discussed a couple of years ago.

Patrick Feury, 757 Main Street – Mr. Feury was not in favor of this ordinance amendment and sited concerns about traffic and children on bikes and on their property.

Ruth Bastarache, 757 Main Street – Ms. Bastarache voiced the same concerns and felt that there may be an insurance liability for the residents of Kingswood Park.

Barbara Smith, 757 Main Street – Ms. Smith talked about people using their dumpsters and a boy who got into their pool last year.

Bob Metcalf, Mitchell & Associates – Mr. Metcalf recognized that traffic is an issue in this area but indicated that this project would not be adding an awful lot of traffic to the vicinity.

Mary Thurston, 757 Main Street – Ms. Thurston was concerned about trash and opposed the ordinance amendment.

Darla Johnson, 757 Main Street – Ms. Johnson was also concerned about traffic and noise.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 11**  
**JULY 21, 2008**

Councilor Hughes thanked Jim Gailey and Tex Haeuser for their efforts regarding a noise barrier between exits 3 and 4.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty, and pursuant to 1 M.R.S.A., §405 (6) (a), evaluation of City Manager.

Motion to go into executive session was made at 10:54 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

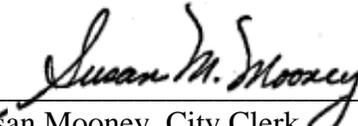
Motion to come out of executive session was made at 11:37 P.M. by Councilor Morgan and seconded by Councilor Loring. Passed 6-0

Motion to approve Hardship Abatement #2008/2009-01 was made by Councilor Boudreau and seconded by Mayor Soule. Motion passed 7-0 to approve Abatement #2008/2009-01 for \$323.70 including interest and taxes to date.

Motion to adjourn was made at 11:37 P.M. by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 12**  
**AUGUST 4, 2008**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the July 21st Council meeting was made by Councilor Morgan and seconded by Councilor Blake. Councilor Blake motioned to amend the minutes to correct item #15 which showed the vote to be 7-0 and should have been 6-1. Councilor Morgan seconded and the amendment passed 7-0. The minutes passed as amended 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Art in the Park
- There are citywide break-ins occurring. Residents should keep their doors and windows locked at night.

Mary Kahl, Art in the Park Director, provided an overview of the program scheduled for August 9<sup>th</sup>.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone and Councilor Boudreau seconded the motion. The order was postponed 7-0.

2. ORDER #124-07/08 – Economic Development Committee, District Three (Soule) to fill a term which expires on 03/23/10. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Mayor Soule motioned to appoint Timothy O’Neil, 21 Adelbert Street. Councilor Boudreau seconded the motion. The appointment passed 7-0.

3. ORDER #17-08/09 – Energy and Recycling Committee Associate Member, At-Large (Blake) to fill a term which expires on 05/05/2011. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 13**  
**AUGUST 4, 2008**

There was no public discussion.

Councilor Blake motioned to appoint Curt Jensch of 15 Schooner Road and Councilor Morgan seconded the motion. The appointment passed 7-0.

4. ORDER #18-08/09 – Energy and Recycling Committee Associate Member, District One (Morgan) to fill a term which expires on 05/05/2009. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to appoint Peter Wilson of 59 Deake Street. Councilor Boudreau seconded the motion. The appointment passed 7-0.

5. ORDER #19-08/09 – Energy and Recycling Committee Associate Member, District Four (Beecher) to fill a term which expires on 05/05/2010. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Alissa Pashko of 963 Highland Avenue. Councilor Hughes seconded the motion. The appointment passed 7-0.

**E. Consent Calendar**

6. Street Closure

Residents of Pilgrim Road are requesting the closure of that street for an engagement party on Friday 08/22/08 from 4:00 P.m. to 9:00 P.M. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The street closure passed 7-0.

7. Sign Permit

Tri for a Cure is requesting the placements of signs for an event taking place on Saturday, 08-09-2008. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The permit passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 14  
AUGUST 4, 2008**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

8. ORDINANCE #1-08/09 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Limited Business District (LB) at 1400 and 1422 Broadway. Passed first reading on 07/21/08. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Blake seconded the motion. As pointed out by David Lengyel, Councilor Morgan motioned to have the ordinance wording corrected from an RT zone to an LB zone. Councilor Blake seconded and the amendment passed 7-0. The ordinance passed roll call vote as amended 7-0.

9. ORDINANCE #2-08/09 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District A to Transitional Residential District (RT) at 745,747,753 and 761 Main Street. Passed first reading on 07/21/08. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The ordinance passed roll call vote 6-1 (Blake).

10. ORDER #20-08/09 - Spring Point Tavern, for a Special Amusement License, “Conditional”. Passage requires majority vote.

Councilor Morgan motioned to have the order read by title only and Councilor Beecher seconded. Passed 7-0.

There was no public discussion.

Councilor Morgan motioned and Councilor Blake seconded the motion. The order passed 7-0.

**H. Action on Old and New Business**

11. ORDER #21-08/09 Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 15**  
**AUGUST 4, 2008**

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 7-0.

12. ORDER #22-08/09 – Accepting a 1995 Saturn, a .25 caliber handgun, and a portion of \$1,210.00 under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 7-0.

13. ORDER #23-08/09 – Authorizing the City Manager to sign a Federal Equitable Sharing agreement with the U.S. Department of Justice for the participation in the equitable sharing program. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The order passed 7-0.

14. ORDER #24-08/09 – Accepting a Cities Readiness Initiative (CRI) Grant for \$500.00 to be used by Emergency Management. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Blake seconded the motion. The order passed 7-0.

15. ORDER #25-08/09 – Award of bid #72-08 to One Communications, of Scarborough, ME, and Pine Tree Networks, of Portland, ME, to provide local and long distance telephone services. Passage requires majority vote.

There was no public discussion. Shawn Pennington, the IT Director for the city was present and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 7-0.

16. ORDER #26-08/09 – Award of Bid #07-09 to Apex Construction, Inc., of Rochester, NH, for the generator projects at the West High Street and Front Street pump stations. Passage requires majority vote.

There was no public discussion. City Engineer, Brad Weeks, was present and answered questions from the Council.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 16**  
**AUGUST 4, 2008**

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 7-0.

17. ORDER #27-08/09 – Amending the City Manager’s employment contract to include an additional \$100.00 per month for a vehicle stipend. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo asked why the Manager is not reimbursed for actual mileage. He inquired about how other employees are reimbursed for mileage and wanted to know how many miles the City Manager drives each day.

Councilor Loring motioned for passage and Councilor Hughes seconded the motion. The order passed 7-0.

18. ORDER #28-08/09 – Appropriating \$30,000 from undesignated surplus to be transferred to the Legal Reserve Account. Passage requires majority vote.

There was no public discussion.

Councilor Loring motioned for passage and Councilor Beecher seconded the motion. The order passed 7-0.

19. RESOLVE #1-08/09 – Approving an Appropriation Transfer Resolve for FY 2008. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The resolve passed 7-0.

**I. Citizen Discussion (Second Part)**

Susan Chase, Parrott Street – Ms. Chase urged the Council to conduct their own research into whether there is contamination on Willard Beach. Regarding Dr. Robert Bogosian recent dialog at the July 21<sup>st</sup> Council Meeting, Ms. Chase noted several items that would cause a positive test for e-coli including decaying seaweed.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo raised the issue of a city wide election of district represented Councilors and questioned whether there is a constitutional conflict with the process.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 17**  
**AUGUST 4, 2008**

**J. Councilor's Round Robin**

Councilor Loring expressed interest in focusing on a heating oil plan for the coming winter months.

Councilor Hughes said he would be running for re-election. He indicated that he was also surprised when he initially learned that district Councilors were elected by citywide vote and has since seen the benefit of such a process.

Councilor Boudreau noted that being elected on a citywide basis makes each Councilor accountable to all residents.

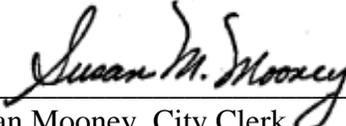
Councilor Blake also sighted positive reasons for South Portland's electoral process. He noted that there was going to be a large collection of hydrogen-powered vehicles on display at Fort Williams on Sunday from 2:00 P.M. to 5:00 P.M.

Mayor Soule hoped for good weather for Art in the Park. He also invited folks to run with him on Monday, August 11<sup>th</sup>. He will be carrying a "Peace Torch" from Broadway to Cash Corner and out to the Scarborough line starting at 11:00 A.M. He also announced that the "Art All Around" presentations would be held at the Wyndham Hotel on August 12<sup>th</sup>.

**K. Executive Session**

Councilor Boudreau motioned to adjourn at 9:01 P.M. and Councilor Morgan seconded. Passed 7-0

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 18  
AUGUST 18, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Morgan was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 4th Council meeting was made by Councilor Blake and seconded by Councilor Boudreau. The minutes passed by a vote of 6-0.

**B. Communications from City Manager**

The Manager addressed the following items:

- Thank you from MaryAnn Lynch for support in the Beach to Beacon race
- Art All Around – update on finalists
- Officer's Bernard and MacVane participated in a motorcycle run in support of the 9/11 victims. South Portland was the recipient of a police equipped motorcycle with a value of approximately \$20,000 from a drawing at the event.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Mayor Soule motioned to postpone and Councilor Hughes seconded the motion. The order was postponed 6-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**H. Action on Old and New Business**

2. ORDER #29-08/09 Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 19**  
**AUGUST 18, 2008**

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 6-0.

3. ORDER #30-08/09 – Accepting a grant through Language Access for New Americans to be used by the Police Department. Passage requires majority vote.

There was no public discussion. Deputy Chief Berry was present and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The order passed 6-0.

4. ORDER #31-08/09 - Award of bid # 11-09 2008 to Quirk Chevrolet of Portland, ME, for the purchase of a four (4) wheel drive extended cab pickup truck for the Fire Department. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Loring seconded the motion. The order passed 6-0.

5. ORDER #32-08/09 – Accepting payment from Maine Municipal Association per decision of City of South Portland v. Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. Councilor Loring made a motion to put the interest from this payment into the legal fund reserve account. Councilor Boudreau seconded the motion for discussion, however the amendment failed 1-5 (Hughes, Beecher, Soule, Blake, Boudreau) The order passed 6-0.

6. ORDER #33-07/08 – Amending Order #28-07/08 regarding award of bid #18-08 to Mainland Structures Corporation, of Gorham, ME, for renovations to the Redbank Multipurpose Building. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The order passed 6-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 20**  
**AUGUST 18, 2008**

Councilor Loring recently traveled out on Western Ave. and she said she is pleased with the widening.

Councilor Beecher spoke about how wonderful Art in the Park was, and how thrilled she is that South Portland artists faired so well in the Art All Around Project.

Councilor Hughes thanked MDOT for their work at Exit 3 and noted that the construction went very well.

Councilor Boudreau also spoke favorably about Art in the Park and the Art All Around Project. She expressed concerns about the negativity already festering around the upcoming election and encouraged citizens to think carefully about whom they vote for.

Councilor Blake gave Councilor Hughes credit for staying on top of the barrier that will be installed along 295. He also thanked the Art in the Park committee for their work. He noted that he would be bringing forward an idea for a gift book at the upcoming workshop.

Mayor Soule reflected favorable about all three events recently held in South Portland, Art in the Park, Run for a Cure Triathlon and Art All Around. He also shared details about the World Harmony Run in which he participated by carrying the torch through South Portland from the Casco Bay Bridge to the Scarborough line.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and pursuant to §405(E) to discuss pending litigation, Edward Reidman v. City of South Portland.

Councilor Beecher made a motion to go into executive session at 7:50 P.M. Councilor Boudreau seconded and the motion passed 6-0.

Councilor Beecher motioned to come out of executive session at 8:42 P.M. and Councilor Loring seconded. The motion passed 6-0.

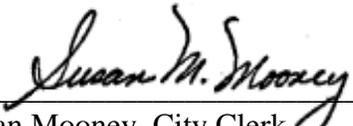
Councilor Boudreau motioned to deny Hardship Abatement request 02-2008/2009. Councilor Blake seconded the motion and the abatement request was denied by a vote of 6-0.

Councilor Boudreau motioned to deny Hardship Abatement request 03-2008/2009. Councilor Beecher seconded the motion and the abatement request was denied by a vote of 6-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 21  
AUGUST 18, 2008**

Councilor Boudreau motioned to adjourn at 8:45 P.M. and Councilor Loring seconded. The vote to adjourn was 6-0.

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 22**  
**SEPTEMBER 3, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 18th Council meeting was made by Councilor Blake and seconded by Councilor Boudreau. The minutes passed by a vote of 7-0.

**B. Communications from City Manager**

The Manager did not have any communications to report. The City Clerk provided an update on the November Election and detailed four upcoming voter registration drives. She encouraged citizens to make sure they are registered to vote and advised residents that they could submit a request for absentee ballots now.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone and Councilor Boudreau seconded the motion. The order was postponed 7-0.

**E. Consent Calendar**

2. Street Closing

The South Portland Marching Band is hosting the State Finals on Saturday, November 1<sup>st</sup>, 2008. They are requesting the closure of Nutter Rd and Mountain View Road to through traffic from noon to 9:00 P.M. (Rain dates are 11/2/08 or 11/08/08). Passage requires majority vote.

There was no public discussion. Mike Fletcher was present and provided details about the event.

Councilor Beecher motioned for passage and Councilor Morgan seconded the motion. The item passed 7-0.

**F. Citizen Discussion (First Part)**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 23**  
**SEPTEMBER 3, 2008**

**G. Public Hearings and Action**

3. Business License

Thomas Howard, d/b/a Thornton's Bar and Grill, 740 Broadway for a FE/Class A Restaurant with liquor License. Passage requires majority vote.

There was no public discussion. Thomas Howard was present and answered questions from the Council.

Councilor Hughes motioned for passage and Councilor Beecher seconded the motion. The item passed 7-0.

**H. Action on Old and New Business**

4. ORDER #34-08/09 Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Loring motioned for passage and Councilor Beecher seconded the motion. Councilor Beecher motioned to amend the order to correct the fiscal note. Councilor Blake seconded and the amendment passed 7-0. The order passed as amended 7-0.

5. ORDER #35-08/09 – Accepting \$1,830, or a portion thereof, under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Morgan seconded the motion. The order passed 7-0.

**I. Citizen Discussion (Second Part)**

Tom Dunne, Candidate for District 7 State Senate Seat, introduced himself and provided information on his background. He indicated that the process has been an interesting learning experience.

Kathy DiPhilippo, Director of the South Portland Historical Association announced that there would be an Antique Appraisal Program on Saturday at the Community Center from 10:00 to 2:00.

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 24  
SEPTEMBER 3, 2008**

Councilor Boudreau announced that there would be an open house at ecomaine on October 4<sup>th</sup>. Residents will have an opportunity to see and learn more about the single sort recycling program.

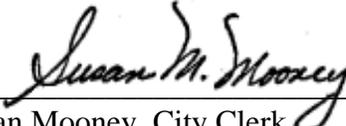
Council Loring inquired about when the Willard Beach Task Force would be bringing recommendations back to the Council. She indicated that she would like to hear from them as soon as possible. Mayor Soule responded saying that he did not give the Task Force a time frame and suggested that the process shouldn't be forced along.

**K. Executive Session**

Councilor Boudreau motioned to adjourn at 7:35 P.M. and Councilor Blake seconded. Passed 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 25**  
**SEPTEMBER 15, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Morgan was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the September 3<sup>rd</sup> Council meeting was made by Councilor Loring and seconded by Councilor Beecher. The minutes passed by a vote of 6-0.

**B. Communications from City Manager**

**C. Petitions and Communications**

Department Reports for August, 2008.

Attendance Reports for August, 2008.

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone and Councilor Blake seconded the motion. The order was postponed 6-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

2. Business License

South Portland Taxi, Inc., 10 Cox St., for a renewal of Certificate of Public Convenience. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The item passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 26**  
**SEPTEMBER 15, 2008**

**H. Action on Old and New Business**

3. ORDER #36-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The order passed 6-0.

4. ORDER #37-08/09 – Authorizing the City Manager to submit an addendum to the FY 2006 Consolidated Annual Performance Evaluation Report (CAPER). Passage requires majority vote.

There was no public discussion. Erik Carson was available and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Blake seconded the motion. The order passed 6-0.

5. ORDER #38-08/09 – Authorizing the City Manager to sign a lease agreement with the Maine Department of Transportation (MDOT) for the lease of two (2) buses for South Portland Bus Service. Passage requires majority vote.

There was no public discussion. Tom Meyers was present and answered questions from the Council.

Councilor Boudreau motioned for passage and Councilor Blake seconded the motion. The order passed 6-0.

6. ORDER #39-08/09 – Accepting a 2009 Harley Davidson motorcycle received from a fundraising drawing at the 8<sup>th</sup> Annual America's 911 Foundation Ride to be used by the Police Department. Passage requires majority vote.

There was no public discussion. Chief Googins presented the background on this item.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The order passed 6-0.

7. ORDER #40-08/09 – Authorizing the City Manager to sign an Interlocal Agreement among the municipalities of Portland, South Portland, Westbrook, Falmouth, Scarborough, Cape Elizabeth, Gorham and Cumberland for joint participation in procuring grant funds. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 27**  
**SEPTEMBER 15, 2008**

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The order passed 6-0.

8. ORDER #41-08/09 – Amending ORDER #28-06/07 regarding acceptance of 319 and 104 (b)(3) Grants administered by the Maine Department of Environmental Protection to be used for the Long Creek Watershed Based Plan Project. Passage requires majority vote.

There was no public discussion. Pat Cloutier, Director of Water Resource was present and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. Mayor Soule motioned to amend the order to change paragraph one (~~(\$100,000)~~ to (\$150,000), paragraph two to change (~~(\$17,000)~~ to (\$20,854), paragraph four to change ~~\$117,000~~ to (\$170,854) and the fiscal note from ~~117,000~~ to \$170,854 Revenue and ~~\$84,908~~ to \$162,784 In-kind Local Match. The order passed 6-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Blake mentioned a clean up day at Clarks Pond on September 27<sup>th</sup> in recognition of National Public Lands Day. He also noted that the Land Trust would be hosting a candidates debate on October 1<sup>st</sup>.

Councilor Beecher was recently viewing pictures from the soccer tournament and commended the staff again on a great job.

**K. Executive Session**

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

Councilor Beecher motioned to adjourn to executive session at 7:55 P.M.  
Councilor Boudreau seconded.

Councilor Beecher motioned to return from executive session at 8:09 P.M..  
Councilor Loring seconded. The motion passed 6-0.

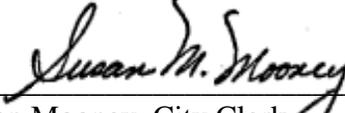
Motion to approve hardship abatement 08/09-3 in the amount of \$1,376.20 plus interest and fees was made by Councilor Boudreau and seconded by Councilor Blake. Motion passed 6-0

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 28  
SEPTEMBER 15, 2008**

Councilor Blake motioned to adjourn at 8:11 P.M. and Councilor Loring seconded. Passed 6-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 29  
OCTOBER 6, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Boudreau was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the September 15th meeting was made by Councilor Loring and seconded by Councilor Beecher. The minutes passed by a vote of 6-0.

