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**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 1**  
**JULY 6, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:04 P.M. Councilor Livingston was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the June 20<sup>th</sup> Special meeting and the June 20<sup>th</sup> regular meeting was made by Councilor Beecher. Councilor Blake seconded. Passed 6-0.

**B. Communications from City Manager**

There were no communications from the City Manager.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone items #1 - #6. Councilor Smith seconded the motion. The postponement passed 6-0.

2. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #154-10/11 – Economic Development Committee, District Four (Beecher), for a term which expires on 03/23/13. Postponed since 06/06/11. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #155-10/11 – Conservation Commission, District Four (Beecher), for a term which expires on 11/20/12. Postponed since 06/06/11. Passage requires majority vote.

Postponed, see Item #1 for details.

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**JULY 6, 2011**

6. ORDER #1-11/12 – Harbor Commission, Mayoral appointment, for a term which expires on 06/30/14. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

Gary Crosby, Tanner Street discussed the new Fire Code and urged all the Councilors to read it fully before adopting it.

**G. Public Hearings and Action**

7. ORDINANCE #14-10/11 – Amending Chapter 27, “Zoning,” for a zone map change from Residential District A to Contract Residential District G-2 at 0 Huntress Avenue. Passed first reading 06/20/11. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Mike Hulseley, Director of SPHA stated the ground breaking for the additional housing would be as early as next summer.

Councilor Blake motioned for passage. Councilor Hughes seconded. The ordinance passed roll call vote 6-0.

8. ORDINANCE #15-10/11 – Amending Chapter 18, “Parks and Recreation”, regarding tobacco free parks and recreational facilities. Passed first reading 06/20/11. ROLL CALL VOTE. Passage requires majority vote.

Councilor Hughes motioned to read the Ordinance by title only. Councilor Beecher seconded. The motion passed 6-1 (Blake).

Jackson Beck, Alyssa Martin and Connor Beck from the Interact Club, an affiliate of Rotary International gave a presentation on their project which brought forward this Ordinance. They picked up 1011 cigarette butts on the beach in April.

Gary Crosby, Tanner Street was concerned with the 25’ rule in regards to private property abutting the parks and beaches included in the Ordinance.

Michele Danois a South Portland VIP, picked up a jarful of cigarette butts and also spoke to beach goers who were in favor of this ordinance, some of those being smokers.

Ashley Bracy, from Healthy Maine Partnership had support literature and would be providing the City with information posters and signs.

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**JULY 6, 2011**

Bobbie Libby, Main Street felt this item should go to the voters and not be decided by the Council.

Councilor Blake motioned to amend the Ordinance to strike out “or within 25 feet”. Councilor Beecher seconded the amendment. The amendment failed 3-3 (Coward, Smith, De Angelis).

Councilor Coward motioned to amend the Ordinance to add at the end of section 18-84, “Nothing in this Ordinance shall prohibit smoking on privately owned residential property” Councilor Smith seconded the amendment. The amendment passed 6-0.

Councilor Blake motioned to amend the amendment to strike out residential. Councilor Beecher seconded the motion. The motion failed 3-3 (De Angelis, Coward, Smith).

Councilor Coward motioned to pass the Ordinance as amended. Councilor Smith seconded the motion. The ordinance passed roll call vote as amended 6-0.

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

15. ORDER # 8-11/12 – Adopting the Fourth Amendment to the National Semiconductor Municipal Development and Tax Increment Financing District Development Program. Passage requires majority vote.

Councilor Coward motion to take Item #15 out of order. Councilor Smith seconded the motion. The motion passed 6-0.

Councilor Hughes made the motion to read the Order by title only. Councilor Beecher seconded the motion. The motion passed 6-0.

City Manager James Gailey explained that the request for the extension of the TIF agreement was brought forth due to the transition of being bought by Texas Instruments. The TIF was amended to push it out to collect 2023/24, but amended to collect 100 % by June, 2011. The request is to now extend that credit enhancement agreement pushed out one year, but the City share would be 60% and National Semiconductor would be 40%. The Manager stated the he and City staff were fully in favor of this extension. This reduction in National Semiconductor’s share would represent an 11.5 million dollar investment, and City Staff looks forward to working with the company in the future.

There was no public discussion.

Motion was made by Councilor Smith for passage. Councilor Smith seconded the motion. The motion passed 6-0.

Shana Cook Mueller was present from Bernstein Shur to answer any questions.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 4**  
**JULY 6, 2011**

Councilor Smith stated that this extension should be passed due to the great relationship between the City and the Corporation.

Councilor Beecher agreed with Councilor Smith and stated she supported this amendment because of their support for our community, including the School system.

Councilor Coward spoke about how this amendment would not only benefit National Semiconductor, but if the sale went through it would also allow the company to compete nationally as well as globally. National Semiconductor needs to be competitive and this would allow that to happen by bringing their costs down.

Councilor Hughes agreed with the other Councilors and stated that this is being brought forward because they are a leader in their industry. Besides helping them we are also opening the path to become even more competitive in this field.

Councilor Blake questioned Ms. Cook Mueller as to whether this amendment had been presented to the State Board of Economic Development and if there had been any issues with it. Ms. Cook Mueller stated that while they have not received an initial answer she had talked to them and there were no foreseeable problems. Ms. Cook Mueller also stated that within the Order it states that the City Manager is delegated to make any minor changes that don't significantly change the amendment to facilitate the approval. This would also be true if the sale of the company does not go through.

Councilor De Angelis concurs with the rest of the Council and appreciates the partnership with National Semiconductor and the mark it makes on the planet by approving this amendment.

Motion was made by Councilor Smith for passage. Councilor Smith seconded the motion. The motion passed 6-0.

9. ORDER #2-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Hughes for passage. Councilor Beecher seconded. Motion passed 6-0.

10. ORDER #3-11/12 – Award of Bid #58-11 to Gorham Fence Company, Inc., of Standish, ME, for the purchase and installation of a guardrail at Wainwright Farms. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Hughes seconded the motion. Motion passed 6-0.

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**JULY 6, 2011**

11. ORDER #4-11/12 – Award of contract to Leslie T. Fossel Restoration Resources, of Alna, ME, for exterior restoration of Hutchins School. Passage requires majority vote.

Erik Carson addressed the Council and explained the process of the renovations to the Hutchins School.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded. Motion passed 6-0.

12. ORDER #5-11/12 - Amending FY 2010/2011 CDBG Annual Action Plan regarding additional activities. Passage requires majority vote.

Assistant City Manager, CDBG Director, Erik Carson was available for questions.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Hughes seconded. Motion passed 6-0.

13. ORDER #6-11/12 – Amending the Traffic Schedule regarding no parking the entire length on both sides of Dartmouth Street. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded. Motion passed 6-0.

14. ORDER #7-11/12 - Award of Bid #52-11 to Air Cleaning Specialists of New England, of Hanover, MA, for source capture emergency vehicle exhaust fume removal systems for the Fire Department. Passage requires majority vote.

Ray Lee, Henry Street stated that this Order made more sense than Item #8.

Councilor Hughes motioned for passage. Councilor Blake seconded. Motion passed 6-0.

15. ORDER #8-11/12 – Adopting the Fourth Amendment to the National Semiconductor Municipal Development and Tax Increment Financing District Development Program. Passage requires majority vote.

#15 was taken out of order, please see below Action on Old and new Business for details.

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

Ray Lee, Henry Street stated that Mill Creek Park was not the place for the Military Monument. He said that it was disrespectful of the Military and should be placed in Ge

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 6**  
**JULY 6, 2011**

Erskine Park. Mr. Lee also stated that he was glad that Item #7 passed but that Item #8 should not have passed.

**J. Councilor's Round Robin**

Councilor Hughes welcomed Mr. Lee back to the Council meetings.

Councilor Blake discussed the progress of the Military Monument and questioned the City Manager as to when it would be placed. The pad should be placed by the third week of August, and the Monument should be in place by this winter. He also wanted to warn residents as to the dangers of Mopeds and Vespers, he warns people that they can be deadly and people should always wear their helmets.

Councilor Coward passed.

Councilor Smith announced that Tri for a Cure will be held on July 31<sup>st</sup> and is looking volunteers.

Councilor Beecher gave kudos to the Public Works Department on their good work on Highland Avenue.

Councilor De Angelis reminded everyone about the new Farmers Market that starts on July 14<sup>th</sup> and will be held on Thursdays through the summer at Thomas Knight Park at the end of Waterman Drive under the Casco Bay Bridge. She also attended a fair well affair for the President Ortiz of SMCC.

Councilor Smith motioned to go into Executive Session at 9:15 P.M. Councilor Beecher seconded the motion. The motion passed 6-0.

**K. Executive Session**

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with South Portland Firefighters IAFF Local #1476 and Bus Drivers AFSCME Council 93.

