

IN COUNCIL REGULAR MEETING VOL. 77 PAGE 124
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Roll Call: The Mayor called the meeting to order at 7:00pm. Councilor Morgan arrived late.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Fox. The motion passed 6-0 (Morgan absent).

B. Communications from City Manager

The City Manager reminded residents that the Transfer Station is open on Sundays in May. Public Works is scheduled to re-stripe Ocean Street between D & E streets on May 31, weather permitting. The City will sell the Armory on 5/14. The City Manager welcomed the new City Assessor, Jim Thomas.

C. Petitions and Communications

Beecher commented on attending the adult education graduation ceremony. The Mayor attending a ribbon cutting ceremony for Prudential. The City Manager and Mayor attended a Propeller Club luncheon at the Maritime Academy honoring the crew of El Faro.

D. Appointment Calendar

Councilor Rose moved to have Items 1-3 and 5-12 read and voted as one item. Seconded by Smith. The motion passed 5-1 (Cohen opposed; Morgan absent).

Councilor Rose moved to postpone items 1-3 and 5-12, seconded by Smith. The motion passed 6-0 (Morgan absent).

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote..

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3. ORDER #58-15/16 - Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/18. Postponed since 12/21/15. Passage requires majority vote.

4. ORDER #71-15/16- Library Advisory Board, District One (Morgan), appointing **Debora Schofield** for an unexpired term which expires on 01/01/19. Postponed since 01/04/16. Passage requires majority vote.

There was no public comment.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan absent).

5. ORDER #72-15/16 - Library Advisory Board, District Five (Fox), for an unexpired term which expires on 01/01/19. Postponed since 01/04/16. Passage requires majority vote.

6. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

7. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.

8. ORDER #115-15/16 - Energy & Recycling Committee, District Three (Rose), for a term which expires on 05/05/19. Postponed since 03/21/16. Passage requires majority vote.

9. ORDER #127-15/16 - Planning Board, District Two (Smith), for an unexpired term which expires on 04/01/19. Postponed since 04/20/16. Passage requires majority vote.

10. ORDER #137-15/16 – Arts & Historic Preservation Committee, District Three (Rose), for an unexpired term which expires on 10/20/18. Postponed since 05/02/16. Passage requires majority vote.

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11.ORDER #146-15/16 – Energy & Recycling Committee, District Four (Cohen),for a term which expires on 05/05/19. Passage requires majority vote.

12.ORDER #147-15/16 - Energy & Recycling Committee, District Four (Cohen),for a term which expires on 05/05/19. Passage requires majority vote.

E. Consent Calendar

F. Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Paul Trusiani, Ocean St.
Greg Lewis, Mussey St.

G. Public Hearings and Action

13.ORDER #148 – Diamond Dogs DBA Chicago Dogs, 671 Main Street, for aFood Establishment/Restaurant with Malt & Vinous license. Passage requiresmajority vote.

The following commented on this item:

Russ Lunt, Brigham St.
Joe Palmoni

Cohen moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan absent).

H. Action on Old and New Business

14.PROCLAMATION #3-15/16 – Regarding Memorial Day, and directing thatflags be placed on the graves of veterans.

There was no public comment.

Beecher moved for passage, seconded by Fox. The motion passed 6-0 (Morgan absent).

15.ORDER #149-15/16 – Setting the time for opening the polls for the June 14,2016 State Primary Election and School Budget Validation Referendum.

The following spoke on this item:

Greg Lewis, Mussey St.

Cohen moved for passage, seconded by Rose. The motion passed 7-0.

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Councilor Morgan arrived.

16.ORDER #150-15/16 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public comment.

Beecher moved for passage, seconded by Fox. The motion passed 7-0.

17.ORDER #151-15/16 – Award of Bid #33-16 to GovConnection, of Merrimack, NH, for office and email solution for the Information Technology Department. Passage requires majority vote.

There was no public comment.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

18.ORDER #152-15/16 – Authorizing the City Manager to sign a Use Agreement between the City of South Portland and the Town of Scarborough for placement of a bus shelter on Gallery Boulevard in the Town of Scarborough. Passage requires majority vote.

The following commented on this item:
Russ Lunt, Brigham St.

Fox moved for passage, seconded by Beecher. The motion passed 7-0.

19.ORDER #153-15/16 – Appropriating \$24,985 from the Sewer User Fund Reserves and award of Bid #36-16 to Gorham Sand & Gravel, of Buxton, ME, for sewer repair work on Ocean Street. Passage requires majority vote.

The following commented on this item:
Russ Lunt, Brigham St.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

20.ORDER #154-15/16 – Amending ORDER #87-15/16 regarding the award of bid for the purchase of police cruisers. Passage requires majority vote.

The following spoke on this item:
Greg Lewis, Mussey St.

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Morgan moved for passage, seconded by Cohen. The motion passed 7-0.

Councilor Cohen moved to have items 21-31 read together and voted on as one unit. Seconded by Fox. The motion passed 7-0.

The following commented on this item:

Albert DiMillo, Colchester Dr.

Greg Lewis, Mussey St.

21.RESOLVE #9-15/16 - That \$18,397,844 be expended for RegularInstruction. Passage requires majority vote.

22.RESOLVE #10-15/16 - That \$8,892,384 be expended for SpecialEducation. Passage requires majority vote.

23.RESOLVE #11-15/16 - That \$290,559 be expended for Career andTechnical Education. Passage requires majority vote.

24.RESOLVE #12-15/16 - That \$913,774 be expended for Other Instruction.Passage requires majority vote.

25.RESOLVE #13-15/16 - That \$3,842,182 be expended for Student and StaffSupport. Passage requires majority vote.