**B. Communications from City Manager**

The Assistant Manager addressed the following items

- Portland Pipeline maintenance work on Henley Street, Broadway and Osborne Streets
- Weatherization workshops hosted by Warm Home/Cool Cities on October 15<sup>th</sup> and November 1<sup>st</sup>.
- October Festival on October 18<sup>th</sup> from 3:30 to 5:30 on Cottage Road.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone and Mayor Soule seconded the motion. The order was postponed 6-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

There was no citizen discussion

**G. Public Hearings and Action**

2. Business License

Edward H. Benjamin, d/b/a Benjamin Building & Wrecking Co., 4 Jackson St. for renewal of an Automobile Graveyard/Recycling Business and/or Junkyard Permit. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 30**  
**OCTOBER 6, 2008**

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The item passed 6-0.

**H. Action on Old and New Business**

3. ORDER #42-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Morgan seconded the motion. The item passed 6-0.

4. ORDER #43-08/09 – Award of Bid #19-09 to Grace Quality Used Cars, Inc., of Morrisville, PA, for the sale of used police cruisers. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The item passed 6-0.

5. ORDER #44-08/09 – Award of Bid#14-09 to Walker Chevrolet of Parsonsfield, ME, for the purchase of two one-ton dump trucks for the Parks and Public Works Departments. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The item passed 6-0.

6. ORDER #45-08/09 – Appropriating \$1,105.59 from the Highway Block Grant Account and award of Bid #15-09 to C B Kenworth, Inc., of South Portland, ME, for the purchase of a dump truck with plow for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Morgan seconded the motion. The item passed 6-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 31  
OCTOBER 6, 2008**

Councilor Blake noted that there would be a public tour of the Armory on Saturday at 11:00 A.M. and that the Fire Department Open House would also occur on the same day from 11:00 A.M. to 3:00 P.M.

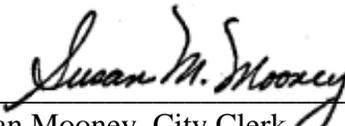
Councilor Beecher announced that there would be a medication drop off opportunity on October 18<sup>th</sup>. This will allow folks to clean out their medicine cabinets and safely dispose of medications no longer of use.

**K. Executive Session**

Councilor Morgan motioned to adjourn at 7:24 P.M. and Councilor Blake seconded. Passed 6-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 32**  
**OCTOBER 20, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Loring arrived at 7:05 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the October 6, 2008 meeting was made by Councilor Blake and seconded by Councilor Boudreau. The minutes passed by a vote of 6-0.

**B. Communications from City Manager**

The Manager addressed the following items

- MDOT meeting on October 22<sup>nd</sup> at Memorial Jr. High to answer questions about the work on I295 Exits 3 and 4.
- November 13<sup>th</sup> meeting at Redbank Community Center to initiate a residents Council or Neighborhood Association
- October 27<sup>th</sup> workshop will include an opportunity for residents to raise comments or concerns regarding the future use of the Armory
- City of South Portland received 3<sup>rd</sup> place at the Maine Municipal Conference for its' first publication of an Annual Report since 1995.
- Councilor Beecher detailed the results of the first "Drug Drop Off" project. She reported that four people logged 2,930 drop off items. They had up to 20 people working at the project at one point.

**C. Petitions and Communications**

Department Reports for the month of September, 2008.

Attendance Reports for the month of September, 2008.

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone and Councilor Boudreau seconded the motion. The order was postponed 7-0.

2. ORDER #46-08/09 – South Portland Housing Authority, Tenant's Appointment to fill a term to expire on 10/10/2013. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 33  
OCTOBER 20, 2008**

There was no public discussion.

Motion to reappoint Laurie Carr, of 73 Hill Street was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0.

3. ORDER #47-08/09 – South Portland Housing Authority, Tenant’s Appointment to fill a term to expire on 10/10/2013. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Lolita Ball of 1700 Broadway was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

**E. Consent Calendar**

**Councilor Beecher motioned to take Item #15 out of order. Councilor Boudreau seconded the motion and it passed 7-0. See Item #15 for details.**

**F. Citizen Discussion (First Part)**

**The following people spoke regarding the Willard Beach Task force and the issue of dogs on or off leash on public property.**

Deborah Sandler, 160 Fort Road  
Devon Gray, 26 Beach Street  
David Hladky, 56 Coolidge Ave.  
Lillian Kennedy, 175 South Richland Street  
David Lourie, Cape Elizabeth  
Paula Harris, 15 Myrtle Ave.  
David Olson, 12 Elsmere Ave.  
Susan Henderson, 9 E Street  
Dan LaBrie, 6 Beach Street  
Debra Kimball, 22 Bowers Street  
Anthony Young, 23 Chase Street  
Tom Ayres, 21 Brookside Ave.  
Christine Nelmes, 164 Sawyer Street  
Gary Crosby, 2 Tanner Street  
Kristen Smith, 75 Smith Street  
Susan McCray, 88 Summit Street  
John Murphy, 6 Willard Street

Mark Gandolfo, 41 Sandy Hill Road - Mr. Gandolfo talked about the election in two weeks and encouraged folks to get out and vote.

**G. Public Hearings and Action**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 34  
OCTOBER 20, 2008**

4. Business License

Mac Acquisition, LLC, d/b/a Romano's Macaroni Grill, 415 Philbrook Ave., for a FE/Class A Restaurant with Liquor License. New Corporate owners of an existing Business. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The license passed 7-0.

5. Business License

Ray-Mac, Inc. d/b/a Ray-Mac Auto Sales, 5 Broadway, for a used Car Lot License. New owner of an existing Business. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Hughes seconded. The license passed 7-0.

**H. Action on Old and New Business**

6. ORDER #48-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Boudreau seconded. The Order passed 7-0.

7. ORDER #49-08/09 - Accepting a donation of \$25,000 in General Electric Common Stock for the maintenance of the Liberty Ship Memorial. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Loring seconded. The Order passed 7-0.

8. ORDER #50-08/09 – Authorizing the City Manager to sign contracts with Dearborn Brothers Construction, of Buxton, ME, and Rampart Bituminous, LLC, of Turner, ME, to provide snowplowing operations for the 2008/09 season for the Public Works Department. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 35**  
**OCTOBER 20, 2008**

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

9. ORDER #51-08/09 – Appropriating \$18,869 from undesignated fund balance and award of Bid #23-09 to Walker Chevrolet, of Parsonsfield, ME, for the purchase of an Animal Control Van. Passage requires majority vote.

The following person addressed this item;

Devon Gray, 26 Beach Street – Mrs. Gray inquired about whether Cape Elizabeth shared in the funding of this vehicle. Chief Googins indicated that Cape Elizabeth shares in the costs of labor and benefits only and that their share dropped from 25% to 20% because of low demand of the Animal Control Officer.

Councilor Morgan motioned for passage and Councilor Boudreau seconded. The Order passed 7-0.

10. ORDER #52-08/09 – Accepting a 2008 Holiday Enforcement Grant. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Boudreau seconded. The Order passed 7-0.

11. ORDER #53-08/09 – Amending ORDER #24-02/03 regarding the Exit 3, I-295 roadway improvements. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Councilor Beecher motioned to amend the order to revise the appropriation from \$1,532,300.00 to \$1,532,291.57. Councilor Morgan seconded and the amendment passed 7-0. Councilor Blake motioned to seek to have the State pay for half of the additional 32,291.57 but the motion failed because of the lack of a second to the motion. The Order passed as amended 6-1 (Boudreau).

12. ORDINANCE #3-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding tattoo and body piercing establishments. First reading. Passage requires majority vote.

Councilor Boudreau motioned to have the Ordinance read by title only. Councilor Morgan seconded and the motion passed 7-0. The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 36  
OCTOBER 20, 2008**

Devon Gray, 26 Beach Street – Mrs. Gray inquired about whether there was a way to limit the number of tattoo and body piercing establishments.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked whether all places that do ear-piercing will be effected by this ordinance and also whether the Health Inspector will have to inspect all those locations on a yearly basis.

Corporation Counsel Sally Daggett noted that there was some missing wording in the ordinance as proposed by Corporation Counsel. Councilor Morgan motioned to postpone the ordinance so that the matter could be reviewed. Councilor Boudreau seconded and the item was postponed 7-0.

13. ORDINANCE #4-08/09 – Amending Chapter 27, “Zoning,” regarding tattoo and body piercing establishments. First reading. Passage requires majority vote.

There was no public discussion.

This ordinance is related to the previous item prompting Mayor Soule to motion that this item also be postponed. Councilor Morgan seconded and the item was postponed 7-0.

14. ORDER #54-08/09 - Accepting recommendations from the Willard Beach Task Force. Passage requires a majority vote.

The following people addressed this item;

Tom Ayres, 21 Brookside Ave.  
Devon Gray, 26 Beach Street  
Anthony Young, 23 Chase Street  
David Hladky, 56 Coolidge Ave.  
Steve Gray, 26 Beach Street  
Christine Nelmes, 164 Sawyer Street  
Aileen LaBrie, 6 Beach Street  
Susan Henderson, 9 E Street  
Camilla Hahn, Portland resident  
John Murphy, 6 Willard Street  
Gary Crosby, 2 Tanner Street  
Chrystal Goodrich, 17 Highland Ave.  
Paula Harris, 15 Myrtle Ave.  
Peggy Stewart, 55 Bayview Ave.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Mayor Soule motioned to amend the Order to read; Order, Receiving the report of the Willard Beach Task Force and referring to workshop for further review. Councilor Morgan seconded the amendment and it passed 7-0. The order passed as amended 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 37**  
**OCTOBER 20, 2008**

15. Ordinance #5-08/09 -Amending Chapter 18, “Parks and Recreation”, Article V, “Willard Beach”, regarding dogs on Willard Beach. First reading. Passage requires majority vote.

Councilor Beecher motioned to take this item out of order before Citizens Discussion Part 1. There was no public discussion.

Councilor Beecher motioned to postpone this Ordinance until the Council has had an opportunity to act on the findings of the Task Force. Councilor Hughes seconded and the ordinance was postponed 7-0.

16. ORDER #55-08/09 - Setting the time for opening the polls for the November 4, 2008 General Election. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Boudreau seconded the motion. The Order passed 7-0.

17. ORDER #56-08/09 – Authorizing the City Manager to sign a Safe Routes to Schools Project Agreement between the Maine Department of Transportation and the City of South Portland. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Loring seconded the motion. The Order passed 7-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

Councilor Blake announced that the Maine Conservation Corp. will be sending five people for four weeks to work on the trail systems.

Councilor Morgan expressed gratitude to the folks who have thanked him for his service to the City. He noted that it is frequently one of the loneliest job in the world.

Councilor Beecher talked about a windmill ordinance and a “no idling” ordinance. She indicated that her email is currently not working.

Councilor Boudreau encouraged citizens to watch the taped local debates and elect the candidates that you respect.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 38  
OCTOBER 20, 2008**

**K. Executive Session**

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

Motion to adjourn to executive session was made at 11:00 P.M. by Councilor Morgan and seconded by Councilor Beecher.

Motion to return from executive session was made at 11:50 P.M. by Councilor Morgan and seconded by Councilor Beecher.

Motion to approve Hardship Abatement #05-2008/2009 in the amount of \$5,948.03 plus fees and costs for the 2006/2007 and 2007/2008 taxes was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0.

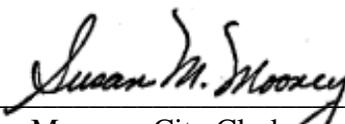
Motion to approve Hardship Abatement #06-2008/2009 in the amount of \$996.10 for the November 2008 taxes was made by Councilor Blake and seconded by Councilor Beecher. Passed 7-0.

Motion to approve Hardship Abatement #07-2008/2009 in the amount of \$1,208.20 for the first and second quarter taxes for 2008/2009 was made by Councilor Blake and seconded by Councilor Morgan. Passed 7-0.

Councilor Morgan motioned to adjourn at 11:54 P.M. and Councilor Blake seconded. Passed 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 39**  
**OCTOBER 27, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 6:00 P.M. All Councilors were present.

1. ORDER #57-08/09 – Appropriating \$57,500 from undesignated fund balance, accepting \$22,500 from Acadia Insurance, authorizing the payment of \$80,000 to Theodore Wainwright, and authorizing the City Manager to accept a deed and a release and modification of restrictions from Theodore Wainwright, pursuant to settlement agreement in Wainwright v. City of South Portland.

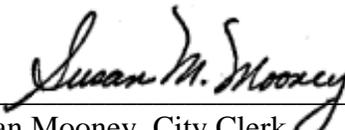
There was no public discussion.

Councilor Blake motioned for passage of Order #57 and Councilor Loring seconded. The Order passed 7-0.

Councilor Morgan motioned to adjourn at 6:25 P.M. and Councilor Boudreau seconded. Passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 40**  
**NOVEMBER 3, 2008**

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

**A. Acceptance of Minutes**

Motion to postpone the acceptance of the October 20<sup>th</sup> meeting was made by Councilor Morgan and seconded by Councilor Beecher. Postponed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items

- To date there have been 14 permits for chickens and with no complaints filed. There has been one permit for a bee hive.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone and Councilor Boudreau seconded the motion. The order was postponed 6-0.

**E. Consent Calendar**

2. Sign Permit

South Portland Service Monument organization is requesting sign permit to erect a sign in Mill Creek Park. Passage requires majority vote.

The following people spoke at this item;

Stephanie Gilbert, 15 Hudson Road – Ms. Gilbert raised concerns about communication and indicated that there had been no discussion between the Friends of Mill Creek Park and the Service Monument Committee.

Michael Welch, member of the Service Monument Committee – Mr. Welch said there was no tension between the two groups.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 41**  
**NOVEMBER 3, 2008**

Lee Harvey, 21 Elmwood Ave. – Mr. Harvey, also a member of the Service Monument Committee, said he does not see the sign being up for a full year.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Councilor Morgan motioned to allow the sign to be installed but to have the permit expire at midnight on November 17<sup>th</sup> to allow the committees a chance to have dialog. Mayor Soule seconded the amendment and it passed 4-3 (Boudreau, Blake, Loring). The permit passed as amended 4-3 (Boudreau, Blake, Loring)

**F. Citizen Discussion (First Part)**

Patty Smith, 63 Parrott Street – Ms. Smith talked about her experience during her campaign for the District Two Council seat.

**G. Public Hearings and Action**

3. Business License

One Fifty Ate, Inc. d/b/a One Fifty Ate, 158 Benjamin W. Pickett St. for a Class A Restaurant with Malt and Vinous License. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned for passage and Councilor Blake seconded the motion. The license passed 7-0.

**H. Action on Old and New Business**

4. ORDINANCE #3-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding tattoo and body piercing establishments. Postponed first reading on 10/20/08. Passage requires majority vote.

Councilor Boudreau motioned to have the ordinance read by title only. Councilor Morgan seconded and the motion passed 7-0. There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded. The ordinance passed first reading 4-3 (Blake, Loring, Hughes)

5. ORDINANCE #4-08/09 – Amending Chapter 27, “Zoning,” regarding tattoo and body piercing establishments. Postponed first reading on 10/20/2008. Passage requires majority vote.

Councilor Morgan motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0. There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 42**  
**NOVEMBER 3, 2008**

Councilor Beecher motioned for passage and Councilor Morgan seconded. The ordinance passed first reading 5-2 (Loring, Hughes)

6. ORDER #58-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The Order passed 7-0.

7. RESOLVE #2-08/09 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The Resolve passed 7-0.

8. ORDER #59-08/09 – Award of Bid #16-09 to Maietta Construction, Inc., of Scarborough, ME, for sidewalk construction. Passage requires majority vote.

There was no public discussion.

Councilor Loring motioned for passage and Councilor Hughes seconded the motion. The Order passed 7-0.

9. ORDER #60-08/09 – Award of Bid #18-09 to Shaw Brothers Construction, Inc., of Gorham, ME, for Patriots Day storm repairs. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Morgan seconded the motion. The Order passed 7-0.

10. ORDER #61-08/09 – Award of Bid #25-09 to Turf Products, of Enfield, CT for the purchase of two green mowers for the Parks Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The Order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 43**  
**NOVEMBER 3, 2008**

11. PROCLAMATION #1-08/09 – Proclaiming the week of November 3, 2008 through November 9, 2008 as “Maine Recycles Week”. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The Proclamation passed 7-0.

12. ORDER #62-08/09 – Amending the Sewer Agreement among Scarborough Sanitary District, City of South Portland and Commercial Welding Company dated October 24, 1991 by adding one additional lot. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Blake seconded the motion. The Order passed 7-0.

13. ORDINANCE #6-08/09 – Amending Chapter 5 “Buildings,” regarding Fire District #2. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The Ordinance passed first reading 7-0.

14. ORDER #63-08/09 – Accepting a portion of Oakdale Avenue as a city street. Passage requires majority vote.

Councilor Morgan motioned to have the Order read by title only. Councilor Beecher seconded and the motion passed 7-0. There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The Order passed 7-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

Councilor Morgan said he was running as a “Write In” candidate for the Cumberland County Charter Commission.

Councilor Boudreau congratulated the South Portland High School Marching Band and encouraged folks to get out and vote. She requested that candidates and political action committees get their signs down after the election.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 44**  
**NOVEMBER 3, 2008**

Councilor Blake also congratulated the High School Marching Band. He said he attended a meeting about the Veteran's Memorial Bridge and encouraged folks to get involved with issues regarding alternative means of transportation that will have to be addressed with the construction of that project. He also noted that the secondary school committee will be conducting an exit poll tomorrow and they need public input.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A., §405 (6) (a), evaluation of City Manager.

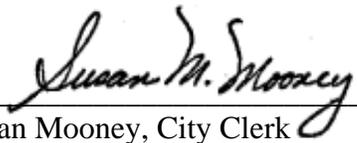
Councilor Morgan motioned to go into executive session at 9:00 P.M. and Councilor Boudreau seconded. Passed 7-0.

Motion to return from executive session was made at 9:40 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Councilor Morgan motioned to adjourn at 9:41 P.M. and Councilor Loring seconded. Passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 45**  
**NOVEMBER 17, 2008**

**Roll Call:** Mayor Soule called the meeting to order at 7:00 P.M. Councilor Loring arrived at 7:08 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the October 20<sup>th</sup> meeting, the October 27<sup>th</sup> Special Meeting and the November 3<sup>rd</sup> meeting was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following items

- City Hall will close at 1:00 P.M. the day before Thanksgiving
- The Monday night workshop is cancelled (this was rescheduled later in the evening to allow for the caucus of Mayor for the next year to continue)
- PROP will be offering extended fuel assistance with funds provided by CDBG and private donations. Residents in need should contact Ellen at 842-2988
- Green South Portland and the Energy and Recycling committee have arranged for a home energy audit and weatherization program to those who qualify. Residents may contact Eric Carson at 767-7606 for more information
- Most hardware stores are supporting an energy efficiency rebate program and will provide a \$5.00 gift card for the purchase of programmable thermostats replacing mercury thermostats.