Motion was made by Councilor Coward to come out of Executive Session. Councilor Smith seconded. Passed 5-0. (Blake out of room)

Motion to adjourn was made at P.M. by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0. (Blake out of room)

A TRUE COPY

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

**IN COUNCIL SPECIAL MEETING VOL. 73 PAGE 7**  
**JULY 11, 2011**

**C. Consent Calendar**

Business Licenses

Bathras Market, 142 Preble Street, for a Food Service Establishment Temporary Extension of Premise License. Passage requires majority vote.

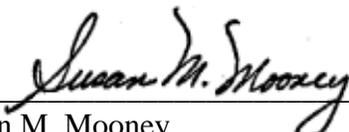
There was no public discussion.

Councilor Blake motioned for passage and Councilor Smith seconded. The license passed 6-0 (Coward).

Councilor Smith motioned to adjourn at 6:35 P.M. Councilor Hughes seconded. The motion passed 6-0 (Coward).

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 8**  
**JULY 18, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the July 6<sup>th</sup> Council meeting was made by Councilor Smith. Councilor Hughes seconded. Passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Standing room only for Farmers Market ribbon cutting
- Passing of former Corporation Counsel, Mary Kahl. Mary has been the Chair of Art in the Park for many years. Linda Eastman has stepped up to take that over. Mary's great wit and humor will be missed.

**C. Petitions and Communications**

Department Reports for the month of June, 2011.

Attendance Reports for the month June, 2011.

**D. Appointment Calendar**

1. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

Councilor Hughes motioned to postpone items #1 through #3 and #6 through #9. Councilor Livingston seconded the motion. The postponement passed 6-0.

2. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #154-10/11 – Economic Development Committee, District Four (Beecher), for a term which expires on 03/23/13. Postponed since 06/06/11. Passage requires majority vote.

There was no public discussion.

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**JULY 18, 2011**

Councilor Beecher motioned to appoint Anngela Smith of 17 Northeast Lane. Councilor Coward seconded. The appointment passed 6-0.

5. ORDER #155-10/11 – Conservation Commission, District Four (Beecher), for a term which expires on 11/20/12. Postponed since 06/06/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Edward Hellier of 37 Hawthorne Lane. Councilor Hughes seconded. The appointment passed 6-0.

6. ORDER #1-11/12 – Harbor Commission, Mayoral appointment, for a term which expires on 06/30/14. Postponed on 07/06/11. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #9-11/12 – Board of Appeals, District Three (De Angelis), for a term which expires on 07/23/14. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #10-11/12 – Board of Appeals, District Four (Beecher), for a term which expires on 07/23/14. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #11-11/12 – Board of Appeals, District Five (Hughes), for a term which expires on 07/23/14. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

10. Street Closing

Tri for a Cure is requesting the closure of Fort Road, Surfside Road and Pickett Street for a triathlon on July 31, 2011. Passage requires majority vote.

There was no public discussion.

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

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

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**JULY 18, 2011**

Barbara Psichos, Harbor Place – Ms. Psichos presented the new Mill Creek Park Logo. It was designed by SMCC student, Tina Burnell.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo indicated that the School Department is reporting a 1.2 million dollar surplus. He questioned why the Council continues to raise taxes for the High School when the school carries this large surplus.

Superintendent Suzanne Godin – Ms. Godin disputed the facts raised by Mr. DiMillo. She recounted areas where the school had significant savings due to staff turnover and gas and electricity reductions due to the escrow project.

John Kierstead, School Street – Mr. Kierstead spoke in fond memory of Mary Kahl and her contributions to the Long Creek Memorial committee.

**G. Public Hearings and Action**

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

11. ORDER #12-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #13-11/12 – Award of Bid #12-12 for a portable classroom for Small Elementary School. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for acceptance and passage of the updated Order as read. The Order included in the packets did not include a recommendation for award because the School Board did not meet until just prior to the Council meeting to discuss the bid.

Councilor Beecher seconded. The Order passed 6-0.

13. ORDER #14-11/12 – Award of Bid #62-11 to GovConnection, of Merrimack, NH, for the purchase of laptops for the School Department. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Hughes seconded. The Order passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 11**  
**JULY 18, 2011**

14. ORDER #15-11/12 – Appealing the denial of the Public Works’ Director for two (2) new curb cuts on Mountain View Road and a temporary curb cut on Nutter Road for the South Portland High School. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned for passage and Councilor Beecher seconded. The Order passed 6-0.

15. ORDER #16-11/12 – Award of Bid #60-11 to Turf Products, LLC, of Enfield, CT, for the purchase of a mower for the Parks Department. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned for passage and Councilor Coward seconded. The Order passed 6-0.

16. ORDER #17-11/12 – Accepting \$6,814 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #18-11/12 – Accepting a Target National Night Out Grant for \$500.00 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #19-11/12 – Authorizing the City Manager to sign three (3) Three-Party Partnership Agreements with the Maine Department of Transportation and PACTS for improvements to Rumery Street, Dartmouth Street and Broadway. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Hughes seconded. The Order passed 6-0.

19. ORDER #20-11/12 – Amending ORDER #143-10/11 regarding the FY 2012 Capital Improvement Program to change the funding source for the High School Track Project from General Fund Reserves to Surplus. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 12**  
**JULY 18, 2011**

There was no public discussion.

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

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

**J. Councilor's Round Robin**

Councilor Coward remembered Mary Kahl.

Councilor Smith said the Farmers Market opening was a great event with music and wonderful community support. She passed along sentiments of good luck to those participating in Tri for a Cure.

Councilor Beecher said she can't imagine Art in the Park without Mary Kahl and thanked Linda Eastman for stepping up. She congratulated the Mayor for her work in getting the Farmers Market up and running.

Councilor Hughes also commented on attending the Farmers Market and his appreciation of the chocolate chip cookies. He said he had attended a meeting at the "Hub" today and remarked about the wonderful work being accomplished there.

Mayor De Angelis spoke in remembrance of Mary Kahl and was honored to have been named in her will to help with placing Mary's cats in good homes. She said Tri for a Cure is still looking for volunteers and donations. There will not be a Council Workshop on Monday night.

**K. Executive Session**

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.

Councilor Beecher motioned to go into Executive Session at 8:48 P.M. and Councilor Coward seconded. Passed 6-0.

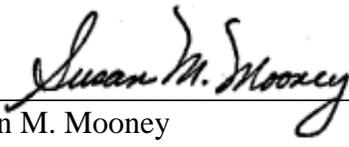
Councilor Smith motioned to come out of Executive Session at 9:41 P.M. Councilor Beecher seconded and the motion passed 6-0.

Councilor Livingston motioned to adjourn and Councilor Smith seconded. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 13  
JULY 18, 2011**

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 14**  
**AUGUST 1, 2011**

**Roll Call:** Mayor De Angelis 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 Special Meeting of July 11<sup>th</sup> and the Council meeting of July 18<sup>th</sup> was made by Councilor Beecher. Councilor Coward seconded. Passed 7-0.

**B. Communications from City Manager**

- Congratulations to the 1,000 women to participated in Tri For A Cure. They raised over \$1,000,000.
- 32<sup>nd</sup> Annual Art In the Park – August 13, 2011

**C. Petitions and Communications**

Mayoral Recognition – Stanley L. Cox

**D. Appointment Calendar**

1. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to appoint Stephen Bushey of 69 Adelbert Street to this seat. Councilor Hughes seconded. The Order passed 7-0.

2. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone items #2, #4, #6, #7 and #8. Councilor Livingston seconded. The motion passed 7-0.

3. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to appoint Mary Jo Jakab of 100 Briarwood Road to this seat. Councilor Coward seconded. The Order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 15**  
**AUGUST 1, 2011**

4. ORDER #1-11/12 – Harbor Commission, Mayoral appointment, for a term which expires on 06/30/14. Postponed since 07/06/11. Passage requires majority vote.

Postponed, see Item #2 for details.

5. ORDER #9-11/12 – Board of Appeals, District Three (De Angelis), for a term which expires on 07/23/14. Postponed on 07/18/11. Passage requires majority vote.

Councilor Coward motioned to waive standing rule #3(e) to have this item added to the agenda. Councilor Beecher seconded. The motion passed 7-0. There was no public discussion.

Mayor De Angelis motioned to appoint Greg Perry of 15 Kelley Street to this seat. Councilor Livingston seconded. The Order passed 7-0.

6. ORDER #10-11/12 – Board of Appeals, District Four (Beecher), for a term which expires on 07/23/14. Postponed on 07/18/11. Passage requires majority vote.

Postponed, see Item #2 for details.

7. ORDER #11-11/12 – Board of Appeals, District Five (Hughes), for a term which expires on 07/23/14. Postponed on 07/18/11. Passage requires majority vote.