26.RESOLVE #14-15/16 - That \$1,398,085 be expended for SystemAdministration. Passage requires majority vote.

27.RESOLVE #15-15/16 - That \$2,410,127 be expended for SchoolAdministration. Passage requires majority vote.

28.RESOLVE #16-15/16 - That \$1,947,029 be expended for Transportationand Buses. Passage requires majority vote.

29.RESOLVE #17-15/16 - That \$4,247,233 be expended for FacilitiesMaintenance. Passage requires majority vote.

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30.RESOLVE #18-15/16 - That \$4,881,765 be expended for Debt service and Other Commitments. Passage requires majority vote.

31.RESOLVE #19-15/16 - That \$438,312 be expended for All Other Expenditures. Passage requires majority vote.

Councilor Cohen moved for passage of items 21-31. Seconded by Fox. The motion passed 7-0.

32. RESOLVE #20-15/16 - That \$35,699,041.29 be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$29,420,871.67 be raised as the City's contribution to the total cost of funding public education from pre-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.

Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by State law to be the minimum amount that the municipality must raise in order to receive the full amount of State dollars.

There was no public comment.

Councilor Cohen moved for passage, seconded by Beecher.

Councilor Rose requested to have Sec. 27-1562 of the Code of Ordinances read by the City Clerk. Mayor Blake denied Councilor Rose's request on the basis that it was not in order. Councilor Rose motioned to appeal the decision of the Chair. Councilor Cohen motioned to uphold the decision of the Chair, seconded by Morgan. The motion passed 7-0.

The main motion passed 7-0.

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33.RESOLVE #21-15/16 - That \$4,160,074 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-State funded school construction projects and non-State funded portions of school construction 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 pre-kindergarten to grade 12. Passage requires majority vote.

Explanation: non-State funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major school construction projects that are not approved for State subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

- *SPHS Auditorium/Cafeteria Construction, approved by voters on November 8, 1994*
- *Elementary Schools Construction and Renovation, approved by voters on November 6, 2001*
- *SPHS Addition and Renovation, approved by voters on November 2, 2010*

There was no public comment.

Morgan motioned for passage, seconded by Fox. The motion passed 7-0.

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34.RESOLVE #22-15/16 - That \$6,120,073.33 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$5,339,960.52 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

The Board of Education recommends \$6,120,073.33 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$5,339,960.52.

- *Pension Obligation Debt Service, approved by voters November 4, 2003*
- *Co-curricular/Athletic costs not recognized by EPS*
- *Maintaining/Staffing two small Middle Schools rather than one*
- *Staffing for Nursing Services greater than acknowledged by EPS*
- *Maintaining/Staffing five small Elementary Schools rather than four*
- *Class Size Targets less than State standard*
- *Purchase of two 88 passenger school buses*
- *Payment of one-half of MLTI iPad lease payments*
- *Capital Improvement Projects for Mahoney, Memorial and SPHS approved by voters on June 9, 2009*

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-State funded debt service that will help achieve the school department budget for educational programs.

The following commented on this item:

- Russ Lunt, Brigham St.
- Albert DiMillo, Colchester Dr.

Fox moved for passage, seconded by Smith. The motion passed 7-0.

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35. RESOLVE #23-15/16 – That the Board of Education be authorized to expend \$47,659,294 for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the municipality's contribution to the total cost of funding public education from pre-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.

There was no public comment.

Cohen moved for passage, seconded by Beecher. The motion passed 7-0.

Cohen moved to have items 36-38 read together and voted on as one unit. Morgan seconded. The motion passed 7-0.

36. RESOLVE #24-15/16 - That the City of South Portland will appropriate \$20,000 for Adult Education and raise \$20,000 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

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37.RESOLVE #25-15/16 - That the City of South Portland will raise and appropriate \$430,000 in additional local dollars in support of the food service program. Passage requires majority vote.

38. RESOLVE #26-15/16 – That the Board of Education be authorized to expend such other sums as may be received for 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 spoke on this item:
Rafe Forland, Finance Director SPSD

Cohen moved for passage, seconded by Morgan. The motion passed 7-0.

39.ORDER #155-15/16 – Authorizing the Superintendent to implement the FY17 School Department Capital Improvement Plan in the amount of \$1,103,048 as detailed in the Superintendent’s memo and FY17 Proposed CIP Expenditure Summary. Passage requires majority vote.

The following spoke on this item:
Albert DiMillo, Colchester Dr.

Morgan moved for passage, seconded by Beecher. The motion passed 7-0.

40.ORDER #156-15/16 - Authorizing the Mayor to sign the City Manager’s Employment Agreement. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.

Beecher moved for passage, seconded by Smith. The motion passed 7-0.

41.RESOLVE #27-15/16 - Pursuant to §612 of the City Charter determining details of issue of \$14,000,000 principal amount of bonds authorized by bond ordinance finally passed and enacted June 17, 2013. Passage requires majority vote.

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The following spoke on this item:

Albert DiMillo, Colchester Dr.
Russ Lunt, Brigham St.

Councilor Cohen moved to have RESOLVE #27-15/16 read by title only. Seconded by Beecher. The motion passed 7-0.

Councilor Beecher moved for passage, seconded by Morgan. The motion passed 7-0.

I. Citizen Discussion (Second Part)

Albert DiMillo, Colchester Dr.

I. Councilor's Round Robin

Councilor Morgan apologized for arriving late.

K. Executive Session

Councilor Morgan motioned to adjourn at 9:45pm, seconded by Cohen. The motion passed 7-0.

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ATTEST 

Emily F. Carrington