**C. Petitions and Communications**

Department Reports for the month of October, 2008.

Attendance Reports for the month of October, 2008

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Morgan motioned to postpone. Councilor Boudreau seconded and the item was postponed by a vote of 7-0.

2. ORDER #64-08/09 – Conservation Commission, District One (Morgan) to fill a term which expires on 11/20/08. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 46  
NOVEMBER 17, 2008**

Councilor Morgan motioned to postpone. Councilor Boudreau seconded and the item was postponed by a vote of 7-0.

3. ORDER #65-08/09 – Conservation Commission, District Two (Loring) to fill a term which expires on 11/20/08. Passage requires majority vote.

There was no public discussion.

Councilor Loring motioned to postpone. Councilor Beecher seconded and the item was postponed by a vote of 7-0.

**E. Consent Calendar**

- 3b. Sign Permit

South Portland Service Monument organization is requesting a permit to erect a sign in Mill Creek Park. Passage requires majority vote.

Motion to waive Standing Rule 3E was made by Councilor Hughes and seconded by Councilor Beecher to have this item added to the agenda. The motion passed 7-0.

The following person addressed this item;

Stephanie Gilbert, Hudson Road – Ms. Gilbert said the Friends of Mill Creek Park met with the Service Monument Committee and she indicated that the Friends of Mill Creek Park are in full support of the plans for the monument.

Councilor Morgan motioned for passage and Councilor Blake seconded. The item passed 7-0

**F. Citizen Discussion (First Part)**

There was no public discussion.

**Councilor Morgan motioned to take Items 7 & 8 out of order. Councilor Boudreau seconded and the motion passed 7-0. See those items for details.**

**G. Public Hearings and Action**

4. ORDINANCE #3-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding tattoo and body piercing establishments. Passed first reading on 11/03/08. ROLL CALL VOTE. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 47**  
**NOVEMBER 17, 2008**

Councilor Morgan motioned to have the Ordinance read by title only. Councilor Boudreau seconded and the motion passed 6-0 (Loring out of room).

There was no public discussion.

Councilor Beecher motioned for passage of Ordinance #3-08/09 and Councilor Morgan seconded. The motion passed 7-0.

Councilor Boudreau motioned to amend section 14-774 to remove criminal history checks from the employees of the establishment and Councilor Morgan seconded. Councilor Morgan offered a friendly amendment and suggested the wording to be "Employees of the establishment, owner or partnership are exempt from the following;" in reference to Items A – E. The amendment passed 5-2 (Hughes, Loring).

Councilor Blake motioned to postpone the passage of Ordinance #3-08/09 for review by Corporation Council. Councilor Boudreau seconded and the ordinance was postponed 6-1 (Soule).

5. ORDINANCE #4-08/09 – Amending Chapter 27, “Zoning,” regarding tattoo and body piercing establishments. Passed first reading on 11/03/08. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Councilor Boudreau motioned to postpone and Councilor Blake seconded. Postponed 7-0.

6. ORDINANCE #6-08/09 – Amending Chapter 5 “Buildings,” regarding Fire District #2. Passed first reading on 11/03/08. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded. The ordinance passed roll call vote 7-0.

**H. Action on Old and New Business**

(An Ordinance due to be given first reading may be read by title only upon majority vote of the Council.)

7. ORDER #66-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 48**  
**NOVEMBER 17, 2008**

There was no public discussion. Officer Scott Corbett was present with Police K-9, Harley. He introduced Sally Davis and Sandy Chapman, Head of Maine Vest a Dog.

Councilor Morgan motioned for passage and Councilor Boudreau seconded. The item passed 7-0.

8. ORDER #67-08/09 – Authorizing the City Manager to sign a Ground Lease Agreement with South Portland Historical Society for property at Bug Light Park. Passage requires majority vote.

There was no public discussion. Kathy DiPhilippo and several members of the Board of the South Portland Historical Society were present. Ms. DiPhilippo spoke on behalf of the Historical Society and said they were very happy with the agreement.

Councilor Loring motioned for passage and Councilor Beecher seconded. The motion passed 7-0.

9. ORDER #68-08/09 – Setting the time for opening the polls for the January 27, 2009 Special Election. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The item passed 7-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Boudreau reminded residents that taxes are due on November 20<sup>th</sup>. She invited folks to a public hearing held by the Cumberland County Budget Advisory Committee at Scarborough Town Hall at 6:00 P.M. on Tuesday, November 25<sup>th</sup>.

Councilor Blake said goodbye to Councilors Loring and Morgan and wanted to note that Officer Jeff Coggsell recently left employment of the City. He attended the wake of George Shutts, a long time Fire Department employee, just before the meeting. He announced that the annual meeting of the West End Trails Committee would be held at the West End Fire Station on Wednesday evening at 7:00 P.M.

Mayor Soule said he would miss input from Councilors Loring and Morgan. He encouraged residents to attend the Cumberland County Budget Advisory meeting and noted areas of concern from when he served on that committee in 1989.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 49**  
**NOVEMBER 17, 2008**

Councilor Morgan thanked the residents of South Portland for allowing him to service. He said it has been a rewarding experience and indicated that it has been a fine working Council.

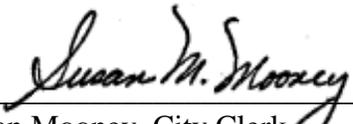
Councilor Loring welcomed Councilors Elect Patti Smith and Tom Coward. She also felt this had been the best working Council in a long time and that she enjoyed it most of the time.

Councilor Beecher thanked Councilors Loring and Morgan for their three years of service and welcomed Councilors Elect Smith and Coward. She addressed a concern about what looked like an oil spill in the roadside ditch near her home and learned that it is a natural occurring slick from decaying leaves.

**K. Executive Session**

Councilor Boudreau motioned at 8:32 P.M. to waive Standing Rule #6 and adjourn to hold a Special Workshop to caucus for Mayor. Councilor Blake seconded and the motion passed 7-0.

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 50  
DECEMBER 1, 2008**

Mayor Soule called the meeting to order at 4:00 P.M. Councilors Loring and Morgan were not present.

Mayor Soule invited former Mayor and City Councilor Frank Morong to present an invocation.

City Clerk Mooney administered the Oath of office to Councilors Thomas Coward, Patricia Smith and James Hughes.

City Clerk Mooney declared Councilors Coward, Smith and Hughes duly qualified for a three year term.

Councilor Coward nominated Councilor Blake for Mayor for year 2008/2009. Councilor Smith seconded the motion.

Councilor Soule moved that nominations cease. Councilor Boudreau seconded the motion. Passage 7-0.

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor Blake as Mayor for 2008/2009 by a vote of 7-0.

Mayor Blake presented Councilor Soule with a gift and thanked him for his outstanding leadership over the last year.

Mayor Blake then presented the Inaugural Address.

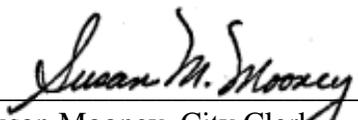
Councilor Boudreau moved that the Inaugural Address be spread on the records. Councilor Hughes seconded the motion. Mayor Blake announced the vote as 7-0 and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #3-08/09 establishing time and place of meetings. Councilor Coward moved for passage. Councilor Beecher seconded the motion. Mayor Blake took the vote and declared the Resolve duly passed 7-0.

Councilor Smith moved to adjourn. Councilor Boudreau seconded the motion. Mayor Blake took the vote and declared the Council adjourned. He announced that the Council will return for the Regular Council Meeting at 7:00 P.M.

A TRUE COPY

ATTEST \_\_\_\_\_

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 51  
DECEMBER 1, 2008**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the November 17th meeting was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following item;

- Holidayfest 2008 – December 5<sup>th</sup>. Program events will start at 4:30 P.M. and the lights will be turned on at 6:00 P.M.
- The Workshop of December 8<sup>th</sup> will have two items, one of which will be a continuing discussion of the dog report.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Coward) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone items #1, #2 and #3. Councilor Coward seconded. The three items were postponed by a vote of 7-0.

2. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/08. Postponed on 11/17/08. Passage requires majority vote.

See Item #1.

3. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/08. Postponed on 11/17/08. Passage requires majority vote.

See Item #1.

**E. Consent Calendar**

4. Street Closing

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 52**  
**DECEMBER 1, 2008**

South Portland/Cape Elizabeth Chamber of Commerce is requesting the closure of Hinckley Drive from Cottage Road to Ocean Street be closed for Holiday Fest on 12/05/08. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The street closing passed by a vote of 7-0.

**F. Citizen Discussion (First Part)**

Lee Humiston, Curator of the Maine Military Museum – Mr. Humiston thanked everyone who helped get the museum up and running. The museum is scheduled to open on December 7<sup>th</sup> and will be open on Saturdays and Sundays from 10:00 A.M. to 5:00 P.M.. The museum will open seven days a week starting in April.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said South Portland was not doing a good job with fiscal responsibility. He was upset to learn that Councilors get health insurance and inquired whether they got a W2.

**G. Public Hearings and Action**

5. ORDINANCE #3-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding tattoo and body piercing establishments. Passed first reading on 11/03/08. Postponed on 11/17/08. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the item read by title only and Councilor Soule seconded. The motion passed 7-0. There was no public discussion.

Councilor Soule motioned for passage of Ordinance #3-08/09 and Councilor Boudreau seconded the motion. Councilor Soule motioned to amend the Ordinance as recommended by Corporation Counsel, Sally Daggett. Counselor Daggett’s recommendation was to delete the amendment from November 17<sup>th</sup> and to add to Sec. 14-774(d) File a release compliant with 16 M.R.S.A. Section 620(6) (Criminal History Record Information Act) with the application for each applicant and for each officer, owner, manager, member or partner of an applicant seeking a license; “provided, such release filing shall not be required of an employee except if the employee is also an applicant or an officer, owner, manager, member or partner of an applicant;”. The amendment passed 7-0, however the ordinance failed by a vote of 3-4 (Blake, Coward, Smith, Hughes)

6. ORDINANCE #4-08/09 – Amending Chapter 27, “Zoning,” regarding tattoo and body piercing establishments. Passed first reading on 11/03/08. Postponed on 11/17/08. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 53**  
**DECEMBER 1, 2008**

There was no public discussion. Mayor Blake motioned to have the ordinance read by title only. Councilor Hughes seconded and the motion passed 7-0.

Councilor Coward motioned to open the item for discussion purposes and Councilor Blake seconded. Councilor Boudreau motioned to postpone the ordinance until the issue is brought back to a workshop and a decision made about whether the Council would like to pursue ordinance language regarding tattoo establishments. Councilor Coward seconded and the ordinance was postponed 7-0.

**H. Action on Old and New Business**

7. ORDER #69-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The order passed by a vote of 7-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Soule said he enjoyed Mayor Blake's inaugural address today and he is looking forward to working with the new council.

Mayor Blake thanked everyone for supporting him and indicated that the economy is going to be a big concern across America. He invited the public to hear John Richardson address the economic future of Maine tomorrow evening at 6:00 P.M. at SMCC.

Councilor Coward congratulated Mayor Blake and announced that he is looking for folks interested in serving on the Board of Appeals, the Conservation Commission and the Civil Service Commission.

Councilor Smith said she is looking forward to working together and indicated that she is also looking for people who would be interested in serving on the Conservation Commission.

Councilor Beecher passed along wishes for a speedy recovery to Dana Anderson, Parks, Recreation and Public Works Director.

Councilor Boudreau shared some incite on some of the issues that she would like to see the Council spend some time on in the coming year, including a discussion

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 54**  
**DECEMBER 1, 2008**

on the fundamentals of hardship abatements, capital project prioritizations and jumping into budget guidance.

**K. Executive Session**

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

Councilor Soule motioned to adjourn to executive session at 8:00 P.M. Councilor Beecher seconded and the motion passed 7-0.

Councilor Beecher motioned to return from executive session at 9:17 P.M. Councilor Coward seconded and the motion passed 7-0.

Councilor Boudreau motioned to deny Hardship Abatement 08/09-08 for \$5,460.47 and Councilor Beecher seconded. The abatement was denied by a vote of 7-0.

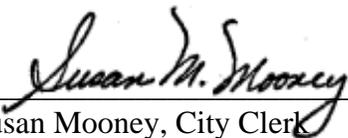
Councilor Boudreau motioned to approve Hardship Abatement 08/09-09 for \$5,686.33 public interest and costs. Councilor Smith seconded and the abatement passed by a vote of 7-0.

Councilor Boudreau motioned to deny Hardship Abatement 08/09-10 for \$6,206.03 and Councilor Coward seconded. The abatement was denied by a vote of 6-0 (Soule abstained).

Councilor Soule motioned to adjourn at 9:21 P.M. and Councilor Smith seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 55  
DECEMBER 15, 2008**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M. (All Councilors were present except Thomas Coward.)

**A. Acceptance of Minutes**

Motion to accept the minutes of the December 1<sup>st</sup> meeting was made by Councilor Soule and seconded by Councilor Boudreau. Passed 6-0 (Coward absent).

**B. Communications from City Manager**

The Manager addressed the following items;

- The Mayor presented Claude Morgan with a plaque for his service on the City Council.
- CDBG application process is underway.
- The City has heating assistance for qualified residents through PROP.
- Promoting Green South Portland Energy Efficiency Audit Program.
- City Hall will be closing at 1:00 P.M. on December 24<sup>th</sup>.
- Expressed his gratitude to Chief Guimond, Tim Gato and all city staff for their action during the recent ice storm.
- South Portland resident, Bob Crowley, winner of Survivor; proclamation forthcoming.
- He wished everyone Happy Holidays.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Coward) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone items #1, #2, #3, and #4. Councilor Soule seconded. The three items were postponed by a vote of 6-0 (Coward absent).

2. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed on 11/17/08. Passage requires majority vote.

See Item #1.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 56**  
**DECEMBER 15, 2008**

3. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed on 11/17/08. Passage requires majority vote.

See Item #1.

4. ORDER #70-08/09 – Library Advisory Board, At-Large, (Boudreau), for a term which expires 12/31/11. Passage requires majority vote.

See Item #1.

5. ORDER #71-08/19 – Library Advisory Board, At-Large (Blake), for a term which expires 12/31/11. Passage requires majority vote.

Motion to re-appoint Andrew Wallace, of 245 Broadway #403 was made by Councilor Blake and seconded by Councilor Beecher. Passed 6-0 (Coward absent).

6. ORDER #72-08/09 – Library Advisory Board, District Three (Soule), for a term which expires on 12/31/11. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to postpone, Councilor Boudreau seconded. The item was postponed by a vote of 6-0 (Coward absent).

7. ORDER #73-08/09 – Housing Authority, District Four (Beecher) to fill an unexpired term which expires 03/25/11. Passage requires majority vote.

Motion to appoint Robert Porter of 75 Baltimore Ave. was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0 (Coward absent)

8. ORDER #74-08/09 – Board of Appeals, District One (Coward) for an unexpired term which expires 07/23/09. Passage requires majority vote.

Motion to appoint John C. Howard, 94 Loveitts Field Road was made by Mayor Blake and seconded by Councilor Boudreau. Passed 6-0 (Coward absent).

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 57  
DECEMBER 15, 2008**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**H. Action on Old and New Business**

9. ORDER #75-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed by a vote of 6-0 (Coward absent).

10. ORDER #76-08/09 – Accepting a Cumberland County Underage Drinking Enforcement Task Force Mini-Grant for \$2000.00 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed by a vote of 6-0 (Coward absent)

11. RESOLVE #4-08/09 – Encouraging PACTS to submit proposals for three High Priority Projects for Federal funding. Passage requires majority Vote.

The following people spoke on this item:  
John Duncan (PACTS)

Councilor Boudreau motioned for passage and Councilor Soule seconded. The resolve passed by a vote of 6-0 (Coward absent).

**I. Citizen Discussion (Second Part)**

Matt Green, Berwick Street – Mr. Green said he thought the proposed 3 1/2 % tax increase would negatively impact all of the wonderful services that he has become used to and relies upon in South Portland. He appreciates the conservative increase amount, but worries about the squeeze that this could cause.

**J. Councilor's Round Robin**

Mayor Blake spoke about volunteerism and challenged the community to step up and bring ideas to the Council.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 58**  
**DECEMBER 15, 2008**

Councilor Smith thanked Mary-Lou Fathke of the Parks Department for the poinsettias. She also noted that the South Portland Land Trust is having their holiday Bulb sale.

Councilor Beecher also commended city staff for their dedication during the ice storm, as well as neighbors helping neighbors. She recognized the SP Police Department for catching recent robbery suspects, but advised residents to still be careful. She wished everyone a Happy Holiday.

Councilor Hughes was also pleased to see so many neighbors helping out other fellow neighbors during the recent storm.

Councilor Boudreau thanked the Rotary Club for their annual holiday tree sale and noted that some of that money does come back into South Portland. She congratulated South Portland resident Bob Crowley on his recent Survivor win. She suggested to anyone that wants to volunteer in the city to help by picking up trash from the streets, sidewalks and parks if you see it. She wished everyone Happy Holidays.

Councilor Soule encouraged residents to go to Mill Creek Park at night and view the fantastic holiday lights. He noted that city staff did a marvelous job during the storm and that CMP took too long to get some of the more major roadways (such as Sawyer Street) back to normal as it was partially blocked by hanging wires for days. He was disappointed that the Press referred to our shelter as a “warming shelter” which downplayed its services and effectiveness, which many residents thankfully took advantage of for a number of days as a place to sleep, shower and eat as well as stay warm. He recognized Bob Crowley and said he won Survivor by using honesty, integrity and a sound mind and body, and he can’t wait for South Portland to have a “Bob Crowley Day”. He commented on the city evaluations for homes and stated that he believes that they are drastically over valued. He would like to call for an immediate look at these residential revaluations.

**K. Executive Session**

Councilor Beecher motioned to adjourn at 8:04 P.M. and Councilor Soule seconded. The motion passed 6-0 (Coward absent)



A TRUE COPY

ATTEST \_\_\_\_\_  
Jennifer Scholz, Assistant City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 59  
DECEMBER 31, 2008**

Special Meeting – City Council 8:01 AM

Roll:

**Attendees:**

Councilor Blake

Councilor Soule

Councilor Coward

Councilor Smith

Councilor Boudreau (arrived at 8:06 am)

**Absent:**

Councilor Beecher

Councilor Hughes

ORDER #81-08/09 –Accepting the donation of 0 Elm Street (Map 26 Lot 1) from Thomas Shortill. Passage requires majority vote.

**Public Comment:**

Thomas Shortill – 49 Ledgewood Drive, Falmouth – talked about the property he is donating to the City. Proposed the idea of developing a fisherman’s pier on the property.

**Council:**

Councilor Soule – Asked about the property’s assessed value. Thanked Mr. Shortill for the great piece of land.

Councilor Smith – Mentioned she would always be willing to attend early morning Council meetings for items like this donation. Thanked Mr. Shortill and hopes that this donation could encourage others to do the same.

Councilor Coward – Marvelous donation. Asked about staff’s due diligence on the property.