Postponed, see Item #2 for details.

8. ORDER #21-11/12 – Conservation Commission, At Large (Blake), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #2 for details.

**E. Consent Calendar**

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

Lee Humiston, Maine Military Museum – Mr. Humiston said 1,000 people participated in the Grand Opening on June 11<sup>th</sup>. He thanked the City Manager, Jim Gailey for his support from the very beginning of the project.

Dan Mooers, 39 Ledge Road – Mr. Mooers provided an update on a proposed winter carnival. He said Portland would not be holding one this winter. The Rotary Club is considering 2/4/12 to hold the event.

**G. Public Hearings and Action**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 16**  
**AUGUST 1, 2011**

9. South Portland Taxi, Inc., 650 Main Street for a Certificate of Public Convenience. Passage requires majority vote.

There was no public discussion.

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

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

10. ORDER #22-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #23-11/12 – Award of RFQ 48-11 to Beacon Occupational Health, of South Portland, ME, Bayside Employee Health Center, of Portland, ME, Central Maine Partners in Health, of South Portland, ME, and Affiliated Healthcare Systems, of Bangor, ME, to provide employee medical services. Passage requires majority vote.

There was no public discussion. Human Resource Director, Don Brewer was available and answered questions from the Council.

Councilor Smith motioned for passage. Councilor Blake seconded. The Order passed 7-0.

12. ORDER #24-11/12 – Award of Bid #03-12 to Riley’s Sport Shop, Inc, of Hooksett, NH, for the purchase of body armor for the Police Department. Passage requires majority vote.

There was no public discussion. Deputy Chief Berry was available and answered questions.

Councilor Blake motioned for passage. Councilor Livingston seconded. The Order passed 7-0.

13. ORDER #25-11/12 - Authorizing the City of South Portland to enter into two service agreements with GetCrashReports.com, Deep River LLC, of Old Saybrook, CT relating to the sale of vehicle crash reports and vehicle records online. Passage requires majority vote.

There was no public discussion. Deputy Chief Berry provided background information on this order and answered questions from the Council.

Councilor Coward motioned for passage. Councilor Beecher seconded. Several concerns were raised regarding the fee structure. Mayor De Angelis motioned to postpone the order until issues of concern could be addressed at a workshop. Councilor Blake seconded and the Order was postponed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 17**  
**AUGUST 1, 2011**

14. ORDER #26-11/12– Setting the street opening fees for FY 2012. Passage requires majority vote.

There was no public discussion. Planning Director, Tex Haeuser answered questions from the Council.

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

15. ORDER #27-11/12 – Award of Bid #06-12 to Bill Dodge Auto Group, of Westbrook, ME, for the purchase of a ¾ ton pickup truck for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Coward seconded. The Order passed 7-0.

16. ORDER #28-11/12 – Award of Bid #59-11 to Maietta Enterprises, of Scarborough, ME, for the Knightville sewer separation, street improvements Phase I and the Mill Creek Transit Hub site construction. Passage requires majority vote.

There was no public discussion. City Engineer, Brad Weeks and Sebago Tech Engineer, Dan Riley presented information to the Council

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

17. ORDER #29-11/12 – Authorizing the City Manager to sign a Three-Party Partnership Agreement with the Maine Department of Transportation and PACTS for improvements to Cummings Road. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #30-11/12 - Authorizing the City Manager to execute and deliver a letter to the Federal Transit Administration pledging City property as the “local match” for the Mill Creek Transit Hub project. Passages requires majority vote.

There was no public discussion.

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

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 18**  
**AUGUST 1, 2011**

**J. Councilor's Round Robin**

Councilor Livingston recently visited several city offices and was pleased with the positive attitudes of city employees. He inquired about what is happening with the Wilkinson Park building and what will happen to it in the future.

Councilor Coward raised concerns about what the impact will be from the trickledown effect from the debt level being raised. He said he was impressed by the spirit of those who participated in the Tri for a Cure.

Councilor Smith said it was a wonderful experience and she encouraged people to get involved with it.

Councilor Beecher congratulated those who participated. She commended the staff in Planning and Development and the Planning Board for their work on the Willard Commercial Zoning text.

Councilor Hughes said the Long Creek Youth Development Center is selling their produce at the Redbank General Store.

Councilor Blake congratulated the Mayor on her work with the Farmers Market and remarked about a recent trip to California and said a number of public places were closed due to the economic situation there. He also thanked Matt Green on his success with the South Portland Corporate Track Team.

Mayor De Angelis said the Farmers Market is still expanding. She thanked Dan Mooers for taping an interview with each of the vendors. The program is currently running on SPCTV. She said participating in the Tri for a Cure was amazing.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. § 405(6)(A) regarding evaluation of Corporation Counsel.

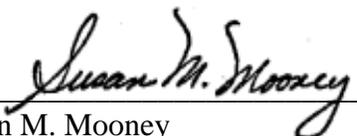
Councilor Smith motioned to go into Executive Session at 9:50 P.M. and Councilor Beecher seconded. Passed 7-0.

Councilor Coward motioned to come out of Executive Session at 10:35 P.M. Councilor Beecher seconded and the motion passed 6-0 (Blake out of room).

Councilor Hughes motioned to adjourn and Councilor Smith seconded. The motion passed 6-0 (Blake out of room).

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 19**  
**AUGUST 15, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:10 P.M. Councilor Smith was absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 1st regular meeting was made by Councilor Beecher. Councilor Coward seconded. Passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Art in the Park and a great thanks to all that participated and the Committee
- Report from Greg L'Heureux, Finance Director, of Abatements for Fiscal Year 2010-2011

**C. Petitions and Communications**

General Assistance Monthly Report July 2011  
Board of Appeals Minutes for July 27, 2011  
Plumbing Permits for May, June & July, 2011  
Attendance Reports for the month of July 2011.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone item #1 Councilor Coward seconded the motion. The postponement passed 6-0.

2. ORDER #1-11/12 – Harbor Commission, Mayoral appointment, for a term which expires on 06/30/14. Postponed since 07/06/11. Passage requires majority vote.

There was no public discussion.

Mayor De Angelis motioned to appoint John Stewart of 1 Sand Pebble Way. Councilor Blake seconded. The appointment passed 6-0.

3. ORDER #10-11/12 – Board of Appeals, District Four (Beecher), for a term which expires on 07/23/14. Postponed since 07/18/11. Passage requires majority vote.

There was no public discussion.

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**AUGUST 15, 2011**

Councilor Beecher motioned to appoint Alex Anastasoff of 19 Cash Street. Councilor Coward seconded. The appointment passed 6-0.

4. ORDER #11-11/12 – Board of Appeals, District Five (Hughes), for a term which expires on 07/23/14. Postponed since 07/18/11. Passage requires majority vote.

Councilor Blake motioned to waive standing rule #3(e) to have this item added to the agenda. Councilor Beecher seconded. The motion passed 6-0.

There was no public discussion.

Councilor Hughes motioned to appoint Mike Kabanda of 80 Brickhill Avenue. Councilor Livingston seconded. The appointment passed 6-0.

5. ORDER #21-11/12 – Conservation Commission, At Large (Blake), for a term which expires on 11/20/13. Postponed on 08/01/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Brandon Farmer of 11 Riverplace Drive. Councilor Livingston seconded. The appointment passed 6-0.

6. ORDER #31-11/12 – Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for an unexpired term which expires 08/08/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Donald Legere of 67 Gary L. Maietta Parkway. Councilor Hughes seconded. The appointment passed 6-0.

**E. Consent Calendar**

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

Marilyn Reilly, 11 Augusta Street- Ms. Reilly spoke regarding Willard Square. Her concern was if the buildings are required to be ADA accessible. She also was concerned if the crosswalk would be made of cobblestones.

**G. Public Hearings and Action**

7. Apple New England, LLC D/B/A Applebee's Neighborhood Grille and Bar, 200 Running Hill Road, for a Food Establishment Restaurant with Liquor license. New owner of

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 21**  
**AUGUST 15, 2011**

existing business. This item needs to be postponed indefinitely. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone item #7. Councilor Hughes seconded the motion. The postponement passed 6-0.

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

8. ORDER #25-11/12 - Authorizing the City of South Portland to enter into two service agreements with GetCrashReports.com, Deep River LLC, of Old Saybrook, CT relating to the sale of vehicle crash reports and vehicle records online. Postponed on 08/08/2011. This item needs to be postponed to a workshop. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone item #8 Councilor Coward seconded the motion. The postponement passed 6-0.

9. ORDER #32-11/12 – Award of Bid #54-11 to Physio-Control, Inc., of Redmond, WA, for the purchase of two (2) LIFEPAK monitors for the Fire Department. Passage requires majority vote.

There was no public discussion. Fire Chief, Kevin Guimond was available and answered questions from the Council.