Councilor Boudreau – Any restrictions in the property deed? Could the property be sold by the City if the City has no use for it? (Mr. Shortill said that he is not restricting the City’s use for the property – the City can do what they want with the property)

Mayor Blake – Thanked Mr. Shortill. Mayor Blake grew up in the neighborhood and knows that nothing has been on the property since the 1950’s. Sees this property as a great asset to the community.

Vote – 5-0 (Beecher and Hughes absent) – Order #81-08/09

Motion to Adjourn: Soule

Second: Coward

Vote – 5-0

Time 8:14 AM

Submitted by James Gailey, City Manager

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 60  
JANUARY 5, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the December 15<sup>th</sup> meeting was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Special Portland Water District Election – January 27<sup>th</sup>
- Dog licenses are due
- Composting bins are on sale for \$45.00

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Coward) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone Items #1 through #6. Councilor Soule seconded and the postponement passed 7-0.

2. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

Postponed, see Item #1.

3. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

Postponed, see Item #1.

4. ORDER #70-08/09 – Library Advisory Board, At-Large, (Boudreau), for a term which expires 12/31/11. Postponed on 12/15/08. Passage requires majority vote.

Postponed, see Item #1.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 61**  
**JANUARY 5, 2009**

5. ORDER #72-08/09 – Library Advisory Board, District Three (Soule), for a term which expires on 12/31/11. Postponed on 12/15/08. Passage requires majority vote.

Postponed, see Item #1.

6. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Passage requires majority vote.

Postponed, see Item #1.

7. ORDER #78-08/09 – Community Development Advisory Committee, District Five (Hughes) to fill a term which expires on 01/15/12. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to reappoint Michael Fletcher, of 5 Briarwood Road and Councilor Beecher seconded. Passed 7-0.

8. ORDER #79-08/09 – Community Development Advisory Committee District One (Coward) to fill a term which expires on 01/15/12. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to postpone and Councilor Boudreau seconded. Postponement passed 7-0.

**E. Consent Calendar**

**Councilor Boudreau motioned to take Item #11 out of order. Councilor Soule seconded and the motion passed 7-0. See Item #11 for details.**

**F. Citizen Discussion (First Part)**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo chastised the Council saying they have not addressed tax relief for the taxpayers. He questioned the authority of providing health insurance benefits to the Council.

**G. Public Hearings and Action**

9. Business License

Northeast Imports, LLC, d/b/a Northeast Imports, 15 Adams St. for a Used Car Lot License. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 62**  
**JANUARY 5, 2009**

There was no public discussion.

Councilor Soule motioned for passage and Councilor Beecher seconded. Motion passed 7-0.

**H. Action on Old and New Business**

(An Ordinance due to be given first reading may be read by title only upon majority vote of the Council.)

10. ORDER #80-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Motion passed 7-0.

11. PROCLAMATION #2-08/09 – Recognizing Bob Crowley for his outstanding performance on CBS Survivor Gabon. Passage requires majority vote.

This item was taken out of order before Citizen's Discussion part one. Mr. Crowley was present along with his wife and daughter. The following person addressed this item;

Rosemarie DeAngelis, Buttonwood Street – Ms. DeAngelis spoke with warmth and support of Bob Crowley noting many times when he provided neighborly assistance.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The Council thanked Mr. Crowley for representing the citizens of Maine so eloquently. The proclamation passed 7-0.

12. ORDINANCE #7-08/09 – Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding flea markets. First reading. Passage requires majority vote.

Councilor Boudreau motioned to have the Ordinance read by title only. Councilor Soule seconded and the motion passed 7-0.

The following people raised concerns over noise, parking and general disruptions for the neighborhood;

Jane Berry-Dean, 27 Buttonwood St.  
Tim Berry-Dean, 27 Buttonwood St.  
Rosemarie DeAngelis, 30 Buttonwood St.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 63**  
**JANUARY 5, 2009**

Barry Brown, 23 Buttonwood St.

The following people supported the amendment;

Lee Harvey, 21 Elmwood Ave.  
Louis Maietta Jr., Elderberry Dr.

Councilor Boudreau motioned for passage of the Ordinance and Councilor Soule seconded. Mayor Blake motioned to amend the Ordinance to restrict outside sales at the flea market. Councilor Boudreau seconded and the amendment passed 7-0. Mayor Blake opened the floor back up for comments from the public. The following residents spoke;

Louis Maietta Jr, Elderberry Dr.  
Rosemarie DeAngelis, 30 Buttonwood St.  
Tim Berry-Dean, 27 Buttonwood St.  
Christine Nelmes, 164 Sawyer St.

Councilor Boudreau motioned for an amendment to remove “land” from the definition of “Flea market vendor”. Councilor Beecher seconded, however Councilor Boudreau withdrew the amendment after Corporation Counsel noted this could create conflict with the zoning ordinance.

Councilor Boudreau motioned for an amendment to change the hours to 9:00 A.M. to 7:00 P.M. Councilor Smith seconded. Mayor Blake opened the floor back up for comments from the public. The following residents spoke;

Rosemarie DeAngelis, 30 Buttonwood St.  
Jane Berry-Dean, 27 Buttonwood St.  
Louis Maietta Jr., Elderberry Drive.  
Tim Berry-Dean, 27 Buttonwood St.

The amendment failed 2-5 (Soule, Blake, Hughes, Coward and Beecher)

Councilor Beecher motioned to amend the hours to be 8:00 A.M. to 6:00 P.M. Mayor Blake seconded and the amendment passed 7-0.

Councilor Boudreau asked that parking restrictions for that area be reviewed before this Ordinance comes back for final passage. The City Manager will discuss this with Police Chief Googins.

The Ordinance passed first reading with two amendments 7-0.

**I. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 64**  
**JANUARY 5, 2009**

Rosemarie DeAngelis, 30 Buttonwood Street – Ms. DeAngelis noted that while the neighborhood did not get everything they wanted, she is willing to work with Mr. Maietta. She said she appreciates the process and looks forward to this venture being positive.

Louis Maietta Jr., Elderberry Drive – Mr. Maietta indicated that he would keep a copy of the vendor licenses and agreements handy in the event issues need to be addressed on weekends. He thanked Jennifer Scholz, the City Licensing Administrator for her time and effort in bringing this Ordinance forward.

**J. Councilor’s Round Robin**

Councilor Coward noted that his New Year’s Resolution would be to encourage citizen involvement. He was pleased with tonight’s interaction.

Councilor Smith hoped everyone enjoys meeting with Bob Crowley tomorrow night.

Councilor Beecher acknowledged the Public Works Department for there efforts on resent storm and ice issues. She also recognized the library staff noting that more people are visiting the Library.

Councilor Hughes congratulated Kevin Davis and library staff as being recognized as an example of a well run library.

Councilor Boudreau encouraged folks to purchase and use the composting bins and added that kitchen waste has no BTU value.

Councilor Soule was pleased with the results of tonight’s meeting and reflected on the willingness to compromise and work out our differences.

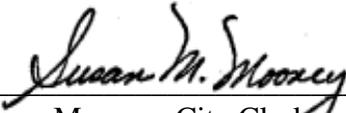
Mayor Blake encouraged folks to “adopt a fire hydrant” and keep it shoveled out. He invited citizens to the Ferry Village Neighborhood Conservation Committee meeting at the Betsy Ross House on Thursday at 6:30 P.M.

**K. Executive Session**

Councilor Soule motioned to adjourn at 9:26 P.M. and Councilor Beecher seconded. The motion passed 7-0.

A TRUE COPY

ATTEST \_\_\_\_\_

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 65**  
**JANUARY 21, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the January 5th meeting was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

**B. Communications from City Manager**

The City Manager addressed the following item.

- Email from David Ladd

**C. Petitions and Communications**

Mayor Blake presented Mary Strnad a plaque recognizing her years of service to the Library Advisory Board.

Mayor Blake announced that the Council has recently received information from Corporation Counsel regarding health insurance coverage for Councilors. The City Council will be taking the issue up at a workshop in the near future.

Department Reports for the month of December, 2008.

Attendance Reports for the month of December, 2008.

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Coward) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone items #1, #2, #3, #6, #7 and #9. Councilor Soule seconded and the items were postponed by a vote of 7-0.

2. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

Postponed, see item #1 for details.

3. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 66**  
**JANUARY 21, 2009**

Postponed, see item #1 for details.

4. ORDER #70-08/09 – Library Advisory Board, At-Large, (Boudreau), for a term which expires 12/31/11. Postponed since 12/15/08. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to waive Standing Rule #3E to have Order #70-08/09 added to the agenda. Councilor Soule seconded and the motion passed 7-0.

Councilor Boudreau motioned to appoint Judith Cutler, 180 Preble Street to the Library Advisory Board. Councilor Soule seconded and the motion passed 7-0.

5. ORDER #72-08/09 – Library Advisory Board, District Three (Soule), for a term which expires on 12/31/11. Postponed since 12/15/08. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to appoint Carin Dunay, 75 Pilgrim Road to the Library Advisory Board. Councilor Coward seconded and the motion passed 7-0.

6. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed on 01/05/09. Passage requires majority vote.

Postponed, see item #1 for details.

7. ORDER #79-08/09 – Community Development Advisory Committee District One (Coward) to fill a term which expires on 01/15/12. Postponed on 01/05/09. Passage requires majority vote.

Postponed, see item #1 for details.

8. ORDER #81-08/09 – Community Development Advisory Committee, At-Large (Boudreau) to fill an unexpired term which expires on 01/15/11. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Kevin Glynn, 109 Huntress Ave. to the Community Development Advisory Board. Councilor Beecher seconded and the motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 67**  
**JANUARY 21, 2009**

9. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an unexpired term which expires on 03/16/09. Passage requires majority vote.

Postponed, see item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo indicated that according to a local blog many citizens did not approve of City Councilors receiving health insurance benefits. He said the City Council is a volunteer position.

**G. Public Hearings and Action**

10. ORDINANCE #7-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding flea markets. Amended and passed first reading 01/05/09. ROLL CALL VOTE. Passage requires majority vote.

Councilor Soule motioned to have the ordinance read by title only. Councilor Boudreau seconded and the motion passed 7-0.

The following person addressed this item;

Louis Maietta, Jr., Elderberry Drive – Mr. Maietta requested that the Council reconsider their amendment on the hours of operation for the flea market stating that vendors would not be willing to come if they could not set up before 8:00 A.M.

Councilor Soule motioned for passage and Councilor Boudreau seconded. Councilor Soule suggested that the parking on Buttonwood Street be by permit only. It was noted that parking issues would have to be addressed through updates to the traffic schedule. Councilor Soule motioned to amend the hours of operation so that set-up will not commence earlier than 7:00 A.M., patrons would not be allowed earlier than 8:00 A.M. and will close no later than 5:00 P.M. Mayor Blake seconded the amendment and it passed 7-0. The main motioned passed roll call vote as amended 7-0.

**H. Action on Old and New Business**

11. ORDER #83-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 68**  
**JANUARY 21, 2009**

Councilor Soule motioned for passage and Councilor Coward seconded.  
The motion passed 7-0

12. ORDER #84-08/09 – Award of bid to Rowe Ford, of Westbrook, ME, for the purchase of three (3) police cruisers to be used by the South Portland Police Department. Passage requires majority vote.

There was no public discussion. Chief Googins was present and answered questions from the Council.

Councilor Soule motioned for passage and Councilor Hughes seconded the motion. The order passed by a vote of 7-0.

13. ORDINANCE #8-08/09 – Amending Chapter 3, “Animals and Fowl” regarding dogs. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Coward seconded and the motion passed 6-0 (Boudreau out of the room).

The following people addressed this item;

Bob Goldman, 320 Preble Street – Mr. Goldman said he is a new resident to South Portland and he does not own a dog, however he does enjoy socializing with dog owners and dogs on Willard Beach.

Chrystal Goodrich, 17 Highland Ave. – Ms. Goodrich said the process and results have been conducted fair.

Councilor Soule motioned for passage and Councilor Coward seconded. Councilor Soule motioned to amend section 3-29 to have April first amended to May first. Councilor Coward seconded the amendment and it passed 4-3 (Boudreau, Beecher, Hughes). The ordinance passed first reading as amended 7-0.

14. ORDINANCE #9-08/09 – Amending Chapter 18, “Parks and Recreation,” regarding dogs. First reading. Passage requires majority vote.

Councilor Coward motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Hughes seconded the motion. The order passed by a vote of 7-0.

**I. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 69**  
**JANUARY 21, 2009**

Peggy Stewart, 55 Bayview Ave. – Ms. Stewart said that she was glad to have the evening dog hours on the beach but it was not the dog owners idea to get that into the ordinance.

**J. Councilor's Round Robin**

Councilor Soule encouraged folks to tend to the build up of snow on their roofs to avoid ice dams. He reminded people to make sure the company is insured if they hire the work out.

Mayor Blake complimented the Public Works crews for addressing storm problems and thanked the community for coming out and supporting Bob Crowley.

Councilor Coward indicated that he would be representing the city tomorrow at a Legislative Policy Committee meeting with Maine Municipal Association.

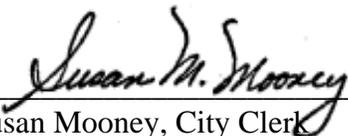
Councilor Smith expressed thanks for the donations received tonight. She talked about the ecomaine Excellance Award and said they are looking for nominations. She also encouraged folks who might be interested in participating in the open space plan to get in touch with her.

**K. Executive Session**

Councilor Soule motioned to adjourn at 8:50 P.M. and Councilor Hughes seconded. The motion passed 7-0.

A TRUE COPY

ATTEST \_\_\_\_\_

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 70  
FEBRUARY 2, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M. Councilor Smith was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes of the January 21st meeting was made by Councilor Soule and seconded by Councilor Hughes. Passed 6-0

**B. Communications from City Manager**

The Manager addressed the following items;

- The Manager asked the public for assistance with clearing snow from the 960 fire hydrants around the city.
- Land Trust has a new website [www.splandtrust.com](http://www.splandtrust.com)

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-07/08 – Civil Service Commission, District One (Coward) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to reappoint George Hackett of 157 Stanford Street to this seat. Councilor Boudreau seconded and the item passed with a vote of 6-0.

2. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone items #2, #3, #4, #5 and #6. Councilor Hughes seconded and the items were postponed by a vote of 6-0.

3. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

Postponed, see item #2 for details.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 71**  
**FEBRUARY 2, 2009**

4. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

Postponed, see item #2 for details.

5. ORDER #79-08/09 – Community Development Advisory Committee District One (Coward) to fill a term which expires on 01/15/12. Postponed since 01/05/09. Passage requires majority vote.

Postponed, see item #2 for details.

6. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an unexpired term which expires on 03/16/09. Postponed on 01/21/09. Passage requires majority vote.

Postponed, see item #2 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Councilor Beecher motioned to take Item #13 out of order. Councilor Boudreau seconded and the vote passed 6-0. See Item #13 for details.

**G. Public Hearings and Action**

7. ORDINANCE #8-08/09 – Amending Chapter 3, “Animals and Fowl” regarding dogs. Amended and passed first reading 01/21/09. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the Ordinance read by title only. Councilor Beecher seconded and the motion passed 6-0. The following people addressed this item;

Anton Hoecker, 40 Hillside Ave. – Mr. Hoecker said the proposed ordinance does not provide equal access. He felt that dogs should have access, but they should be on a leash.

Anthony Young, 23 Chase Street – Mr. Young said he didn’t see many people on the beach in the evenings when he walked his dog. He commented that there have been no reports of dog attacks or dog bites on the beach.

Christine Nelmes, 164 Sawyer Street – Ms. Nelmes said dividing the concentration of dogs between the morning and the evening is a good compromise.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 72**  
**FEBRUARY 2, 2009**

Lee Smolovitch, 89 Willow Street – Mr. Smolovitch said he was chased by a big shepherd so he does not visit the beach in the morning anymore. He had enjoyed it in the past but now there are too many dogs.

Councilor Soule motioned to postpone this item to March 2<sup>nd</sup>. The motion failed without a second. Councilor Boudreau motioned for passage and Councilor Coward seconded. Councilor Beecher noted that there needed to be a right parentheses added in section 3-28 at the end of \$100.00. Councilor Beecher motioned to amend section 3-29 to add “only on leash”. There was no second so the amendment failed. The ordinance passed by roll call vote as presented with a vote of 6-0.

8. ORDINANCE #9-08/09 – Amending Chapter 18, “Parks and Recreation,” regarding dogs. Passed first reading 01/21/09. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Boudreau seconded. The ordinance passed by roll call vote with a vote of 6-0.

**H. Action on Old and New Business**

9. ORDER #85-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Boudreau seconded. The order passed with a vote of 6-0.

10. ORDER #86-08/09 – Accepting a Maine Municipal Association Safety Scholarship Grant for \$2,000 to be used by the Police Department. Passage requires majority vote.

The following person addressed this item;

Amy Berry, Deputy Police Chief – Deputy Chief Berry encouraged the Council to accept the grant. She said she is looking forward to the training.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed with a vote of 6-0.

11. ORDER #87-08/09 – Accepting \$52,998, or a portion thereof, under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 73  
FEBRUARY 2, 2009**

There was no public discussion.

Councilor Soule motioned for passage and Councilor Hughes seconded.  
The order passed with a vote of 6-0.

12. RESOLVE #5-08/09 – Requesting the Maine Legislature to amend the Pine Tree Development Zone to extend the boundaries to include greater Portland and Cumberland County.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded.  
The order passed with a vote of 6-0.

13. ORDINANCE #5-08/09 – Amending Chapter 18, “Parks and Recreation”, Article V, “Willard Beach”, regarding dogs on Willard Beach. First reading. Postponed on 10/20/08. Passage requires majority vote.

This item was taken out of order before Public Hearings and Action. The following person addressed this item;

Anton Hoecker, 40 Hillside Ave. – Mr. Hoecker said he likes dogs but opposes letting them run on Willard Beach in the evening hours as proposed by the ordinance amendment.

Lee Smolovitch, 89 Willow Street – Mr. Smolovitch commented that there has been a change to the number of dogs on Willard Beach and the situation has gotten out of hand.

Councilor Soule motioned to postpone this item and Councilor Coward seconded. After some discussion Councilor Coward motioned to amend the motion to postpone this item indefinitely. Councilor Boudreau seconded and the amendment passed 6-0. The item was postponed indefinitely as amended by a vote of 6-0.

14. ORDER #88-08/09 - Authorizing the City Manager to sign a Lease Agreement with Impala, LLC, for the lease of property at 586 Westbrook Street. Passage requires majority vote.

There was no public discussion. Councilor Boudreau motioned to waive Standing Rule #4 to have this item added to the agenda. Councilor Soule seconded and the motion passed 6-0.

Councilor Boudreau motioned for passage and Councilor Soule seconded.  
The order passed with a vote of 6-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 74  
FEBRUARY 2, 2009**

**I. Citizen Discussion (Second Part)**

Peggy Stewart, 55 Bayview Ave. – Ms. Stewart encouraged the Council to take a city wide look at signage regarding dog ordinances.