Councilor Blake motioned for passage. Councilor Livingston seconded. The Order passed 6-0

10. ORDER #33-11/12 - Award of Bid #14-12 to Bill Dodge Auto Group, of Westbrook, ME, for the purchase of a pickup truck for the Transportation and Waterfront Department. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #34-11/12 - Award of Bid #13-12 to Hall Implement, Inc., of Windham, ME, for the purchase of a compact tractor for the Parks Department. Passage requires majority vote.

There was no public discussion. Parks Supervisor, Linky Erskine was available and answered questions from the Council.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 22**  
**AUGUST 15, 2011**

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

12. ORDER #35-11/12 – Award of Bid #10-12 to Rowe Ford, of Westbrook, ME, for the purchase of a one ton truck for the Parks Department. Passage requires majority vote.

There was no public discussion. Parks Supervisor, Linky Erskine was available and answered questions from the Council.

Councilor Blake motioned for passage. Councilor Hughes seconded. The Order passed 6-0

13. ORDINANCE #1-11/12 – Extension of the moratorium on new construction in the VCW zoning district for an additional 30-day period. First reading. Passage requires majority vote.

There was no public discussion.

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

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

Margaret Carmody, 433 Preble Street - Ms. Carmody spoke regarding her property in Willard Square. Her property cannot be developed due to setback restrictions as it was denied by Site Plan Review.

**J. Councilor's Round Robin**

Councilor Coward congratulated everyone that took part in Art in the Park and it was great. He also hopes that Willard Fest will get to be a yearly event much like Art in the Park.

Councilor Beecher also congratulates the participants and volunteers for Art in the Park. She also stated that she has received compliments that the Farmer' Market is still fresh and exciting.

Councilor Hughes passed.

Councilor Blake complimented the Parks Department and all the great work in Mill Creek Park for Art in the Park. Congratulations to Alexis Bogdanovich of South Portland High School for receiving the honor of the State of Maine Softball Player of the year. Trail Maps will be available in the City Clerk's Office and at Nonesuch Books starting this Friday.

Councilor Livingston spoke about the South Portland High School Building Committee. They met on August 11 and are working diligently with Harriman Associates.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 23**  
**AUGUST 15, 2011**

Mayor De Angelis thanked Mary Perry and Linda Eastman for all their hard work with Art in the Park. She had an opportunity to interview many of the artists for a show on SPTV. The Farmers Market is currently looking for a Winter Market location. She is looking for someone to serve on a Bike Committee that lives west of Amatos. The Mayor also congratulated all that participated in Beach to Beacon.

**K. Executive Session**

Councilor Coward motioned to adjourn and Councilor Beecher seconded. The motion passed 6-0.

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ATTEST                     *Jessica B. Hanscombe*                      
Jessica B. Hanscombe

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 24**  
**SEPTEMBER 7, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 15th regular meeting was made by Councilor Blake. Councilor Livingston seconded. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Do It Yourself – Home weatherization workshop on Sept. 10<sup>th</sup> from 11:00 A.M. to 1:00 P.M. at the Community Center
- Annual Open House at ecomaine – Sept. 24<sup>th</sup> from 8:30 A.M. to 11:30 A.M.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone. Councilor Hughes seconded. The Order was postponed with a vote of 7-0.

2. ORDER #36-11/12 – Library Advisory Board, District Three (De Angelis), for a term which expires on 12/31/11. Passage requires majority vote.

There was no public discussion.

Mayor De Angelis motioned to appoint Linda Eastman of 100 Chapel Street. Councilor Livingston seconded the motion. The Order passed 7-0.

3. ORDER #37-11/12 – Library Advisory Board, At Large (Livingston), for a term which expires on 12/31/11. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to appoint Kathy Berube of Daytona Street. Councilor Blake seconded. The Order passed 7-0

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 25**  
**SEPTEMBER 7, 2011**

**E. Consent Calendar**

4. Street Closing

South Portland Music Boosters are requesting the closure of Mountain View Rd. and Nutter Rd. on October 29, 2011 from 12:00 P.M. – 9:00 P.M., with a rain date of October 30, 2011. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Blake seconded. The Street Closing passed 7-0.

5. Street Closing

Todd and Corinne Ketcham are requesting the closure of a section of Bryant St. on September 17, 2011 from 3:00 P.M. – 9:00 P.M. for a block party, with a rain date of September 18, 2011. Passage requires majority vote.

There was no public discussion. Todd Ketcham was available to answer questions.

Councilor Beecher motioned for passage. Councilor Smith seconded. The Street Closing passed 7-0.

6. Street Closing

John Maloney is requesting the closure of 26 – 37 Arbutus Ave. on September 17, 2011 from 1:00 P.M. – 7:00 P.M. for a block party. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded. The Street Closing passed 7-0.

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

Rick Urban, retired Lt. from the South Portland Fire Department – Mr. Urban expressed his thanks for allowing him to serve the citizens and work with fellow firefighters for the last 27 years.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 26**  
**SEPTEMBER 7, 2011**

Margaret Carmody, Preble Street – Ms. Carmody said she has concerns with the setback requirements in the proposed VCW zoning amendment. She also opposed the restriction of residential use on the first floor premises in that zone.

Peggy Stewart, 55 Bayview Ave. – Ms. Stewart talked about upcoming events of the Community Garden Collective.

Kandi Lee Hoy, 77 Hill Street – Ms. Hoy said she was here to support Ms. Carmody. She also believed the restriction of residential use on the first floor premise in the VCW zone could create financial hardship for some people.

**G. Public Hearings and Action**

7. ORDINANCE #1-11/12 – Extension of the moratorium on new construction in the VCW zoning district for an additional 30-day period. Passed first reading on 08/15/11. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Hughes seconded. The Ordinance passed roll call vote 7-0.

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

8. ORDER #38–11/12 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Dan Mooers, South Portland / Cape Elizabeth Rotary Club – Mr. Mooers talked about the process that the Club used to complete the ice skating shelter for Mill Creek Park.

Councilor Coward motioned for passage. Councilor Livingston seconded. The Order passed 7-0.

9. ORDER #39–11/12 – Approving the South Portland/Cape Elizabeth Rotary’s planned Winter Festival in Mill Creek Park and Thomas Knight Park. Passage requires majority vote.

The following people addressed this item;

Dan Mooers, South Portland / Cape Elizabeth Rotary Club – Mr. Mooers presented the poster board advertising the event and talked about the plans for the festival.

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**SEPTEMBER 7, 2011**

Tony Wagner, Chair of the Steering Committee – Mr. Wagner thanked the Council for working with the Club on this event.

Councilor Beecher motioned for passage. Councilor Hughes seconded. There was a friendly amendment to change Market Street to Hinckley Drive. The Order passed 7-0.

10. ORDER #40-11/12 –Authorizing the Finance Director to enter into agreement(s) for the purchase of #2 Fuel Oil, Diesel Fuel and Unleaded Fuel for FY2012. Passage requires majority vote.

There was no public discussion.

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

Mayor De Angelis inquired if anyone would take issue with holding up Item #11 until after Items #12 through #14 had been presented. No one objected.

11. ORDINANCE #2-11/12 – Amending Chapter 27, “Zoning”, regarding the VCW zone. First reading. Passage requires majority vote.

Councilor Smith motioned to have the Ordinance read by title only. Councilor Beecher seconded. Passed 6-0 (Blake out of the room). There was no public discussion.

Councilor Beecher motioned for passage. Councilor Coward seconded. Councilor Blake motioned to amend the ordinance by striking out the remaining verbiage and ending the sentence after “Any use permitted in the G Residential District” in section 27-720(d). Councilor Livingston seconded. The amendment passed 4-3 (Coward, De Angelis, Hughes).

Councilor Beecher motioned to strike out 27-724(b) For non-residential uses, off-street parking for bicycles shall also be provided by at least one bicycle rack that is able to accommodate three (3) or more bicycles at a time. Councilor Livingston seconded. The amendment passed 7-0.

The Ordinance passed first reading as amended 5-2 (Hughes, De Angelis).

12. ORDER #41-11/12 – Award of RFP #4-12 to Regina Leonard with Sebago Technics Engineers, of Topsham, ME, to provide Mill Creek Park Improvements Phase II Services. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 28**  
**SEPTEMBER 7, 2011**

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

13. ORDER #42-11/12 – Amending the 2011/12 Community Development Block Grant Annual Action Plan regarding additional activities. Passage requires majority vote.