**J. Councilor's Round Robin**

Mayor Blake asked the Manager to look into the signage issue. He commented on the calls he has received regarding snow buildup on the sidewalks in the area of Skillins School. He also acknowledged the volunteer efforts of citizens in the community.

Councilor Coward provided an overview of his first Legislative Policy Committee meeting and asked the Council for guidance on how much information they would like from future meetings.

Councilor Beecher recognized Lizzie Canarie, a South Portland student for winning first prize in the Lincoln Douglas Debate. She commented on a letter in the Sentry in which a citizen noted concern about one truck picking up trash and recycling. Councilor Beecher assured the public that there are actually two separate compartments and that the trash and recycling are not being mixed in together. She said that there is a Zoning Committee Public Forum on Wednesday night. She also said she has received complaints about street lights being out on Lincoln Street.

Councilor Hughes said he likes the new Land Trust website and he made a contribution while online.

Councilor Boudreau encouraged folks to make sure the storm drains near their properties are clear to prevent flooding. She thanked Councilors for supporting the last item on the agenda.

**K. Executive Session**

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

Motion to go into executive session was made at 9:04 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0

Motion to come out of executive session was made at 9:30 P.M. by Councilor Beecher and seconded by Councilor Coward. Passed 5-0 (Soule absent)

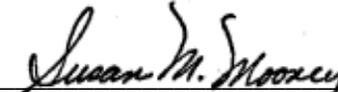
**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 75**  
**FEBRUARY 2, 2009**

Motion to approve Hardship Abatement #2008/2009-11 was made by Councilor Boudreau and seconded by Mayor Blake. Motion passed 5-0 (Soule absent) to approve Abatement #2008/2009-11 for  $\frac{3}{4}$  of the 2008/2009 taxes in the amount of \$2,497.68 plus interest and fees.

Motion to adjourn was made at 9:32 P.M. by Councilor Coward and seconded by Councilor Hughes. Passed 5-0 (Soule absent).

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 76  
FEBRUARY 18, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M. Councilor Soule was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes of the February 2, 2009 meeting was made by Councilor Beecher and seconded by Councilor Smith. Passed 6-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Institute for Civic Leadership will hold a breakfast meeting featuring former City Manager Jeffrey Jordan. The topic will be “Leadership lessons – Building a New Economy”.
- The metropolis area of Portland and South Portland was recognized nationally by the American Heart Association taking second place in the nation as a heart friendly community.

**C. Petitions and Communications**

Department Reports for the month of January, 2009.

Attendance Reports for the month of January, 2009.

**D. Appointment Calendar**

1. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to postpone items #1, #2, #3, #5, #6, #7, #8 and #9. Councilor Boudreau seconded and the items were postponed by a vote of 6-0.

2. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

Postponed, see item #1 for details.

3. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 77**  
**FEBRUARY 18, 2009**

Postponed, see item #1 for details.

4. ORDER #79-08/09 – Community Development Advisory Committee District One (Coward) to fill a term which expires on 01/15/12. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to reappoint Elizabeth Morin, 74 Angell Ave. to this seat. Councilor Boudreau seconded and the order passed 6-0.

5. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an unexpired term which expires on 03/16/09. Postponed since 01/21/09. Passage requires majority vote.

Postponed, see item #1 for details.

6. ORDER #89-08/09 – Community Development Advisory Committee District Two (Smith) to fill a term which expires on 01/15/12. Passage requires majority vote.

Postponed, see item #1 for details.

7. ORDER #90-08/09 – Civil Service, District Two (Smith) to fill a term which expires on 03/01/14. Passage requires majority vote.

Postponed, see item #1 for details.

8. ORDER #91-08/09 – Civil Service, District Three (Soule) to fill a term which expires on 03/01/14. Passage requires majority vote.

Postponed, see item #1 for details.

9. ORDER #92-08/09 – Conservation Commission District Five (Hughes) to fill a term which expires on 03/03/12. Passage requires majority vote.

Postponed, see item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**H. Action on Old and New Business**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 78**  
**FEBRUARY 18, 2009**

(An Ordinance due to be given first reading may be read by title only upon majority vote of the Council.)

10. PROCLAMATION #3-08/09– Proclaiming February 25, 2009 as Southern Maine Boys and Girls Club Day. Passage requires majority vote.

The following people addressed this item;

Bob Clark, CEO of the Boy’s and Girl’s Club of Southern Maine – Mr. Clark thanked the Council for their support and invited the Council to the 100 year celebration next week.

John Lee, South Portland – Mr. Lee thanked the Manager for his kind words and support.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The proclamation passed 6-0.

11. PROCLAMATION #4-08/09 – Proclaiming Christopher Todd as Officer of the Year. Passage requires majority vote.

There was no public discussion.

Officer Christopher Todd could not make it due to illness. Councilor Boudreau motioned to postpone this item. Councilor Beecher seconded and the proclamation was postponed 6-0.

12. ORDER #93-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded. The order passed 6-0.

13. ORDER #94-08/09 – Accepting \$1,070.00 or a portion thereof, under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Beecher seconded. The order passed 6-0.

14. ORDINANCE#10-08/09 – Repealing and replacing Chapter 4, “Bicycles”. First reading. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 79**  
**FEBRUARY 18, 2009**

Councilor Coward motioned to have this ordinance read by title only.  
Councilor Beecher seconded and the motion passed 6-0. The following person addressed this item;

Chief Googins indicated that the Bicycle Coalition of Maine was happy with the wording in this ordinance.

Councilor Beecher motioned for passage and Councilor Coward seconded.  
The order passed 6-0.

15. ORDER #95-08/09 – Award of bid to A.D. Electric, of Sabattus, ME, to provide traffic signal repair and maintenance services. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Boudreau seconded.  
The order passed 6-0.

16. ORDINANCE #11-08/09 – Amending Chapter 27, “Zoning,” regarding Conditional Residential Use District G-1. First reading. Passage requires majority vote.

Councilor Coward motioned to have this ordinance read by title only.  
Councilor Beecher seconded and the motion passed 6-0. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Boudreau seconded.  
Councilor Beecher motion to amend section 27-407 to remove the double entry of the word sign. Councilor Smith seconded and the amendment passed 6-0. The ordinance passed first reading as amended 6-0.

17. ORDINANCE #12-08/09 – Amending Chapter 27, “Zoning,” Article XLVII, Residential VR District regarding congregate housing. First reading. Passage requires majority vote.

Councilor Coward motioned to have this ordinance read by title only.  
Councilor Hughes seconded and the motion passed 6-0. There was no public discussion.

Councilor Coward motioned for passage. Councilor Boudreau seconded and the ordinance passed first reading 6-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 80  
FEBRUARY 18, 2009**

Mayor Blake said the Nichols House was moved this last weekend. The Historical Society is hoping to move in this summer.

Councilor Coward provided an update from a Legislative Policy Committee meeting last week. He said there was a sense of urgency regarding the stimulus package and noted that MMA is leading the charge to keep towns interests in the forefront.

Councilor Smith was pleased to announce that Warm Homes Cool Cities' Angela Griffiths and Liz Seidel received the ecomaine award. They will be honored at a luncheon on March 24<sup>th</sup>.

Councilor Beecher was pleased to attend the South Portland Cape Elizabeth Chamber dinner. She invited the public to the Planning Board public hearing from the Zoning Committee. Topics will include Shoreland amendments, floodplain and storm water management.

Councilor Boudreau remarked about the High School production of Hello Dolly and recognized Steve and Jane Fileo for all of their time on these productions.

**K. Executive Session**

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

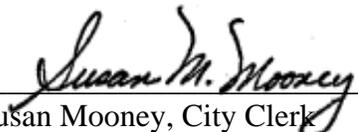
Motion to go into executive session was made at 8:15 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0

Motion to come out of executive session was made at 8:28 P.M. by Councilor Beecher and seconded by Councilor Coward. Passed 6-0

Motion to approve Hardship Abatement #2008/2009-12 was made by Councilor Boudreau and seconded by Mayor Blake. Motion passed 6-0 to approve Abatement #2008/2009-11 for \$1,376.20 plus interest and fees.

Motion to adjourn was made at 8:30 P.M. by Councilor Boudreau and seconded by Councilor Coward. Passed 6-0.

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 81  
MARCH 2, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:09 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the February 16, 2009 meeting was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- The Manager read a statement regarding recent layoffs

**C. Petitions and Communications**

Councilor Boudreau motioned to take item #14 out of order. Councilor Soule seconded and the motion passed 7-0. See Item #14 for details.

**D. Appointment Calendar**

Councilor Smith motioned to waive Standing Rule 3(e) to allow items #2, #5 and #6 to be added to the agenda because applications were submitted after noon on Thursday. Councilor Boudreau seconded and the motion passed 7-0.

1. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved to postponed items #1, #3, #4 and #8. Councilor Boudreau seconded and the postponement passed 7-0.

2. ORDER #65-08/09 – Conservation Commission, District Two (Smith) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to reappoint Timothy Baker of 7 Edwards Street, to this seat. Councilor Beecher seconded and the motion passed 7-0.

3. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 82**  
**MARCH 2, 2009**

Postponed, see Item #1 for details.

4. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an unexpired term which expires on 03/16/09. Postponed since 01/21/09. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #89-08/09 – Community Development Advisory Committee District Two (Smith) to fill a term which expires on 01/15/12. Postponed on 2/18/09. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to reappoint Anton Hoecker, II of 40 Hillside Avenue, to this seat. Councilor Beecher seconded and the motion passed 7-0.

6. ORDER #90-08/09 – Civil Service, District Two (Smith) to fill a term which expires on 03/01/14. Postponed on 2/18/09. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to reappoint Michael Holmes of 79 Parrott Street, to this seat. Councilor Hughes seconded and the motion passed 7-0.

7. ORDER #91-08/09 – Civil Service, District Three (Soule) to fill a term which expires on 03/01/14. Postponed on 2/18/09. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to reappoint James Hendry of 75 B Street, to this seat. Mayor Blake seconded and the motion passed 7-0.

8. ORDER #92-08/09 – Conservation Commission District Five (Hughes) to fill a term which expires on 03/03/12. Postponed on 2/18/09. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #96-08/09 – South Portland Housing Authority, At Large (Blake) to fill a term which expires on 03/25/14. Passage requires majority vote.

There was no public discussion.

Mayor Blake motioned to reappoint Kevin Glynn of 109 Huntress Avenue, to this seat. Councilor Beecher seconded and the motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 83  
MARCH 2, 2009**

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people spoke about the recent layoffs;

Boyce (Buzzy) Sanborn, 228 South Richland Street  
Paul Bartlett, 21 Dunphy Drive  
Lucy Weaver, 99 Mitchell Road  
John Platt, 49 Mitchell Road  
Gabby Ferrell, 18 Spring Street  
Darcy Halverson, 43 Fairlawn Ave.  
Mary Kahl, 48 Sprague Street  
Ed Pearlman, 76 Pine Street  
Carol Bartlett, 21 Dunphy Drive  
Emma Muse, 20 Davis Street  
Laura Mills, 75 Clinton Street  
Terry LaPoint, 425 Broadway  
John Kierstead, 36 School Street  
Courtney Ferrell, 18 Spring Street  
Karen Callahan, 241 Alfred Street  
Vicky Smith, 99 Mitchell Road  
Don Legere, 217 Elderberry Drive  
Matt Green, Berwick Street  
Angela Griffiths, 20 Davis Street  
Jeff Crain, 2 Kenneth Road  
Laura Pearlman, 76 Pine Street

The following person spoke in opposition to Item #19, a school bond issue;

Albert DiMillo, 64 Colchester Drive

**G. Public Hearings and Action**

10. ORDINANCE#10-08/09 – Repealing and replacing Chapter 4, “Bicycles”. Passed first reading 02/18/09. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the ordinance read by title only. Councilor Soule seconded and the motion passed 7-0. There was no public discussion.

Councilor Coward motioned for passage. Councilor Boudreau seconded. The ordinance passed roll call vote 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 84**  
**MARCH 2, 2009**

11. ORDINANCE #11-08/09 – Amending Chapter 27, “Zoning,” regarding Conditional Residential Use District G-1. Passed first reading 02/18/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Councilor Boudreau motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Hughes seconded. The ordinance passed roll call vote 7-0.

12. ORDINANCE #12-08/09 – Amending Chapter 27, “Zoning,” Article XLVII, Residential VR District regarding congregate housing. Passed first reading 02/18/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Councilor Boudreau motioned to have the ordinance read by title only. Councilor Soule seconded and the motion passed 7-0. Mr. Bulger, Attorney for MCB Realty was present and answered questions from the Council.

Councilor Boudreau motioned for passage. Councilor Coward seconded. The ordinance passed roll call vote 7-0.

13. David Cram, D/B/A Spring Point Tavern, 175 Benjamin W. Pickett St. for a Class A Lounge with Liquor License. Passage requires majority vote.

Tim Cram was present representing David Cram.

Councilor Beecher motioned for passage. Councilor Hughes seconded and the license passed 6-0 (Soule out of room).

**H. Action on Old and New Business**

14. PROCLAMATION #4-08/09 – Proclaiming Christopher Todd as Officer of the Year. Postponed on 02/18/09. Passage requires majority vote.

This item was taken out of order before the Appointment Calendar. There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Hughes seconded. The proclamation passed 7-0.

15. ORDER #97-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 85**  
**MARCH 2, 2009**

Councilor Coward motioned for passage. Councilor Boudreau seconded.  
The order passed 6-0 (Councilor Soule of the room).

16. ORDER #98-08/09 – Accepting a 2008 Homeland Security Grant of \$297,728.05 from the Maine Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postponed and Councilor Smith seconded.  
Postponement passed 7-0.

17. ORDER #99-08/09 – Approving 2009 rates for Spring Point Marina.  
Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned why boat owners only received a 2% rate increase while tax payers get a 3% tax increase.

Tom Meyers, Transportation and Waterfront Director was present and answered questions from the Council.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. The order passed 7-0.

18. ORDER #100-08/09 – authorizing the City Manager to sign an agreement with MaineDOT to accept \$30,000.00 from State Bond Funds for Transit Bus Improvements. Passage requires majority vote.

There was no public discussion. Tom Meyers, Transportation and Waterfront Director, answered questions from the Council.

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The order passed 7-0.

19. ORDINANCE #13-08/09 - Appropriating \$5,850,000 (\*) for Capital Improvement Projects for the South Portland High School, Memorial Middle School and Mahoney Middle School, and to authorize \$5,850,000 (\*) principal amount of bonds to finance such appropriations. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone this item. Councilor Coward seconded and the postponement passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 86  
MARCH 2, 2009**

**I. Citizen Discussion (Second Part)**

The following people spoke about the recent layoffs;

Rosemarie DeAngelis, 30 Buttonwood Street  
Kari Filieo, 32 Hall Street  
Nancy Richardson, 40 Boothby Ave.

**J. Councilor's Round Robin**

Councilor Soule was concerned about the wording of the Executive Session. He requested "duties and responsibilities" of the City Manager and that was not what was presented. He did not believe the Manager followed his responsibilities when he did not inform all Councilors of the layoff. He supported getting an exit interview with the five employees who were laid off.

Mayor Blake complimented the City Manager saying he was a hard worker and always available. He said Councilors were notified numerous times that layoffs were coming and he indicated that Councilor Soule should have asked questions.

Councilor Coward said this had been talked about for several months and he was comfortable that everything that could be done was done. He cited Charter section 229, Council not to interfere in appointments or removals.

Councilor Smith said this was a night of reflection and she appreciates all the people who came down tonight.

Councilor Beecher talked about Council verses Managers responsibilities. She said she believes the Manager did what he felt was best in this situation and she hopes people will have faith.

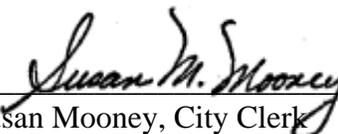
**K. Executive Session**

Motion to enter Executive Session pursuant to 1 M.R.S.A. §405 (6)(A) to discuss the duties of the City Manager relating to personnel matters and the evaluation of the City Manager related to his handling of recent personnel decisions.

There as not a motion to go into Executive Session. Motion to adjourn was made at 10:33 P.M. by Councilor Coward and seconded by Councilor Boudreau.  
Passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 87**  
**MARCH 16, 2009**

**Roll Call:** Councilor Boudreau called the meeting to order at 7:00 P.M. Mayor Blake, Councilor Smith and Councilor Hughes were absent.

**A. Acceptance of Minutes**

Motion to accept the minutes of the March 2, 2009 meeting was made by Councilor Soule and seconded by Councilor Coward. Passed 4-0

**B. Communications from City Manager**

The Manager addressed the following items;

- State Assessment date for property values is April 1<sup>st</sup>. Folks who may qualify for certain exemptions, ie. Blind, Veteran's, etc. must file by March 31<sup>st</sup>.

**C. Petitions and Communications**

Fiscal Year 2010 Proposed Municipal Budget  
Fiscal Year 2010 Capital Improvement Plan

**D. Appointment Calendar**

1. ORDER #64-08/09 – Conservation Commission, District One (Coward) to fill a term which expires on 11/20/11. Postponed since 11/17/08. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to appoint David Critchfield, 23 Bay Road to the Conservation Commission. Councilor Beecher seconded and the order passed 4-0.

2. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to postpone items #2, #3, #7, #8 and #10. Councilor Soule seconded and the items were postponed by a vote of 4-0.

3. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 88**  
**MARCH 16, 2009**

Postponed, see Item #2 for details.

4. ORDER #92-08/09 – Conservation Commission - Associate Member, District Five (Hughes) to fill a term which expires on 03/03/12. Postponed on 2/18/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Rebecca Leeman, 41 Keswick Road to the Conservation Commission as an Associate Member. Councilor Soule seconded and the order passed 4-0.

5. ORDER #101-08/09 – Planning Board, At Large (Blake) to fill a term which expires on 04/01/12. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Gerard Jalbert, 32 Rhode Island Ave. to the Planning Board. Councilor Coward seconded and the order passed 4-0.

6. ORDER #102-08/09 – Planning Board, District Three (Soule) to fill a term which expires on 04/01/12. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to reappoint Carolyn Hendry, 75 B Street to the Planning Board. Councilor Coward seconded and the order passed 4-0.

7. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Passage requires majority vote.

Postponed, see Item #2 for details.

8. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Passage requires majority vote.

Postponed, see Item #2 for details.

9. ORDER #105-08/09 – Economic Development Committee, District Five (Hughes) to fill a term which expires on 03/23/12. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 89**  
**MARCH 16, 2009**

Councilor Beecher motioned to reappoint William Collins, 88 Pennsylvania Ave. to the Economic Development Committee. Councilor Coward seconded and the order passed 4-0.

10. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Passage requires majority vote.

Postponed, see Item #2 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following citizens spoke about recent layoffs;

Camilla Whitehead, 218 Pine Street  
Vicky Smith, 99 Mitchell Road  
Terry Morrison, 18 B Street  
Boyce (Buzzy) Sanborn, 228 South Richland Street  
Nancy Richardson, 40 Boothby Ave.

The following citizen spoke against the School Bond Ordinance as outlined in Item #12;

Albert DiMillo, 64 Colchester Drive

**G. Public Hearings and Action**

11. Sterling Crystal, Inc. d/b/a Events on Broadway, 729 Broadway, for a FE/Class A Catering with Liquor License and Special Amusement License.

There was no public discussion. Kevin Fallin, owner, was present to answer questions.

Councilor Soule motioned for passage and Councilor Beecher seconded. The license passed 4-0.

**H. Action on Old and New Business**

12. ORDINANCE #13-08/09 - Appropriating \$5,830,000 (\*) for Capital Improvement Projects for the South Portland High School, Memorial Middle School and Mahoney Middle School, and to authorize \$5,830,000 (\*) principal amount of bonds to finance such appropriations. Postponed on 03/04/09. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 90**  
**MARCH 16, 2009**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo provided the Council with a hand out at Citizen’s Discussion Part I. He continued speaking against the school bond ordinance.

Richard Carter, 33 Thompson Street – Mr. Carter spoke in support of the ordinance and said that it may not be necessary to bond the whole 5.8 million depending on the federal stimulus program.

Stacy Gato, Chair of the School Board – Mrs. Gato said the health and safety issues must be addressed immediately.

Greg L’Heureux, Finance Director was present and answered questions from the Council.

Councilor Beecher motioned for passage of the first reading of Ordinance #13-08/09 and Councilor Coward seconded. The Ordinance passed 4-0.

13. ORDER #98-08/09 – Accepting a 2008 Homeland Security Grant of \$297,728.05 from the Maine Emergency Management Agency. Postponed on 03/04/09. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said he remembered that some Homeland Security Grant money had been spent in the schools.

Chief Guimond was present and he indicated that there had been about \$65,000 spent on school projects that mostly had to do with security screening and identification systems.

Councilor Soule motioned for passage and Councilor Coward seconded. The Order passed 4-0.

14. ORDER #107-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The Order passed 4-0.

15. ORDER #108-08/09 – Setting the date of the public hearing on an amendment to the City Charter, Article VI., amending §623 regarding a change in the issuance of bonds. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 91**  
**MARCH 16, 2009**

Councilor Soule motioned for passage and Councilor Boudreau seconded. The Order passed 4-0.

16. ORDER #109-08/09 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Boudreau seconded. The Order passed 4-0.

17. ORDER #110-08/09 – Setting April 8, 2009, as the date for Public Hearing in City Council Chambers for the Proposed FY 2010 Municipal Budget. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said Passover begins on the 8<sup>th</sup> at sundown. He asked if residents were unable to attend would written statements be read. Councilor Boudreau said this was up to the Mayor but offered that when she was Mayor she would summarize communications that were presented.

Councilor Soule motioned for passage and Councilor Coward seconded. The Order passed 4-0.

18. ORDINANCE #14-08/09 – Amending Chapter 10, “Health, Welfare and Sanitation Generally,” regarding General Assistance. First reading. Passage requires majority vote.

Motion to have the Ordinance read by title only was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 4-0. There was no public discussion.

Councilor Beecher motioned for passage and Councilor Coward seconded. The Ordinance passed first reading 4-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

Councilor Boudreau said the stimulus package has been a frustrating process but she encouraged the City to keep looking at the possibility of obtaining these funds.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 92**  
**MARCH 16, 2009**

Councilor Soule voiced concerns about some workshop items that did not appear in the City Manager's weekly report. He asked if Richard Berman's project had been withdrawn. The City Manager indicated that the Assistance City Manager is working with Mr. Berman on the project and that it would be coming forward at a future date. Councilor Soule challenged Corporation Counsels opinion on whether the Council could conduct exit interviews with the employees who had been laid off, citing that the Charter speaks to hiring and firing but not to layoffs. He also raised concerns with the City Clerk working with the Human Resources Department.

Councilor Coward remarked about the increase in volunteer applications and he thanked the people who have stepped up to volunteer.

Councilor Beecher said Council should start paying more attention to the three minute rule for Round Robin.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of the City Clerk.

Motion to adjourn to executive session was made at 9:07 P.M. by Councilor Beecher and seconded by Councilor Soule. Passed 4-0.

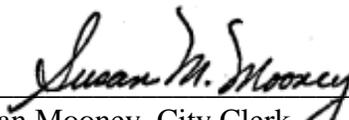
Motion to return from executive session was made at 10:25 P.M. by Councilor Beecher and seconded by Councilor Coward.

Motion to approve Hardship Abatement #2008/2009-14 for \$1,023.40 was made by Councilor Coward and seconded by Councilor Beecher. Passed 4-0.

Motion to adjourn was made at 10:26 P.M. by Councilor Soule and seconded by Councilor Coward. Passed 4-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 93**  
**MARCH 23, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 5:45 P.M. Councilor Smith and Councilor Coward arrived at 5:47 P.M. and Councilor Boudreau arrived at 5:50 P.M.

**H. Action on Old and New Business**

1. ORDER #111-08/09 – Amending the existing Cummings Road Business Park Municipal Development District and Tax Increment Financing Development Program. Passage requires majority vote.

Mayor Blake motioned to have the order read by title only. Councilor Soule seconded and the motion passed 7-0. There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed 7-0.

2. ORDER #112-08/09 – Amending the existing Durastone Municipal Development District and Tax Increment Financing Development Program, and subsequently amended by the One Wallace Avenue LLC Municipal Development District and Tax Increment Financing Development Program. Passage requires majority vote.

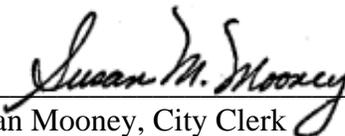
Councilor Beecher motioned to have the order read by title only. Mayor Blake seconded and the motion passed 7-0. There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Smith seconded. The order passed 7-0.

Motion to adjourn was made at 6:14 P.M. by Councilor Boudreau and seconded by Councilor Beecher. The vote on the adjournment passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 94  
MARCH 23, 2009**

**K. Executive Session**

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

Motion was made by Councilor Coward at 7:23 P.M. to adjourn to executive session. Mayor Blake seconded and the adjournment passed 7-0.

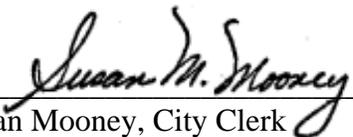
Motion was made by Councilor Coward at 8:30 P.M. to return from executive session. Councilor Beecher seconded and the vote passed 7-0.

Motion was made by Councilor Boudreau to approve case #2008/2009-15 for taxes and interest/costs in the amount of \$1,412.99 for 2007; \$2,685.39 for 2008; and \$2,374.40 for 2009. Councilor Coward seconded and the vote passed 7-0.

Councilor Coward motioned to adjourn at 8:32 P.M. Councilor Beecher seconded and the vote passed 6-0 (Soule out of room).

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 95**  
**APRIL 6, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M. Councilor Hughes and Councilor Soule were absent.

**A. Acceptance of Minutes**

Motion to accept the minutes of the March 16, 2009 Council meeting and the March 23, 2009 Special Meeting was made by Councilor Boudreau and seconded by Councilor Coward. Passed 5-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Public Hearing on the 2009/2010 Budget – Wednesday April 8, 2009
- Earth Day Cleanup – Sponsored by the South Portland Land Trust - April 18<sup>th</sup> from 8:30 A.M. to 12:00 P.M. Register at Mill Creek Park – Rain date 4/25

The Mayor addressed the following items;

- Walk around Back Cove on May 9, 2009 organized by Glenn Close - to benefit the National Alliance for Mental Illness
- Presentation of a recognition plaque to Judy Carpenter for her 19 years of service on the Planning Board.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone items #1 through item #6. Councilor Smith seconded and the items were postponed by a vote of 5-0.

2. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 96**  
**APRIL 6, 2009**

Postponed, see Item #1 for details.

4. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Judy Carpenter, 25 Washington Ave. – Ms. Carpenter said she would not support the proposed Charter amendment going forward in a special election.

The following residents spoke regarding recent layoffs;

Becky Smith, 99 Mitchell Road  
Mark Dennison, address not given  
Mary Kahl, 48 Sprague Street  
Zoo Cain, 63 Willard Street  
Courtney Ferrell, 18 Spring Street  
Don Russell, 143 Hillside Ave.  
John Cullane, 20 Bismark Street  
Jen DeRice, 110 Summit Street  
Boyce Sanborn, 228 South Richland Street  
Brett Bigbee, 552 Preble Street  
Anton Hoecker, 40 Hillside Ave.  
Rachel Burger, 17 Churchill Ave.  
RoseMarie DeAngelis, Buttonwood Street  
Jeannie Bourke, 61 Willow Street  
Paul Bartlett, 21 Dunphe Drive  
John Wilkinson, 170 Settler Road  
Adam Perron, 122 Lowell Street  
Susan Chase, 63 Parrott Street

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 97**  
**APRIL 6, 2009**

Ryan Coulombe, Three Brothers Eatery  
John Howard, 94 Loveitt's Field Road – Mayor summarized letter

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo talked about the School Budget.

**G. Public Hearings and Action**

7. BUSINESS LICENSE

Seadog Brew Pub III, LLC, d/b/a Sea Dog Brew Pub, 125 Western Ave. for a FE/Class A Restaurant with liquor License. Passage requires majority vote.

There was no public discussion. Jim Bunting from Sea Dog Brew Pub was available to answer questions from the Council.

Councilor Boudreau motioned for passage. Councilor Beecher seconded the motion. The license passed 5-0.

8. BUSINESS LICENSE

3 Brothers, LLC d/b/a/ 3 Brothers Eatery, 15 Evans St. for a Class A Restaurant with malt and vinous license. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Boudreau seconded the motion. The license passed 5-0.

9. ORDINANCE #13-08/09 - Appropriating \$5,830,000 (\*) for Capital Improvement Projects for the South Portland High School, Memorial Middle School and Mahoney Middle School, and to authorize \$5,830,000 (\*) principal amount of bonds to finance such appropriations. Passed first reading 03/16/09. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo spoke against the borrowing of funds for the projects proposed by the School Department.

Rick Carter, 33 Thompson Street and School Board Member – Mr. Carter spoke in support of the bond issue and reassured the Council that none of the projects scheduled would be undone.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 98**  
**APRIL 6, 2009**

Stacey Gato, 47 Springwood Road and Chair of the School Board – Mrs. Gato also spoke in support of the bond and indicated that the School Board is trying to commit more money to maintenance.

James Gilboy, 235 Barnstable Road and Member of the School Board – Mr. Gilboy thanked the Council for their support.

Councilor Boudreau motioned for passage. Councilor Coward seconded the motion. The Ordinance passed roll call vote 5-0.

10. ORDINANCE #14-08/09 – Amending Chapter 10, “Health, Welfare and Sanitation Generally,” regarding General Assistance. Passed first reading 03/16/09. ROLL CALL VOTE. Passage requires majority vote.

This ordinance was read by title only by a vote of 5-0. Councilor Boudreau motioned and Mayor Blake seconded the motion. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The Ordinance passed roll call vote 5-0.

11. ORDER #114-08/09 – Referring the proposed Amendment to the City Charter, Article VI, §623 regarding public sale of bonds to be placed on the June 9, 2009 ballot. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone this item to a Special Meeting to be held just before the 2009/2010 Budget Hearing on April 8<sup>th</sup> so that the posting notice meets state requirements. Councilor Smith seconded and the order was postponed by a vote of 5-0.

**H. Action on Old and New Business**

(An Ordinance due to be given first reading may be read by title only upon majority vote of the Council.)

12. ORDER #115-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Mayor Blake seconded the motion. The order passed 5-0.

13. PROCLAMATION #5-08/09 - Proclaiming National Public Safety Telecommunicators Week. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 99**  
**APRIL 6, 2009**

The following person spoke on this item;

Deputy Police Chief Berry – Deputy Berry thanked the Council for recognizing the good work that the Dispatchers provide.

Councilor Beecher motioned for passage. Councilor Boudreau seconded the motion. The proclamation passed 5-0.

14. PROCLAMATION #6-08/09 – Proclaiming April as Gun Violence Prevention month. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Boudreau seconded the motion. The proclamation passed 5-0.

15. ORDINANCE #15-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding flea markets. First reading. Passage requires majority vote.

The following person addressed this item;

Louie Maietta, Elderberry Drive – Mr. Maietta requested that the Council consider eliminating the vendor license all together.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion. The Ordinance passed first reading by a vote of 5-0.

Mayor Blake motioned for a three minute recess. Councilor Smith seconded and the motion passed 5-0.

16. ORDER #116-08/09 – Accepting Cranberry Circle, Checkerberry Circle and portions of Barnstable Road and Boysenberry Drive as City streets. Passage requires majority vote.

There was no public discussion. Dave Kasik, the Engineering Inspector answered questions from the Council.

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The order passed 5-0.

17. ORDER #117-08/09 – Authorizing the City Manager to sign an agreement with the Maine Department of Transportation regarding the Broadway overlay project. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 100**  
**APRIL 6, 2009**

There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Coward seconded the motion. The order passed 5-0.

18. ORDINANCE #16-08/09 – Amending Chapter 27, “Zoning,” regarding a zone text and zone map change from Rural Residential RF and General Commercial (CG) Districts to Light Industrial IL at the Portland Jetport. First reading. Passage requires majority vote.

This ordinance was read by title only by a vote of 5-0. Councilor Coward motioned and Councilor Beecher seconded the motion. Paul Bradbury, the Director of the Portland Jetport provided background information on the projects that require the zone change. There was no public discussion.

Councilor Boudreau motioned for passage. Mayor Blake seconded the motion. Councilor Beecher motioned to amend the section in the first paragraph of the Ordinance, “Rural Residential District RF to the Light Industrial District IL” to “Rural Residential (RF) and General Commercial (CG) Districts to the Light Industrial (IL) District”. The amendment passed 5-0. The Ordinance passed first reading as amended by a vote of 5-0.

19. ORDINANCE #17-08/09 – Amending Chapter 5, “Buildings,” regarding floodplain management. First reading. Passage requires majority vote.

This ordinance was read by title only by a vote of 5-0. Councilor Smith motioned and Councilor Coward seconded the motion. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The Ordinance passed first reading by a vote of 5-0.

20. ORDINANCE #18-08/09 – Amending Chapter 24, “Subdivisions,” regarding stormwater management . First reading. Passage requires majority vote.

This ordinance was read by title only by a vote of 5-0. Councilor Beecher motioned and Mayor Blake seconded the motion. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion. The Ordinance passed first reading by a vote of 5-0.

21. ORDINANCE #19-08/09 – Amending Chapter 27, “Zoning,” regarding stormwater management text changes and shoreland zoning text and map change. First reading. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 101**  
**APRIL 6, 2009**

This ordinance was read by title only by a vote of 5-0. Councilor Boudreau motioned and Mayor Blake seconded the motion. There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Coward seconded the motion. Councilor Boudreau motioned to amend section 27-160 as provided in the document that was included in the Council packet. The amendment ensures that the Planning Board is deliberate in its effort to reduce parking spaces. Councilor Coward seconded and the motion passed 5-0. The Ordinance passed first reading as amended by a vote of 5-0.

22. ORDINANCE #20-08/09 – Appropriating up to \$3,000,000 for the Long Creek Pump Station and authorizing up to \$3,000,000 principal amount of bonds to finance such appropriation. First reading. Passage requires majority vote.

This ordinance was read by title only by a vote of 5-0. Mayor Blake motioned and Councilor Beecher seconded the motion. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Boudreau seconded the motion. The Ordinance passed first reading by a vote of 5-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

Mayor Blake said there has been a Volunteer Committee working together to research a process to utilize volunteers in the city. They will be reporting their findings in an upcoming workshop. He also encouraged folks to get involved with Earth Day clean up. He mentioned that apartment and condo recycling issues would be addressed at the next workshop.

Councilor Coward noted that Portland was listed as “The Most Livable City in the Country”. He said there was going to be a Legislative Policy Committee meeting this week and he would report back.

Councilor Beecher inquired whether the ice storm limb pickup that was thwarted by a snow storm would be completed. The Manager will check into it.

Councilor Boudreau talked about the energy saving tips that were outlined in a tax bill insert provided by the Energy and Recycling Committee.

**K. Executive Session**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 102**  
**APRIL 6, 2009**

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

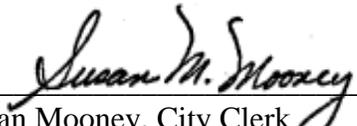
Motion to adjourn to executive session was made at 11:06 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 5-0.

Motion to return from executive session was made at 11:33 P.M. by Councilor Coward and seconded by Councilor Beecher.

Motion to approve Hardship Abatement #2008/2009-13 for \$942.32 was made by Councilor Boudreau and seconded by Mayor Blake. Passed 5-0.

Motion to adjourn was made at 11:35 P.M. by Councilor Coward and seconded by Councilor Smith. Passed 5-0

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 103**  
**APRIL 8, 2009**

**Roll Call:** Mayor called the meeting to order at 6:45 P.M. Councilor Coward and Councilor Hughes were absent.

**H. Action on Old and New Business**

1. ORDER #114-08/09 – Referring the proposed Amendment to the City Charter, Article VI, §623 regarding public sale of bonds to be placed on the June 9, 2009 ballot. Passage requires majority vote.

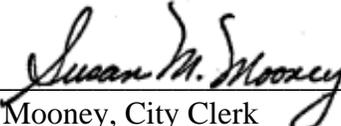
There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Beecher seconded. The order passed 5-0.

Motion to adjourn was made by Councilor Boudreau at 6:55 P.M. Councilor Beecher seconded. Adjournment passed 5-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 104**  
**APRIL 22, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the April 6, 2009 Council meeting and the April 8, 2009 Special Meeting was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Census workers will be working in the community from April to July. They will be carrying ids and hand held computers
- The 2007/2008 Annual Report is available at City Hall, the Libraries and the Community Center
- Questions and Answers relating to the layoffs have been posted on the City website
- Today is Earth Day. The Manager recognized the Land Trust and all the volunteers who helped in the clean up
- Smart strips being installed at each desk to complete shut down all equipment each night. This has the potential of saving \$39.00 per year per unit.
- Request to Council to shut the lights off at 9:00 P.M. for one minute in honor of Earth Day.

**C. Petitions and Communications**

The Mayor shared two communications;

- New England Environmental Protection Agency Merit Award to the Long Creek Committee
- Open House at the Coast Guard Base on Saturday – 10:00 to 2:00

**D. Appointment Calendar**

1. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to postpone items #1 through item #6. Councilor Beecher seconded and the items were postponed by a vote of 7-0.

2. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 105**  
**APRIL 22, 2009**

Postponed, see Item #1 for details.

3. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Jeremy Wherren, South Portland Land Trust – Mr. Wherren estimated that three to four tons of trash was collected during Earth Day Cleanup. He thanked Public Works and Parks for their assistance with the project.

John Kierstead, 36 School Street – Mr. Kierstead presented pictures of the Long Creek Air Tragedy memorial and bench. Donations are being accepted through the City Manager's Office.

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson continued to have concerns regarding recent layoffs.