The following people addressed this item;

Robbie Lipsman  
Megan Entrosolo  
Linda Boudreau, Sawyer Street

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

14. ORDER #43-11/12 – Authorizing the purchase of the Redbank Hub Building from Williams Scotsman, of Auburn, ME. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #44–11/12 – Adopting the *South Portland City Council iPad Policy* and appropriating \$6,503 from undesignated fund balance for the purchase of seven (7) iPads and data plans. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Smith seconded. Councilor Blake motioned to amend the last sentence in section six of the policy to read, “If the Ipad is stolen or lost, the City Councilor shall pay an amount deemed appropriate by the balance of the Council. Councilor Coward seconded. The amendment passed 6-1 (Hughes) The Order passed as amended 6-1 (Livingston).

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

**J. Councilor’s Round Robin**

Councilor Coward talked about how well the Council and Manager have paid attention to the health of South Portland’s infrastructure over the years. The City does a good job of keeping its’ financial affairs in order.

Councilor Smith thanked folks for signing her petition papers.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 29**  
**SEPTEMBER 7, 2011**

Councilor Beecher said the Comprehensive Planning Committee would be holding another public forum some time before Thanksgiving with the focus on land use.

Councilor Blake mentioned several events scheduled for this weekend, the weatherization program, Community Garden Collective and a South Portland Land Trust tour of the "Hidden Jewels of South Portland". The tour will leave from Bug Light Park at 9:00 A.M. on Saturday morning.

Councilor Livingston said the next Jetport Noise Advisory Committee meeting is scheduled for November 3<sup>rd</sup> at 5:30 P.M. at the Jetport. Starting next July flights will depart over water northeast of Peaks Island.

Mayor De Angelis reminded folks of the Farmer's Market and encouraged people to get over to help with the Community Garden Collective at 10:00 A.M. Saturday at Hamlin School.

**K. Executive Session**

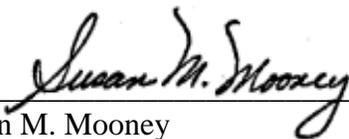
Pursuant to 1 M.R.S.A. §405(6)(D), discussion with the Human Resource Director regarding guidance on AFSCME Local 481, Council 93 representing employees within the Department of Transportation and Waterfront.

Councilor Beecher motioned to go into Executive Session at 10:43 P.M. and Councilor Livingston seconded. Passed 7-0.

Councilor Coward motioned to come out of Executive Session at 11:05 P.M. Councilor Blake seconded and the motion passed 7-0.

Councilor Beecher motioned to adjourn and Councilor Hughes seconded. The motion passed 7-0.

A TRUE COPY

ATTEST   
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 30**  
**SEPTEMBER 19, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:02 P.M. Councilor Hughes arrived at 7:04 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the September 7th regular meeting was made by Councilor Smith. Councilor Beecher seconded. Passed 6-0 (Hughes had not yet arrived).

**B. Communications from City Manager**

There were no communications

**C. Petitions and Communications**

Mayoral recognition of Earle A. Howard Sr., WWII Veteran

Department Reports for the month of August, 2011

Attendance Reports for the month of August, 2011

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone items #1 and #2. Councilor Hughes seconded. The postponement passed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #46-11/12 – Voter Registration Appeals Board, Chair, to fill a term which expires on 09/29/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint William Dale, 93 Loveitts Field Road. Councilor Livingston seconded. The Order passed 7-0.

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 31  
SEPTEMBER 19, 2011**

4. Sign Permit

South Portland Water Resource Protection is requesting to place an electronic portable sign to advertise Household Hazardous Waste Collection Day. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded. The permit passed 7-0.

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

The following people spoke in support of Ordinance #4-11/12 regarding disorderly houses and disclosure of building ownership because of extreme safety concerns in the Free Street area;

Rick LaRochelle, 13 Free Street  
Louise Philbrick, 43 Free Street  
Evelyn LaRochelle, 13 Free Street  
Christine Marshall, 159 Sawyer Street

David Jacobs, High Street – Mr. Jacobs asked the Mayor to explain the rules for speaking at Citizen Discussion and at the introduction of an agenda item.

**G. Public Hearings and Action**

5. ORDINANCE #2-11/12 – Amending Chapter 27, “Zoning”, regarding the VCW zone. Amended and passed first reading on 09/07/11. ROLL CALL VOTE. Passage requires five affirmative votes.

Councilor Beecher motioned to have the Ordinance read by title only. Councilor Hughes seconded. The motion passed 7-0. There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded the motion. Councilor Blake motioned to amend the ordinance to add the verbiage that was deleted at the previous Council Meeting in section 27-720(d) beginning with “except” and ending with the word “success”. Councilor Hughes seconded. The amendment passed 6-1 (Livingston). The Ordinance passed roll call vote as amended 7-0.

Councilor Blake motioned to refer the issue of ground floor residential uses in the VCW zoning district to the Planning Board for further discussion at a workshop and such additional meetings and hearings as the Planning Board deems appropriate. Councilor Livingston seconded. The motion passed 7-0.

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 32**  
**SEPTEMBER 19, 2011**

6. ORDINANCE #4-11/12 – Amending Chapter 5, “Buildings,” regarding disorderly houses and disclosure of building ownership. First reading. Passage requires majority vote.

Councilor Hughes motioned to have the Ordinance read by title only. Councilor Beecher seconded. The motion passed 7-0. Councilor Blake disclosed that some may consider this ordinance to be a conflict for him as he owns four multi units and manages a fifth. Councilor Hughes moved to recuse Councilor Blake from this item. Councilor Smith seconded and the motion passed 5-1 (Coward).

The following people spoke in support of this ordinance;

Christine Marshall, 159 Sawyer Street  
Police Chief Googins  
Pat Doucette, Code Enforcement Director  
Karla McGowan, 39 Cole Street  
Louise Philbrick, 43 Free Street  
Rick LaRochelle, 13 Free Street  
Evelyn LaRochelle, 13 Free Street  
David Jacobs, High Street

Marie Corkery, 90 Brigham Street – Ms. Corkery inquired about what would happen if someone didn’t file their required registration information.

Micah Smith, 141 Ocean Street – As a landlord, Mr. Smith expressed some concerns about whether this could backfire against a property owner.

William Laidley, 12 Taylor Street – Mr. Laidley questioned where the responsibility of this issue falls and commented that enforcement of current laws could be enough.

Councilor Hughes motioned for passage. Councilor Livingston seconded. Trish McAllister, the neighborhood prosecutor for the City of Portland was present and provided background on the success of a similar ordinance in Portland. First reading passed 6-0 (Blake recused).

7. ORDINANCE #3-11/12 – Authorizing refunding bonds in an amount not to exceed \$10,200,000. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the Ordinance read by title only. Councilor Hughes seconded. Motion passed 6-0 (Blake out of room). There was no public discussion.

Councilor Hughes motioned for passage. Councilor Beecher seconded the motion. The ordinance passed first reading 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 33**  
**SEPTEMBER 19, 2011**

8. ORDER #48-11/12 – Accepting \$68,212 from the Maine Municipal Association Workers Compensation Fund and MMA Property and Causality Program. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Coward seconded. The Order passed 7-0.

9. ORDER #49-11/12 – Accepting an Enhanced Police Intervention Collaboration (EPIC), STOP Violence Against Women Grant from the U. S. Dept. of Justice to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #50-11/12 – Accepting a handgun, ammunition, a Smith and Wesson knife and a razor knife under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded. The Order passed 6-0 (Hughes out of room).

11. ORDER #51-11/12 – Accepting \$980.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #47-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

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

**J. Councilor's Round Robin**

Councilor Beecher said the Medication Collection Program is scheduled for October 29 at the Community Center and Redbank Community Center.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 34**  
**SEPTEMBER 19, 2011**

Councilor Blake referred to a comment made in an article about the Council buying new toys. He said the new Ipads are tools that will effectively allow the Council to work more efficiently and economically.

Councilor Livingston asked folks to watch for when the VCW zoning issue will be addressed again at the Planning Board and to please weigh in on this matter.

Councilor Coward recognized Councilor Blake's program "Hidden jewels of South Portland" noting that while he has lived here nearly thirty years, he learned about some fascinating areas around South Portland that he never knew about.

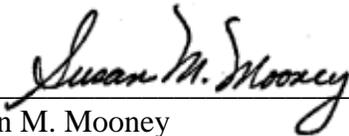
Mayor De Angelis said attendance at the Farmer's Market has been dropping. She encouraged folks to support this effort and commented that there is lots of parking available in the area. She also noted that Household Hazardous Waste Day is October 15<sup>th</sup>.

**K. Executive Session**

Councilor Hughes motioned to adjourn at 10:20 P.M. and Councilor Coward seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 35**  
**OCTOBER 3, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the September 26th regular meeting was made by Councilor Smith. Councilor Beecher seconded. Passed 7-0.

**B. Communications from City Manager**

There were no communications

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone items #1 and #2. Councilor Livingston seconded. The postponement passed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

Lois Reckitt, Myrtle Ave. – Ms. Reckitt said she is wildly in favor of the Fireworks Ordinance.

Karla McGowan, 39 Cole Street – Ms. McGowan read through a communication from Christine Marshall regarding support of the Disorderly House Ordinance.

Wendy Case, 20 Mosher Street – Ms. Case said she doesn't feel safe in the neighborhood and hopes the Disorderly House Ordinance passes.

Rachel Cummings, 18 Mosher Street – Ms. Cummings said she is afraid of losing tenants because peoples don't feel safe.

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Lynn La Rochelle, 13 Free Street – Ms. La Rochelle asked the Council to pass the Disorderly House Ordinance.

**G. Public Hearings and Action**

3. Business Licenses

Apple New England, LLC D/B/A Applebee's Neighborhood Grill and Bar, 200 Running Hill Road for a Food Establishment Restaurant with Liquor License. New owners of an existing business. Passage requires majority vote.

There was no public discussion.

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

4. ORDINANCE #3-11/12 – Authorizing refunding bonds in an amount not to exceed \$10,200,000. Passed first reading 09/16/11. ROLL CALL VOTE. Passage requires majority vote.

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

Councilor Hughes motioned for passage. Councilor Smith seconded. The ordinance passed roll call vote 7-0.

5. ORDINANCE #4-11/12 – Amending Chapter 5, "Buildings," regarding disorderly houses and disclosure of building ownership. Passed first reading on 09/16/11. ROLL CALL VOTE. Passage requires majority vote.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Smith seconded. The motion passed 7-0. The following people addressed this item:

Karla McGowan, 39 Cole Street – Ms. McGowan read a communication in support of the ordinance from Louise Philbrick, 43 Free Street.

Chief Googins, South Portland Police Dept. – Chief Googins indicated that it would be unrealistic for the Police Department to make individual calls to property owners, but crime log history will be posted electronically now for eight weeks, up from four weeks. He encouraged the Council to pass the ordinance.

John Kierstead, 36 School Street – Mr. Kierstead urged that there be more communication.

Wendy Case, 20 Mosher Road – Ms. Case said landlords need to be more careful about who they will rent to if they don't want to be fined.

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Lynn La Rochelle, 13 Free Street – Ms. La Rochelle asked if this ordinance would apply to duplex units.

Rachel Cummings, 18 Mosher Street – Ms. Cummings talked about a man who was hiding in the bushes and pondered what would have happened if he had a gun.

Mayor De Angelis said the Council had three additional communications from Stanley Cox, Skip Lucarelli and Peter Houser.

Councilor Beecher motioned for passage. Councilor Hughes seconded. Councilor Coward made a motion to amend the ordinance to reduce the fine minimum to \$250.00. There was not a second to the amendment. The ordinance passed roll call vote 6-0 (Blake recused).

Councilor Coward made a motion to review the issue of how well the Disorderly House/Disclosure of Building Ownership ordinances are working for further discussion and an update from City staff to a City Council workshop to be held in October of 2012. Councilor Smith seconded. The motion passed 7-0.

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

6. ORDER #52-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #53-11/12 – Amending the “Traffic Schedule”, regarding no parking on a portion of Thompson Street. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #54-11/12 – Authorizing the City Manager to sign a Municipal/State Agreement regarding the Veteran’s Memorial Bridge. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #55-11/12 – Award of RFP to Johnson and Jordan, of Scarborough, ME, for furnace replacement at the Public Works Facility. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 38**  
**OCTOBER 3, 2011**

There was no public discussion.

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

10. ORDER #56-11/12 – Award of Bid #23-12 to T-Buck Construction, Inc., of Auburn, ME, for CSO clarifier upgrades. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #57-11/12 – Award of Bid #11-12 to Theodore Logan & Son, Inc., of Portland, ME, for repairs to the Liberty Ship Memorial. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #58-11/12 – Amending ORDER #4-11/12 regarding award of contract to Leslie T. Fossel Restoration Resources, of Alna, ME, for restorations to Hutchins School. Passage requires majority vote.

There was no public discussion.

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

13. ORDINANCE #5-11/12 – Amending Chapter 8, “Fire Protection and Prevention,” and Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding fireworks. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Coward seconded. The motion passed 6-0 (Blake out of room). The following people addressed this item:

Lonnie Bassie, Tulsa OK – Mr. Bassie said in his experience States that allow the sale of fireworks, local ordinances don’t work well. He encouraged the Council to support the allowance of the sale of fireworks but prohibit the discharge of them within the city.

Lois Reckitt, Myrtle Ave. – Ms. Reckitt is concerned about the fireworks starting a fire. She wants to feel safe in her home.

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Tom Keller, Myrtle Ave. – Mr. Keller said he is impressed with the Disorderly House ordinance and feels this is an extension of it. He thinks that people will follow it voluntarily.

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

14. ORDER #59-11/12 – Amending the Drug and Alcohol Policy to comply with current Federal and State laws. Passage requires majority vote.

There was no public discussion.

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

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

**J. Councilor's Round Robin**

Councilor Livingston said the new jetport expansion looks great.

Councilor Coward thanked residents that signed his petition papers.

Councilor Smith noted that it is breast cancer awareness month.

Councilor Beecher said she attended an Air National Guard presentation where acknowledgement and flags were presented to Guardsmen. She also attended a presentation sponsored by Jensen, Baird & Gardner on all the new legislation that impacted municipal government. The Council will be hosting the Board and Committee recognition supper on Wednesday evening.

Mayor De Angelis recognized Tony Vigue and Calvin Muse for all their help on a program that reviews what each department does. She met with the new SMCC President, Ronald Cantor. Dr. Cantor indicated that he is interested in partnering with the City.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6) (D) discussion of contract with the South Portland Firefighters IAFF Local #1476.

Councilor Coward motioned to go into Executive Session at 9:58 P.M. and Councilor Smith seconded. Passed 7-0.

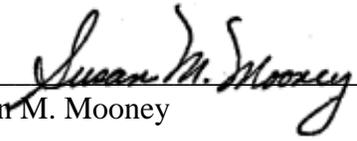
Councilor Livingston motioned to come out of Executive Session at 10:23 P.M. Councilor Smith seconded and the motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 40  
OCTOBER 3, 2011**

Councilor Beecher motioned to adjourn and Councilor Smith seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 41  
OCTOBER 17, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the October 3, 2011 regular meeting was made by Councilor Coward. Councilor Beecher seconded. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following item:

- Medication Collection Program on October 29th

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to postpone items #1 and #2. Councilor Beecher seconded. The postponement passed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #59-11/12 – Amending ORDER #31-11/12 regarding Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for an unexpired term which expires 08/08/16. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Livingston seconded the motion. The amendment to correct the term of Don Legere's seat from 2014 to 2016 passed 7-0.

4. ORDER #60-11/12 – Appointing Ward Clerk District 2, Pro-Tempore for November 8, 2011 election only. Passage requires majority vote.

There was not public discussion

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OCTOBER 17, 2011**

Councilor Coward motioned to appoint Hillary Schwartz, 17 Strathmore Road. Councilor Beecher seconded. The order passed 7-0.

5. ORDER #61-11/12 – Appointing Ward Clerk District 5, Pro-Tempore for November 8, 2011 election only. Passage requires majority vote.

There was not public discussion

Councilor Beecher motioned to appoint Eric Booker, 19 Brigham Street. Councilor Smith seconded. The order passed 7-0.

**E. Consent Calendar**

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

John Beyer, 92 North Kelsey Street – Mr. Beyer said the South Portland Firefighters IAFF Local 1476 members are wearing pink shirts in support of breast cancer awareness month. They are selling the shirts and the proceeds will be donated to an organization of choice by a fellow member. His wife has been battling cancer.

**G. Public Hearings and Action**

6. ORDINANCE #5-11/12 – Amending Chapter 8, “Fire Protection and Prevention,” and Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding fireworks. Passed first reading 10/03/11. ROLL CALL VOTE. Passage requires majority vote.

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

Councilor Coward motioned for passage. Councilor Smith seconded. The Ordinance passed roll call vote 6-0 (De Angelis out of room).

7. Business License

Lafayette South Portland, Inc., d/b/a Merry Manor Restaurant, 700 Main Street, for a Food Establishment Hotel with Liquor license. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The license passed 7-0.

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 43**  
**OCTOBER 17, 2011**

8. PROCLAMATION #1-11/12 – Proclaiming October 30 to November 5th as Childhood Cancer Awareness Week. Passage requires majority vote.

There was no public discussion. Jarrod Erskine was present with his two sons. His wife was in the hospital with their youngest son, Braydon who has cancer. He was presented with a copy of the Proclamation.

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

9. ORDER #62-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Livingston seconded the motion. The Order passed 7-0.

10. ORDER #63-11/12 – Adopting Appendices A-H, General Assistance Overall Maximums as mandated by the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #64-11/12 – Authorizing the City Manager to sign a collective bargaining agreement with South Portland Firefighters IAFF Local 1476 for the period of July 1, 2011 to June 30, 2014. Passage requires majority vote.