Maxine Ghiloni, Stanley Street – Mrs. Ghiloni said she was encouraged that the City Manager is committed to review the process for layoffs.

**G. Public Hearings and Action**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 106**  
**APRIL 22, 2009**

**Councilor Boudreau motioned to take Item #15 out of order and Councilor Soule seconded. Motion passed 7-0. See Item #15 for details.**

7. BUSINESS LICENSE

The Good Chef, LLC d/b/a The Good Chef, seeking a variance to operate a mobile vending unit within 500' of other licensed food establishments. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Councilor Soule motioned to postpone the item because of information missing from the application. Councilor Hughes seconded the postponement. The postponement failed 3-4 (Boudreau, Blake, Beecher, Coward). The item passed 4-3 (Soule, Smith, Hughes).

8. BUSINESS LICENSE

Abigail Weeks, d/b/a Dozer's Dogs, seeking a variance to operate a pushcart vending unit within 500' of other licensed food establishments. Passage requires majority vote.

The following person addressed this item;

Linda Weeks, mother of applicant – Mrs. Weeks noted that Gary Crosby is the owner of the property where the vending cart will be set up at. She said Mr. Crosby supports this license.

Councilor Boudreau motioned for passage and Councilor Coward seconded. The item passed 6-1 (Soule).

9. ORDINANCE #15-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding flea markets. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Louis Maietta, Elderberry Drive – Mr. Maietta indicated that unless the vendor license application fee goes away along with the license fee he will not get vendors to attend his flea market. He inquired whether those who have already paid the \$25.00 license fee would be reimbursed if this ordinance amendment passes.

Councilor Beecher motioned for passage and Mayor Blake seconded the motion. The ordinance passed roll call vote 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 107**  
**APRIL 22, 2009**

Mayor Blake made a motion to refund the flea market vendors their \$25.00 and to waive the \$25.00 vendor license fee for 20 days prior to the ordinance amendment taking effect. Councilor Coward seconded the motion. The motion passed 6-1 (Boudreau)

10. ORDINANCE #16-08/09 – Amending Chapter 27, “Zoning,” regarding a zone text and zone map change from Rural Residential RF and General Commercial (CG) Districts to Light Industrial IL at the Portland Jetport. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Councilor Coward motioned to have the ordinance read by title only. Councilor Boudreau seconded. The motion passed 7-0.

The following person addressed this item;

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo inquired whether the area of the airport that is in South Portland was taxable. It was noted that the land is exempt however the hangers and buildings are taxable.

Paul Bradbury, the Jetport Manager, presented information about the phasing of the scheduled projects.

Councilor Coward motioned for passage and Councilor Boudreau seconded. Councilor Boudreau motion to amend Section 27-171 to add “expressly limited to the following:” after “(h) Aviation facilities and services” and also to add “existing as of April 22, 2009” after “(14) Aircraft runways” and before “, associated approach lighting, noise abatement measures, safety and communication related improvements and other infrastructure;”. The amendment passed 7-0.

The ordinance passed roll call vote as amended 5-2 (Blake, Hughes)

11. ORDINANCE #17-08/09 – Amending Chapter 5, “Buildings,” regarding floodplain management. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires majority vote.

Mayor Blake motioned to have the ordinance read by title only. Councilor Coward seconded and the motion passed 7-0.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Smith seconded. Motion passed roll call vote 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 108**  
**APRIL 22, 2009**

12. ORDINANCE #18-08/09 – Amending Chapter 24, “Subdivisions,” regarding storm water management. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires majority vote.

Mayor Blake motioned to have the ordinance read by title only. Councilor Smith seconded and the motion passed 7-0.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Boudreau seconded. Motion passed roll call vote 7-0.

13. ORDINANCE #19-08/09 – Amending Chapter 27, “Zoning,” regarding storm water management text changes and shore land zoning text and map change. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Mayor Blake motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Motion passed roll call vote 7-0.

14. ORDINANCE #20-08/09 – Appropriating up to \$3,000,000 for the Long Creek Pump Station and authorizing up to \$3,000,000 principal amount of bonds to finance such appropriation. Passed first reading 04/06/09. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the ordinance read by title only. Mayor Blake seconded and the motion passed 7-0.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Smith seconded. Motion passed roll call vote 6-1 (Soule).

15. ORDER #118-08/09 – Amending the One Wallace Ave., LLC Municipal Development District and Tax Increment Financing Development Program. Passage requires majority vote.

This item was taken out of order at the beginning of Public Hearings and Action. Councilor Boudreau motioned to have the order read by title only and Councilor Coward seconded the motion. Motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 109**  
**APRIL 22, 2009**

Assistant City Manager Erik Carson and Esq. Shana Cook Muller, of Bernstein Shur presented information. The following people addressed this item;

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo stated that a TIF less than five million dollars does not make any sense. He said the city should change their TIF policy to at least five million.

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson inquired what TIF stands for. Shana Cook Muller gave a brief explanation of Tax Increment Financing.

Motion for passage of a tax increment package which shares 50% reimbursement to the taxpayer to be reinvested in the TIF District property, and 50% to the City's TIF project cost account was made by Councilor Boudreau and seconded by Councilor Soule. Motion passed 7-0.

**H. Action on Old and New Business**

16. ORDER #119-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo wanted to know why donations have to come before Council.

Councilor Hughes motioned for passage. Councilor Beecher seconded. Councilor Hughes motioned to amend the order to read "VFW Men's Auxiliary Post 832". Councilor Beecher seconded and the amendment passed 6-0 (Boudreau out of room). The order passed as amended 6-0 (Boudreau out of room).

17. PROCLAMATION #7-08/09 – Proclaiming Arbor Day in the City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Smith. Proclamation passed 7-0.

18. ORDER #120-08/09 – Awarding Bid # 53-09 to W. C. Cressey and Sons, Inc., of Kennebunk, ME, for the purchase of a school bus for the School Department. Passage requires majority vote.

There was no public discussion. Polly Ward, School Business Manager and Daniel Lamarre, Director of Transportation were present and answered questions from the Council.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 110**  
**APRIL 22, 2009**

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Order passed 6-0 (Boudreau gone home).

19. ORDER #121-08/09 - Authorizing the City Manager to submit the FY 2009 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Beecher seconded. The order passed 6-0 (Boudreau gone home).

20. ORDER #122-08/09 – Authorizing the City Manager to sign an agreement among the City of South Portland, Portland Water District, and the Town of Cape Elizabeth regarding Ottawa Road CSO. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed 6-0 (Boudreau gone home).

**I. Citizen Discussion (Second Part)**

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo spoke about the school budget and said South Portland has twice as many principals and assistant principals as Scarborough. He questioned why the Council believes their budget process is good when they over budget every year.

Ed and Laura Pearlman, 76 Pine Street – Mr. & Mrs. Pearlman continue to be troubled by recent layoffs and asked that Deb Smith and Reta Nappi be reinstated.

**J. Councilor's Round Robin**

Councilor Coward commented that the process we are working through will ultimately be positive for the city. The trend for decades as been to do more and more for less so this adjustment was bound to happen.

Councilor Smith said there has been good discussion around the layoffs which in the long run will improve our operations. She wished folks a Happy Earth Day and encouraged citizens to go to [Portlandgreenstreets.org](http://Portlandgreenstreets.org).

Councilor Hughes also wished a Happy Earth Day. He worked with Interact students on the clean up and he said they did a great job.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 111  
APRIL 22, 2009**

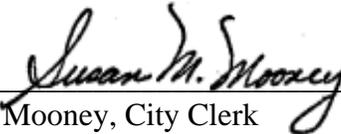
Mayor Blake feels blessed to have lived here for 57 years. He commented that turnout for the Earth Day Cleanup ranged from a 75 year old from Soule Street to teens from the Youth Alternatives Program.

**K. Executive Session**

Motion to adjourn was made by Councilor Hughes at 10:37 P.M. Councilor Beecher seconded. Adjournment passed 6-0 (Boudreau gone home)

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 112**  
**MAY 4, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the April 22, 2009 Council meeting was made by Councilor Smith and seconded by Councilor Hughes. Councilor Soule motioned to amend the minutes to correct the vote on item #10 to read 5-2 rather than 5-0. Councilor Boudreau seconded and the amendment passed 7-0. Minutes passed as amended 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Redbank Resource Hub – Opened last Friday
- Bus driver rodeo in Owlshead – City bus driver Mike Barnes placed first in the van category and was the rodeo second place winner

**C. Petitions and Communications**

2009 Edward Byrne Memorial Justice Assistance Grant

**D. Appointment Calendar**

1. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone items #1 through item #8 and also item #10. Councilor Smith seconded and the items were postponed by a vote of 7-0.

2. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 113**  
**MAY 4, 2009**

4. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Postponed on 04/22/09. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #123-08/09 – Energy and Recycling Committee, District One (Coward), to fill a term which expires on 05/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #124-08/09 – Energy and Recycling Committee – Associate, District One (Coward), to fill a term which expires on 05/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #125-08/09 – Energy and Recycling Committee, District Five (Hughes), to fill a term which expires on 05/05/12. Passage requires majority vote.

The following person addressed this item;

Angela Griffiths, 20 Davis Street – Ms. Griffiths spoke in support of the reappointment of Lisa Munderback and said that it is a pleasure to serve with her.

Councilor Hughes motioned to reappoint Lisa Munderback of 23 Coach Road. Councilor Beecher seconded and the appointment passed 7-0.

10. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 114**  
**MAY 4, 2009**

**F. Citizen Discussion (First Part)**

The following people raised concerns about the layoffs and human resource procedures;

Camilla Whitehead, 218 Pine Street  
Boyce Sanborn, 228 South Richland Street  
Gloria Dinsmore, Cloyster Road  
Angela Griffiths, 20 Davis Street  
Rachel Burger, 17 Churchill Ave.  
Nancy Richardson, 40 Boothby Ave.  
Ed Knudson, Scarborough  
Ross Little, 26 Day Street  
Rosemarie DeAngelis, Pleasantdale  
Vicky Smith, 99 Mitchell Road

Chris Kessler, 37 Cottage Road raised concerns about default rates on student loans and asked if the Council would comment on that issue.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

11. ORDER #127-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Boudreau seconded. Councilor Soule mentioned that the paper work for this item was missing from his notebook. The order passed 7-0.

12. ORDER #128-08/09 - Authorizing the City Manager to sign a Lease Agreement with Mad Horse Theater for the lease of 24 Mosher Street. Passage requires majority vote.

The following person addressed this item;

Angela Griffiths, 20 Davis Street – Ms. Griffiths said she is thrilled with this lease agreement with Mad Horse Theater.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 115**  
**MAY 4, 2009**

13. ORDER #129-08/09 - Amending the "Traffic Schedule" for No Parking on a portion of Gary L. Maietta Parkway. Passage requires majority vote.

There was no public discussion. Chief Googins and Lt. Bernard answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed 7-0.

14. ORDER #130-08/09 - Approving and entering into an agreement with the Towns of Scarborough and Cape Elizabeth establishing a Southern Maine Regional Swat Team Policy for combined police tactical services. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Coward seconded. The order passed 7-0.

15. ORDINANCE #21-08/09 – Amending Chapter 7, "Electricity," Article III, regarding the 2008 National Electrical Code. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The order passed 7-0.

16. ORDER #131-08/09 – Award of Bid #55-09 to Hi-Way Safety Systems, Inc., of Hanover, MA, to provide line striping services. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Coward seconded. The order passed 7-0.

17. PROCLAMATION #8-08/09 – Proclaiming May 11<sup>th</sup> through May 15<sup>th</sup> 2009 as "Commute Another Way Week" and May 15<sup>th</sup> as "Bike to Work Day". Passage requires majority vote.

There was no public discussion. Councilor Smith motioned to waive Council standing rules 36B and 3E to have this item added to the agenda. Councilor Boudreau seconded and the motion passed 7-0.

Councilor Smith motioned for passage and Councilor Boudreau seconded. The order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 116**  
**MAY 4, 2009**

**I. Citizen Discussion (Second Part)**

Randy Billings, Forecaster reporter – Regarding the executive session for financial oversight of Parks and Recreation and Public Works Department, Mr. Billings questioned why that wouldn't be discussed in public session.

**J. Councilor's Round Robin**

Councilor Smith spoke in support of Commute Another Way Day and encouraged folks to participate.

Councilor Boudreau commented on the amount of people that got involved with Earth Day Cleanup and asked citizens to continue to pick up trash when they are out and about.

Councilor Soule expressed appreciation to the people that came to the meeting to address their concerns. He also questioned the wording of the executive session and said he would be happy to discuss the issues publicly.

Mayor Blake said he supported Councilor Boudreau and Councilor Soule's comments. He made a general apology to folks saying that while he tries to respond to all communications he might miss one once in a while.

Councilor Coward shared information that was distributed to members of the Legislative Policy Committee regarding state budget cuts that will be impacting municipalities. The cuts will reduce Municipal Revenue Sharing, the Circuit Breaker Program, homestead exemptions and the Efficiency Fund to name a few.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and; pursuant to 1 M.R.S.A §405 (6)(A) and (E), to discuss the City Council's and City Manager's legal rights and duties for financial oversight of the Parks and Recreation and Public Works Departments and directly related personnel issues. The budget and budget policy shall not be discussed in executive session.

Councilor Boudreau motioned to have the executive session vote split into two votes. Mayor Blake seconded and the motion passed 7-0.

Councilor Coward motioned to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty. Motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 117**  
**MAY 4, 2009**

Councilor Coward motioned to go into executive session pursuant to 1 M.R.S.A §405 (6) and (E), to discuss the City Council's and City Manager's legal rights and duties for financial oversight of the Parks and Recreation and Public Works Departments. The budget and budget policy shall not be discussed in executive session. Councilor Soule seconded for discussion purposes.

Councilor Soule questioned why "directly related personnel issues" was excluded from the motion. The Manager indicated that the Parks and Recreation and Public Works Director was not present because of a conflict with the attorney that has been representing him. His attorney works for a firm that the city deals with. He wishes to be present for this discussion but will need some time to find another attorney.

Several Councilors indicated that they do not feel the discussion needs to be held in executive session. Councilor Smith recommended that if this executive session is postponed, the wording should come forward next time as "for financial oversight of all departments".

Councilor Boudreau requested legal clarification on the Council's role with the budget once it is passed before Council goes into executive session to have this discussion.

At 9:45 P.M. the motion to go into executive session pursuant to 1 M.R.S.A §405 (6) and (E) failed 1-6 (Smith, Soule, Beecher, Hughes, Boudreau, Blake).

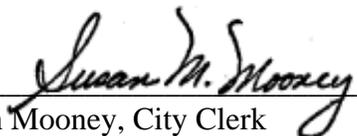
Motion to return from executive session regarding 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty was made at 9:58 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

Mayor Blake motioned to approved hardship abatement request 2008/2009-#16 in the amount of \$1,132.72 plus interest. Councilor Coward seconded and the motion passed 7-0.

Motion to adjourn was made by Councilor Coward at 9:59 P.M. Councilor Boudreau seconded. Adjournment passed 7-0

A TRUE COPY

ATTEST

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 118**  
**MAY 18, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:04 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the May 4, 2009 council meeting was made by Councilor Beecher and seconded by Councilor Boudreau. Minutes passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Update posted on website regarding layoffs
- The next workshop will be held on Tuesday at Memorial Middle School due to the Monday holiday.
- Special workshop on Wednesday, May 20 – Public Works facility tour and dinner with Southern Maine Community College officials.

**C. Petitions and Communications**

Department Reports for the month of April, 2009

Attendance Reports for the month of April, 2009

**D. Appointment Calendar**

1. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to postpone items #1 through item #9 and Councilor Hughes seconded. The items were postponed by a vote of 7-0.

2. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 119**  
**MAY 18, 2009**

4. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Postponed since 04/22/09. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #123-08/09 – Energy and Recycling Committee, District One (Coward), to fill a term which expires on 05/05/12. Postponed on 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #124-08/09 – Energy and Recycling Committee – Associate, District One (Coward), to fill a term which expires on 05/05/12. Postponed on 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed on 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson spoke about the issues regarding the layoffs in Parks and Recreation.

Boyce Sanborn, 228 South Richland Street – Mr. Sanborn encouraged the Council to rehire the five people who were laid off.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 120**  
**MAY 18, 2009**

Jack Berman, South Portland – Mr. Berman said he uses the Library all the time and didn't see children there the last time he was there.

Mary Kahl, 48 Sprague St. – Ms. Kahl spoke about the budget and health insurance coverage for Councilors.

Michelle Fickett, 119 Main Street – Ms. Fickett spoke in support of Dana Anderson and Jim Gailey.

Rosemarie DeAngelis, Pleasantdale – Regarding the layoffs Ms. DeAngelis asked people to stay focused on the process and not people.

Rachel Burger, 17 Churchill Ave. – Ms. Burger was concerned about shutting off some street lights and inquired whether stimulus money might be used to purchase low energy lights.

Marsha Berman, Loveitt's Field Road – Ms. Berman encouraged soliciting retired folks to help support programs.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo spoke about the School Department Budget.

Vicki Smith, 99 Mitchell Road – Ms. Smith questioned an assertion made by Mr. DiMillo about only 15% of the population served by the School Department.

Paul Bartlett, 21 Dunphey Drive – Mr. Bartlett talked about the layoffs.

Arlene Saturdayborn, Highland Ave. – Ms. Saturdayborn also spoke about the layoffs and her dissatisfaction with the process.

Siggie Espe, Parks and Recreation Employee – Ms. Espe said the Rec Department was a nice place to work and most people get along well.

**G. Public Hearings and Action**

10. ORDINANCE #21-08/09 – Amending Chapter 7, "Electricity," Article III, regarding the 2008 National Electrical Code. Passed first reading on 05/04/09. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Ordinance passed roll call vote 7-0.

**H. Action on Old and New Business**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 121**  
**MAY 18, 2009**

11. ORDER #132-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Councilor Hughes motioned to accept an amended Order which included the donation of a flag and flagpole for Wainwright Field from Norma and Theodore Wainwright. Councilor Beecher seconded and the motion passed 7-0.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The order passed 7-0.

12. ORDER #133-08/09 – Setting the time for opening the polls for the June 9, 2009 Special Election. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Smith seconded. The order passed 7-0.

13. PROCLAMATION #9-08/09 – Regarding Memorial Day, and directing that flags be placed on the graves of Veterans. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Coward seconded. The order passed 7-0.

14. ORDER #134-08/09 – Accepting \$1,008.00 under the Maine State Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The order passed 7-0.

**I. Citizen Discussion (Second Part)**

Camilla Whitehead, Pine Street – Ms. Whitehead offered research assistance if the City is interested in pursuing wind energy.

**J. Councilor's Round Robin**

Councilor Boudreau thanked Representative Jane Eberle for her work with the Resource Council of Maine and ecomaine. She suggested that a dedication be made when the flag is installed at Wainwright Field.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 122**  
**MAY 18, 2009**

Councilor Soule commented on the attendance at recent meetings and thanked folks for coming to voice their opinions. He also inquired about the street sweeping schedule.