There was no public discussion.

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

12. RESOLVE #1-11/12 – Adopting the Cumberland County All Hazards Plan. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Hughes seconded the motion. The Resolve passed 7-0.

13. ORDER #65-11/12 - Setting the time for opening the polls for the November 8, 2011 General Election. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 44  
OCTOBER 17, 2011**

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

14. ORDINANCE #6-11/12 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Farmers’ Markets. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded the motion. The Ordinance passed first reading 7-0.

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

**J. Councilor’s Round Robin**

Councilor Coward talked about the upcoming election and rights to register to vote. He noted that there would be some important petitions being circulated on Election Day.

Councilor Smith said the workshop on rising sea level projections was interesting and suggested folks attend a 90 minute film, “Six degrees could change the world”, on October 27<sup>th</sup> at 6:30 pm at the Community Center.

Councilor Beecher mentioned that the Medication Collection initiative could be a little bottlenecked at the Community Center on the 29<sup>th</sup>, there is a marching band competition on that day at the High School.

Councilor Blake encouraged voters to research the \$33,000,000 County Bond issue that Cumberland County residents will be voting on. He thanked Councilor Beecher for spearheading the Board and Committee recognition dinner and also thanked J.P. Thornton’s and Snap Fitness for providing certificates for door prizes. About 20 people showed up to help with trail maintenance including some Interact Club students. He asked for more volunteers to show up at 9:00 a.m. on Saturday morning to help with the Fort Preble Preservation effort.

Mayor De Angelis said the traffic was backed up to Thomas Knight Park last Saturday for the Hazardous Waste Collection event. The Rotary Club has received a \$2,500 contribution from Bath Savings for the Winter Carnival. The Community Garden Collective needs volunteers this Saturday and next Saturday at 9:00 a.m. The Farmers Market is still open on Thursday evenings. She asked folks to keep the Erskine’s in their prayers.

**K. Executive Session**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 45  
OCTOBER 17, 2011**

A motion may be made to go into executive session pursuant to 1 M. R. S. A, §405 (6) (D) to discuss the status of negotiations with the Police Command & Supervisory Units and Police Patrol.

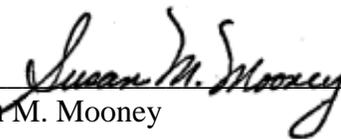
Councilor Smith motioned to go into Executive Session at 8:25 P.M. and Councilor Beecher seconded. Passed 7-0.

Councilor Coward motioned to come out of Executive Session at 9:04 P.M. Councilor Hughes seconded and the motion passed 7-0.

Councilor Beecher motioned to adjourn and Councilor Smith seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL SPECIAL MEETING VOL. 73 PAGE 46  
OCTOBER 26, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M. Councilor Coward was absent.

**G. Public Hearings and Actions**

1. ORDINANCE #6-11/12 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Farmers’ Markets. Passed first reading on 10/17/11. ROLL CALL VOTE. Passage requires majority vote.

Councilor Hughes motioned to have the Ordinance read by title only. Councilor Beecher seconded. The motion passed 6-0. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded. The Ordinance passed roll call vote 6-0.

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

2. ORDER #66-11/12– Setting the times and locations of the City of South Portland, Maine, farmers’ markets. Passage requires majority vote.

There was no public discussion.

Councilor Smith motion for passage. Councilor Blake seconded. The Order passed 6-0.

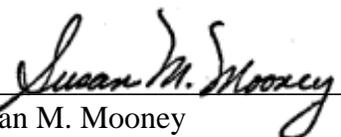
3. RESOLVE #2 -11/12 – Resolution pursuant to Section 612 of the City Charter Determining Details of Issue of \$9,000,000 Principal Amount of Bonds Authorized by Bond Ordinance finally Passed and Enacted October 3, 2011. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motion for passage. Councilor Beecher seconded the motion. Councilor Hughes motioned to accept an amended Resolve. Councilor Smith seconded. The amendment passed 6-0. The Resolve passed as amended 6-0.

Councilor Hughes motioned to adjourn at 7:29 p.m. and Councilor Smith seconded. The motion passed 6-0.

A TRUE COPY

ATTEST   
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 47**  
**NOVEMBER 7, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the October 17th regular meeting and the October 26<sup>th</sup> special meeting was made by Councilor Beecher. Councilor Smith seconded. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following item:

- Plaque of the City Seal from Cumberland County in celebration of the 250<sup>th</sup> Anniversary of the County

**C. Petitions and Communications**

Citizen Recognition Award for Henrietta Emeline Robinson La Rou and Belle Robinson Graney

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to postpone items #1 and #2. Councilor Livingston seconded. The postponement passed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

**G. Public Hearings and Action**

3. Business License

Minami Japanese Grill & Supreme Buffet, 415 Philbrook Avenue for a Food Establishment Restaurant with Liquor License. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 48**  
**NOVEMBER 7, 2011**

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The license passed 7-0.

4. Business License

The Grill House Local Tavern, 725 Broadway, for a Food Establishment Restaurant with Liquor License and Special Amusement with Dancing. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Hughes seconded the motion. The license passed 7-0.

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

5. ORDER #67-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. RESOLVE #3-11/12 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #68-11/12 - Award of Bid #25-12 to Access A/V, of Concord, NH, for the purchase of cameras for SPC-TV. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #69-11/12 - Appropriating \$19,441 from Undesignated Fund Balance and award of Bid #27-12 to AirTemp Inc., of South Portland, ME, for HVAC repairs at the Municipal Pool. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 49**  
**NOVEMBER 7, 2011**

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

9. ORDER #70-11/12 - Authorizing the City Manager to sign a collective bargaining agreement the South Portland Police Patrol for the period of July 1, 2011 to June 30, 2014. Passage requires majority vote.

There was no public discussion. Chief Googins complimented Don Brewer, the Human Resource Director for his negotiating skills.

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

10. ORDER #71-11/12 - Authorizing the City Manager to sign a collective bargaining agreement the South Portland Police Command and Supervisory Units for the period of July 1, 2011 to June 30, 2014. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #72-11/12 - Amending the Non-union Personnel Policy. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Hughes seconded the motion. Mayor De Angelis motioned to amend under Section X. Conditions of Employment, B(3), to add "during regular working hours". Councilor Hughes seconded for discussion purposes. Mayor De Angelis withdrew the motion after some discussion whether this amendment was constitutional or not.

A vote to pass the Order as submitted failed 3-4 (Hughes, Livingston, Beecher, Smith)

Mayor De Angelis moved to reconsider this item. Councilor Coward seconded and the reconsideration passed 7-0.

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

**J. Councilor's Round Robin**

Councilor Coward encouraged folks to get out and vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 50  
NOVEMBER 7, 2011**

Councilor Smith also encouraged folks to vote and passed along a reminder about the Sunday Winter Farmers Market.

Councilor Beecher congratulated the South Portland High School Marching Band on their gold placement in a recent band competition. She asked people to RSVP to the Comprehensive Plan Forum scheduled for November 17<sup>th</sup>.

Councilor Hughes wished good luck to those running in the election.

Councilor Blake also congratulated the High School Marching Band and the football team.

Councilor Livingston said the Transfer Facility would be open on Sundays and he encouraged residents to get involved with the High School renovation project.

Councilor De Angelis reminded citizens about the Candlelight Vigil, the Bike and Pedestrian Forum, the South Portland / Cape Elizabeth Winter Festival coming up in February and the Winter Farmers Market.

**K. Executive Session**

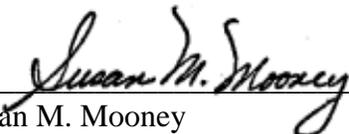
A motion may be made to go into executive session pursuant to 1 M.R.S.A., §405 (6) (a), evaluation of City Manager.

Councilor Blake motioned to go into Executive Session at 9:08 P.M. and Councilor Beecher seconded. Passed 7-0.

Councilor Beecher motioned to come out of Executive Session at 10:37 P.M. Councilor Hughes seconded and the motion passed 7-0.

Councilor Coward motioned to adjourn and Councilor Smith seconded. The motion passed 7-0.

A TRUE COPY

ATTEST   
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 51  
NOVEMBER 21, 2011**

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

**A. Acceptance of Minutes**

**B. Communications from City Manager**

The Manager addressed the following items;

- Employee recognition breakfast
- 12/2 Holiday Tree Lighting Ceremony

**C. Petitions and Communications**

Citizen Recognition Award for Harris Hinckley, M.D.

Department Reports for the month of October 2011.