Mayor Blake commented on several fox dens in the city and asked residents to leave them to themselves. He was pleased that through persistence the DOT will fund pedestrian and bike access to the new Veteran's Memorial Bridge.

Councilor Coward noted that Maine is leading the nation by passing the Maine Marriage Equality Act.

Councilor Smith recognized Marylou Fathke and Helen Slocum for their efforts with the Land Trust Plant Sale on Saturday.

Councilor Beecher said that DEP has approved recent environmental amendments as adopted and she thanked Councilor Hughes and Mayor Blake for their efforts for their participation with the Long Creek Water Shed. She encouraged folks to vote on June 9<sup>th</sup>.

**K. Executive Session**

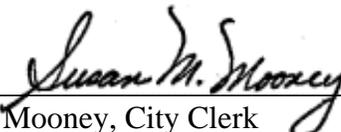
A motion may be made to go into executive session pursuant to 1 M.R.S.A. Section 405(6)(A) to discuss the City Manager's job performance and;  
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

It was noted that not all information was complete to bring the labor negotiations forward so there would not be a motion to go into executive session on that item.

Councilor Soule motioned to go into executive session to discuss the City Manager's job performance and Councilor Coward seconded. Needing a 3/5 majority vote the motion failed 4-3 (Beecher, Hughes, Boudreau)

Motion to adjourn was made by Councilor Boudreau at 9:08 P.M. Councilor Hughes seconded. Adjournment passed 7-0

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 123**  
**JUNE 1, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the May 18, 2009 council meeting was made by Councilor Boudreau and seconded by Councilor Soule. Minutes passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Street light reduction project is underway. Target poles are being flagged with orange tape.
- June 9 Election – Two bond issues, a Charter amendment and the School Budget Validation are the issues that voters will be deciding on.
- Representative Jane Eberle presented a State of Maine Legislative Expression of Sentiment to Jane and Steve Fileo recognizing their years of contribution to many productions and music programs at South Portland High School. Part of the presentation included a song dedication from West Side Story sung by South Portland High School Student Matt Morey. Bev Husic, the High School Vocal Director accompanied Matt on the organ.

**C. Petitions and Communications**

Mayor Blake presented Michael Hulsey with a recognition plaque for his contribution to the South Portland Housing Authority from 1999 to 2008.

**D. Appointment Calendar**

1. ORDER #77-08/09 – Library Advisory Board, District One (Coward), to fill an unexpired term which expires on 12/31/09. Postponed since 01/05/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jane Cahill, 18 Angell Ave. was made by Councilor Coward and seconded by Councilor Boudreau. Passed 7-0.

2. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

Motion to postpone Items #2, #3, #4, #5, #6, #8 and #9 was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 124**  
**JUNE 1, 2009**

3. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #2 for details

4. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #2 for details

5. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #2 for details

6. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Postponed since 04/22/09. Passage requires majority vote.

Postponed, see Item #2 for details

7. ORDER #123-08/09 – Energy and Recycling Committee, District One (Coward), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Angela Griffiths, 20 Davis Street was made by Councilor Coward and seconded by Councilor Soule. Passed 7-0.

8. ORDER #124-08/09 – Energy and Recycling Committee – Associate, District One (Coward), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #2 for details

9. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #2 for details

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 125**  
**JUNE 1, 2009**

**F. Citizen Discussion (First Part)**

Rosemarie DeAngelis, Pleasantdale – Ms. DeAngelis expressed disappointment and frustration with the lack of support to Councilor Soule’s effort to evaluate the City Manager in executive session at the previous council meeting.

Susan Adams, Higgins Lane – Ms. Adams encourage the Council to support the school budget. She read through part of an article written by Chris Trout for “The Examiner”.

Jeff Ryan, 32 Kelley Street – Mr. Ryan urged the Council to support the CIP budget, in particular the West End Trails project in the west end of the City.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

10. ORDER #135-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Councilor Beecher made a friendly amendment to correct the total revenue on the Order which read \$660.00 and should have been \$760.00. Councilor Hughes seconded and the amendment passed 7-0.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

11. RESOLVE #6-08/09 – That \$29,308,380 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$24,488,828 be raised as the City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said he supported this part of the school budget and said that he is pro education.

Councilor Soule motioned for passage and Councilor Boudreau seconded. The Resolve passed 7-0.

12. RESOLVE #7-08/09 – That \$2,069,000 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-state-funded

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 126**  
**JUNE 1, 2009**

school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said he supports this item also and asked if there was a buyout clause on existing bonds. He warned that if the new bond issue passes it will add significant debt. Greg L'Heureux, the City Finance Director said that some of the current bonds do have a buyout clause.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The Resolve passed 7-0.

13. RESOLVE #8-08/09 That \$5,813,079 be raise and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$5,124,485 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo does not support this Resolve. He compared South Portland Schools to Scarborough Schools and said South Portland has twice the amount of administrative staff.

Michael Eastman, 100 Chapel Street, Member of the School Board – Mr. Eastman defended the level of guidance councilor staffing in the schools and noted that they support a good number of children living in dysfunctional environments. He also defended sports as an integral part of education.

Stacy Gato, 47 Springwood Road – Mrs. Gato pointed out the essential services and programs is a minimal obligation. She also noted that part of the decrease of the budget was due to the fund balance needing to be reduced.

Richard Carter, 33 Thompson Street – Mr. Carter said it is not appropriate to compare South Portland with other school communities and indicated that 35% of the student population are in free and reduced lunch programs and noted the large number of children from backgrounds that need support.

Susan Adams, Higgins Lane – Ms. Lane agreed with comments from Mr. Eastman and Mr. Carter. She said that she works for a social service agency and sees that number of families who need additional support through the school system.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 127**  
**JUNE 1, 2009**

Peter Stocks, Colchester Drive – Mr. Stocks also agreed with previous comments made by school board members and said the demographics in South Portland are quite different than Scarborough's.

Councilor Coward motioned for passage and Councilor Soule seconded. The Resolve passed 7-0.

14. RESOLVE #9-08/09 That the Board of Education be authorized to expend \$39,435,123 for the fiscal year beginning July 1, 2009 and ending June 30, 2010 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the 40 million for the proposed budget is actually a 10% increase over the fiscal year 2008 actual budget.

Stacy Gato, 47 Springwood Road – Ms. Gato talked about stimulus funds and how they would be spent.

Michael Eastman, 100 Chapel Street – Mr. Eastman said the budget includes \$150,000 for special needs and that one or two students could wipe that out. He said that people move to South Portland because of our special education programs.

Karen Callaghan, 241 Alfred Street – Mrs. Callaghan said she is tired of School Board Members being call liars and defended the hard work that is involved with this process.

Richard Carter, 33 Thompson Street – Mr. Carter said the budget being voted on is a zero increase.

Ross Little, 26 Day Street – Mr. Day said the School Board has been careful and he appreciates their work.

Councilor Soule motioned for passage and Councilor Coward seconded. The Resolve passed 7-0.

15. RESOLVE #10-08/09 - That the City of South Portland will appropriate \$20,000 for Adult Education and raise \$20,000 as the local share; with authorization to

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 128**  
**JUNE 1, 2009**

expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Resolve passed 7-0.

16. RESOLVE #11-08/09 - That the Board of Education be authorized to expend such other sums as may be received from state and federal grants or programs or other sources during the fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo asked what this resolve means and inquired about what would happen if the budget did not pass.

Ralph Baxter, Higgins Lane – Mr. Baxter commented that what may be important in Machais may not be what is important in South Portland.

Councilor Hughes motioned for passage and Councilor Beecher seconded. The Resolve passed 7-0.

17. ORDER #136-08/09 – Authorizing the City Manager to submit the FY 2009 Annual Report for the Brick Hill Affordable Housing Development District to the Maine State Housing Authority. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Mayor Blake seconded. The Order passed 7-0.

18. ORDER #137-08/09 – Implementing the 2010 Capital Improvement Program. Passage requires majority vote.

The following people addressed this item;

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson asked where she could get a copy of this order.

Jeff Ryan, 32 Kelley Street – Mr. Ryan spoke about improving pedestrian access in the west end of the city.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 129**  
**JUNE 1, 2009**

Councilor Boudreau motioned for passage and Councilor Coward seconded. The Order passed 6-1 (Soule).

19. ORDER #138-08/09 - Extending the paving contract with Dayton Sand & Gravel, of Dayton, ME, to provide paving services for the 2009 season. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

**I. Citizen Discussion (Second Part)**

Boyce Sanborn, 224 South Richland Street – Mr. Sanborn talked about the layoffs and encouraged the Council to stop and evaluate the process.

Albert DiMillo, Colchester Drive – Mr. DiMillo said he gets phone calls from folks all the time who support his position. He encouraged folks to vote on June 9<sup>th</sup>.

Michael Eastman, 100 Chapel Street – Mr. Eastman talked about security issues at the High School and the need to address them.

Peter Stocks, Colchester Drive – Mr. Stocks said he appreciates the support of the Council regarding the School budget.

Ross Little, 26 Day Street – Mr. Little commented on the poor condition of the sinks and toilets in the schools. He said he had been in the Library today and they could have used a young adult librarian.

Susan Adams, Higgins Lane – Ms. Adams said she was pleased with the Councilors support of the school issues.

**J. Councilor's Round Robin**

Councilor Boudreau encouraged everyone to get out and vote and support all the items on the ballots.

Councilor Soule commented that all councilors should support the school budget.

Mayor Blake said Saturday is National Trails Day and he encouraged residents to get out and walk the Clarks Pond Trail. He also talked about the Historical Society's "Summer in Maine" auction being underway and the importance of getting out to vote on Tuesday.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 130**  
**JUNE 1, 2009**

Councilor Coward said councilors read everything and just because we may not agree does not mean that we are not listening.

Councilor Smith said please work your way to the polls and to bring a friend.

Councilor Beecher praised Linda Eastman and Kathy DiPhilippo for their efforts with the Historical Society and asked people to support the online auction and also purchase the Historical Society cookbook. She also commented on the importance of this election.

Councilor Hughes corrected a statement that he had made about the city saving \$200,000 by shutting off some streetlights. He noted that the savings would be over a ten year period.

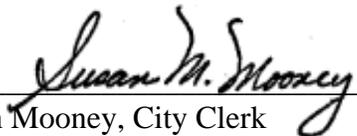
City Manager, Jim Gailey, gave an update of the Armory and talked about interest in creating a sound stage at that location.

**K. Executive Session**

Motion to adjourn was made by Councilor Hughes at 10:18 P.M. Councilor Beecher seconded. Adjournment passed 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 70 PAGE 131**  
**JUNE 8, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 9:30 P.M.

**H. Action on Old and New Business**

1. RESOLVE #12-08/09 – Supporting the Long Creek Watershed Project - Philbrook Avenue Improvements. Passage requires majority vote.

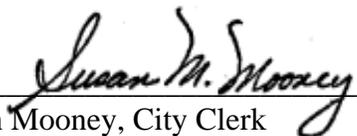
There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. The Resolve passed 7-0.

Motion to adjourn was made at 9:40 P.M. by Councilor Boudreau and seconded by Councilor Coward.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 132**  
**JUNE 15, 2009**

**Roll Call:** Mayor Blake called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes of the June 1, 2009 council meeting was made by Councilor and seconded by Councilor. Minutes passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- The Deb Smith report to stay confidential
- Thanked Tex Haeuser, Planning Dir. for his work to promote other means of transportation.
- Traffic signal work being done
- State Rep. Jane Eberle and her work with LD 1054
- Greater Portland Public Development Committee
- Loss of employee Deb Cole

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

Motion to postpone Items #1, #2, #3, #4, #6, #7 and #9 was made by Councilor Soule and seconded by Councilor Hughes. Postponed 7-0.

2. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 133**  
**JUNE 15, 2009**

Postponed, see Item #1 for details

5. ORDER #113-08/09 – Board of Appeals, District Five (Hughes) to fill an unexpired term which expires on 07/23/11. Postponed since 04/22/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Cecilia Inman of 15 Rhode Island Avenue was made by Councilor Hughes and seconded by Councilor Beecher. Motion passed 7-0.

6. ORDER #124 -08/09 - Energy and Recycling Committee – Associate, District One (Coward), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #139-08/09 – Civil Service Commission, At Large (Blake), to fill an unexpired term which expires on 12/31/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Lee Harvey of 21 Elmwood Avenue was made by Mayor Blake and seconded by Councilor Boudreau. Motion passed 7-0.

9. ORDER #140-08/09 – Board of Appeals, District Three (Soule), to fill an unexpired term which expires on 07/23/11. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people spoke;

- Gary Crosby – 2 Tanner Street
- Courtney Farrell – 18 Spring Street
- Gaby Farrell – 18 Spring Street
- Carol Zuckerman – 46 Mitchell Road

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 134**  
**JUNE 15, 2009**

- Tex Haeuser – Planning Director, City of South Portland
- Vicki Smith – 99 Mitchell Road

**G. Public Hearings and Action**

10. ORDER #141-08/09 – Amending the Cummings Road Business Park, Fairchild Semiconductor, Jared , Long Creek and National Semiconductor Tax Increment Financing Districts. Passage requires majority vote.

Councilor Boudreau motioned for passage and Councilor Beecher seconded. The Order passed 7-0.

**H. Action on Old and New Business**

11. ORDER #142-08/09 – Accepting miscellaneous donations. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

12. ORDINANCE #22-08/09 – Amending Chapter 27, “Zoning,” regarding a zone text and map change from Non-Residential Industrial District (INR) to Conditional Non-Residential Industrial Municipal Solid Waste Transfer District 1 (INR-MSW-1) at 15 Runway Road. First reading. Passage requires majority vote.

Motion to read by title only was made by Mayor Blake and Councilor Hughes seconded. The motion passed 7-0.

Motion for a friendly amendment was made by Councilor Beecher and Councilor Hughes seconded. The motion passed 7-0.

The following friendly amendment was made:

Pg. 1, Sec 27-391 – “Lots IC” was changes to “Lots 1C”

Councilor Boudreau motioned for passage of first reading and Councilor Soule seconded. The Ordinance passed 7-0.

13. ORDINANCE #23-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding adult businesses and secondhand dealers. First reading. Passage requires majority vote.

Motion to be read by title only was made by Mayor Blake and Councilor Beecher seconded. Motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 135**  
**JUNE 15, 2009**

Councilor Boudreau motioned for passage of first reading and Mayor Blake seconded. The Ordinance passed 6-0. (Councilor Soule out of the room)

14. RESOLVE #13-08/09 – Appropriating \$426,553 from the Fiscal year 2009 overlay to the Fairchild TIF Project Reserve Account for city projects. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Resolve passed 7-0.

15. ORDER #143-08/09 – Adopting the Special Benefit Plan 3 C from the Maine Public Employees Retirement System (MainePERS) for South Portland Police Officers. Passage requires majority vote.

Councilor Soule motioned for passage and Councilor Boudreau seconded. The Order passed 7-0.

16. ORDER #144-08/09 – Transferring \$300,000 from General Fund Undesignated Balance to the Property Tax Stabilization Reserve Account. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

17. RESOLVE #14-08/09 – Approving the FY 2010 Appropriation Resolve. Passage requires majority vote.

Motion for friendly amendments made by Coward and Mayor Blake seconded.

Friendly amendments made:

Pg. 1 – “Pages ? through ?” change to “pages 3 through 31”

Pg. 1 - “Ninths” change to “Nineteenth”

Pg. 1 – “Elevenths” change to “Eleventh”

Pg. 4 – Enterprise Funds/City, “3,910,344” change to “4,866,344”

Pg. 4 – Total Enterprise Funds Revenues, “5,342,376” change to “6,298,376”

Pg. 4 – Grand Total Revenues, “84,278,437” change to “85,231, 437”

Pg. 6 – Enterprise Funds-TIF Districts, “2,440,881” change to “3,396,881”

Pg. 6 – Total Enterprise Funds, “5,342,376” change to “6,298,376”

Pg. 7 – Grand Total Appropriation, “84,275,437” change to “85,231,437”

Pg. 10 – Enterprise Fund Rev.-TIF District, “2,440,881” change to “3,396,881”

Pg. 10 – Total Enterprise Fund Rev., “5,342,376” change to “6,298,376”

Pg. 29 – TIF District-Capital Outlay, “258,145” change to “1,214,145”

Pg. 29 – TIF Districts Total, “2,440,881” change to “3,396,881”

Pg. 30 – Total Enterprise Funds, “5,342,376” change to “6,298,376”

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 136**  
**JUNE 15, 2009**

Councilor Coward motioned for passage of Resolve and Councilor Beecher seconded. The Resolve passed 6-1. (Soule)

18. ORDER #145-08/09– Setting the street opening fees for FY 2010. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

19. ORDER #146-08/09 – Setting the sewer user fees for FY 2010. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

20. ORDER #147-08/09 - Authorizing the Finance Director to accept prepayment of FY 2010 property taxes. Passage requires majority vote.

Councilor Boudreau motioned for passage and Councilor Coward seconded. The Order passed 7-0.

21. ORDER #148-08/09 - 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.

Councilor Beecher motioned for passage and Councilor Smith seconded. The Order passed 7-0.

**I. Citizen Discussion (Second Part)**

The following people spoke;

- Nancy Richardson – Boothby Ave.

**J. Councilor's Round Robin**

Councilor Soule commented that he believes the Mike Wing report Re: Deb Smith should be public since the taxpayers paid for it.

Mayor Blake noted that the Appalachian Mountain Members had arrived and are staying at the West End bunkhouse, and he outlined some of their projects. He also commented that he agrees that the Mike Wing report should remain confidential.

Councilor Coward offered his condolences to the family of Deb Cole. He also referred to a recent Bill Nemitz column in the Press Herald that referred to the Town of Gray not providing adequate police coverage, and how South Portland

**IN COUNCIL REGULAR MEETING VOL. 70 PAGE 137**  
**JUNE 15, 2009**

offers assistance but is not properly compensated. He was also impressed and pleased with city staff's efforts in Augusta on behalf of various proposed legislation.

Councilor Smith offered her congratulations to ecomaine for recently receiving a national award.

Councilor Beecher noted that she attended Deb Cole's service and she talked of the impact that Deb's death will have on the department. She mentioned that firefighters from the city of Portland have volunteered to cover all shifts for our firefighters/EMT's so that all may attend Deb's services. She also informed the public of an upcoming Medication Collection Project.

Councilor Hughes noted how impressed he was with city staff and how well they worked for the city in Augusta taking on legislation.

**K. Executive Session**

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

Motion to go into Executive session was made at 10:56 P.M. by Councilor Boudreau at 10:56 P.M. Councilor Coward seconded. Adjournment to Executive session passed 6-0. (Soule)

Motion to come out of Executive session was made at 11:31 P.M. by Councilor Hughes and seconded by Councilor Coward. Motion to adjourn passed 6-0 (Soule)

Motion to approve hardship abatement #17-08/09 was made by Councilor Boudreau and seconded by Councilor Smith. Motion passed 6-0 (Soule).

A TRUE COPY



ATTEST \_\_\_\_\_

Jennifer Scholz, Assistant