Attendance Reports for the month of October 2011.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to postpone items #1 and #2. Councilor Smith seconded. The postponement passed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

3. Street Closing

The HolidayFest planning committee, comprised of members of the the South Portland/Cape Elizabeth Community Chamber, Waterfront Market Association, City and School officials, respectfully request the closure of Hinckley Drive on Friday, 12/2/11, from 4:00 - 8:00 PM. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 52**  
**NOVEMBER 21, 2011**

Councilor Beecher motioned for passage. Councilor Smith seconded the motion. The street closing passed 7-0.

4. Sign Permit

The Farmer's Market Association is requesting a sign permit to advertise its Farmers Markets. Passage requires majority vote.

There was no public discussion.

Mayor De Angelis motioned for passage. Councilor Smith seconded the motion. The sign permit passed 7-0.

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

**G. Public Hearings and Action**

5. Business License

Edward H. Benjamin d/b/a Benjamin Building & Wrecking Co., 41 Jackson Street, for an Automobile Graveyard/Automobile Recycling Business and/or Junkyard License. Passage requires majority vote.

There was no public discussion.

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

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

6. ORDER #25-11/12 - Authorizing the City of South Portland to enter into two service agreements with GetCrashReports.com, Deep River LLC, of Old Saybrook, CT relating to the sale of vehicle crash reports and vehicle records online. Postponed on August 1, 2011. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Hughes seconded the motion. Councilor Coward motioned to amend the Order by striking #2 from the service agreement which allows the collection and donation of \$.50 for the Maine Chiefs' Association. Councilor Blake seconded. The amendment passed 7-0. Mayor De Angelis motioned to have the City donate \$.50 to the Maine Chiefs' Association from the \$10.00 fee collected for each crash report. There was no second so the motion failed. The Order passed as amended 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 53  
NOVEMBER 21, 2011**

7. ORDER #73 - 11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Beecher seconded the motion. The Order passed 6-0 (Blake out of the room).

8. ORDER #74-11/12 –Amending the Non-union Personnel Policy. Passage requires majority vote.

The following person addressed this item;

Karen Callaghan, 241 Alfred Street – Mrs. Callaghan asked whether union employees would be allowed to run for elected office. She does not believe there is a conflict and she thinks city employees should be allowed to run for the School Board.

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

9. ORDER #75-11/12 – Authorizing the City Manager to direct Central Maine Power Company to remove street lights as noted on the list entitled “Street Lights Proposed for Elimination” dated November 21, 2011. Passage requires majority vote.

The following people addressed this item;

Rita Swidrowski, Florence Street  
Gradette Hatala, Florence Street  
Terry Orr, Cliff Ave.  
Lee Harvey, 21 Elmwood Ave.

Councilor Beecher motioned for passage. Councilor Coward seconded the motion. Councilor Hughes made an amendment to have the pole on Florence Street removed from the list. Councilor Livingston seconded. The amendment failed 2-5 (Coward, Livingston, Smith, De Angelis, Beecher). The Order passed 6-1 (Blake).

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

Rita Swidrowski, Florence Street – Ms. Swidrowski said she feels that she wasn’t heard and asked if there is still an option for reconsideration for the street light on Florence.

Lee Harvey, 21 Elmwood Street – Mr. Harvey wanted to know how much money was saved last year by eliminating lights.

**J. Councilor’s Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 54  
NOVEMBER 21, 2011**

Councilor Coward expressed appreciation of Councilor Hughes and is sorry to see him leave the Council.

Councilor Smith said she would also miss Councilor Hughes and reflected on his work with the Brick Hill projects. She mentioned that the Land Trust would be holding its' Annual Meeting on December 7<sup>th</sup> at the Community Center. She reminded folks to buy local when out shopping for the Holidays.

Councilor Beecher talked about Dana Anderson and John Switzer's retirement and their contributions to the Community. She thanked the 75 plus people who came to the Comprehensive Plan Forum. She also thanked the Mayor for her year of service.

Councilor Blake echoed sentiments to Councilor Hughes, Dana Anderson and John Switzer and said he hopes the Jim Hughes will stay involved.

Councilor Livingston thanked the Mayor for her direction over the last year and said Jim Hughes has been a great resource.

Councilor Hughes thanked everyone for their kind words and remarked that they have been a good team. He said he has been extremely fortunate to work with the staff and Councilors.

Mayor De Angelis reminded folks about the Winter Farmers' Market and the Bike and Pedestrian Forum on December 14<sup>th</sup>. She expressed her thanks and said it has been a great experience to serve as Mayor. She invited folks to attend Sacred Stories on December 8<sup>th</sup> at 4:00 P.M. in Council Chambers.

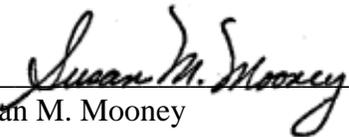
**K. Executive Session**

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

The City Clerk evaluation was rescheduled after the 11/28 workshop. Councilor Coward motioned to adjourn at 9:55 P.M. Councilor Beecher seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL INAUGURAL MEETING VOL. 73 PAGE 55**  
**DECEMBER 5, 2011**

Mayor De Angelis called the meeting to order at 4:00 P.M.

Mayor De Angelis invited Rebecca Stephans to present the invocation.

City Clerk Mooney administered the Oath of office to Councilor Coward, Councilor Smith and Councilor Jalbert.

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

Mayor De Angelis nominated Councilor Smith for Mayor for year 2011/2012. Councilor Coward seconded the motion.

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

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor Smith as Mayor for 2011/2012 by a vote of 7-0.

Mayor Smith presented Councilor De Angelis with a gift and thanked her for his outstanding leadership over the last year.

Mayor Smith then presented the Inaugural Address.

Councilor Jalbert moved that the Inaugural Address be spread on the records. Councilor Coward seconded the motion. Mayor Smith announced the vote as 7-0 and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #4-11/12 establishing time and place of meetings. Councilor De Angelis moved for passage. Councilor Jalbert seconded the motion. Mayor Smith took the vote and declared the Resolve duly passed 7-0.

Councilor Beecher moved to adjourn. Councilor Blake seconded the motion. Mayor Smith took the vote and declared the Council adjourned. She announced that the Council meeting for this evening had been cancelled and the next regular Council Meeting is scheduled for December 19<sup>th</sup>.

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ATTEST

  
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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 73 PAGE 56  
DECEMBER 12, 2011**

**Roll Call:** Mayor Smith called the meeting to order at 6:30 P.M. All members were present.

**D. Appointment Calendar**

1. ORDER #76-11/12 – Planning Board, At Large (Blake), for a term which expires on 04/01/12. Passage requires majority vote.

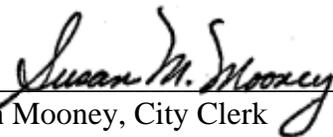
There was no public discussion.

Councilor Blake motioned to appoint William R. Laidley, 12 Taylor Lane. Councilor Coward seconded. The Order passed 7-0.

Councilor De Angelis motioned to adjourn the Special Meeting at 6:34 P.M. Councilor Beecher seconded. The motion passed 7-0.

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ATTEST

  
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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 57**  
**DECEMBER 19, 2011**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meetings of November 7st, November 21st, December 5th Inauguration and the December 12<sup>th</sup> Special meeting was made by Councilor Coward. Councilor DeAngelis seconded. Passed 5-1 (Jalbert abstained).

**B. Communications from City Manager**

The Manager addressed the following item:

- An emergency appropriation for repairs to the South Portland swimming pool.

**C. Petitions and Communications**

Department Reports for the month of November, 2011

Attendance Reports for the month of November, 2011

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2 and #4 was made by Councilor De Angelis and seconded by Councilor Jalbert. Postponed 6-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #77-11/12 – Conservation Commission, District One (Coward), for a term which expires on 11/20/14. Passage requires majority vote.

Councilor Coward motioned to waived standing rule 3(E) to have this Order accepted for consideration. Councilor Beecher seconded and the motion passed 6-0. There was no public discussion.

Councilor Coward motioned to reappoint David Critchfield, 23 Bay Road for another three year term. Councilor Livingston seconded. The appointment passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 58  
DECEMBER 19, 2011**

4. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #79-11/12 – Library Advisory Board, At Large (Livingston), for a term which expires on 12/31/14. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to reappoint Kathy Berube, 31 Daytona Street for another three year term. Councilor Beecher seconded and the Order passed 6-0.

6. ORDER #80-11/12 – Library Advisory Board, At Large (Blake), for a term which expires on 12/31/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint Rita Swidrowski, 8 Florence Street for another three year term. Councilor Livingston seconded and the Order passed 6-0.

7. ORDER #81-11/12 – Library Advisory Board, District Three (De Angelis), for a term which expires on 12/31/14. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to reappoint Linda Eastman, 100 Chapel Street for another three year term. Councilor Beecher seconded and the Order passed 6-0.

8. ORDER #82-11/12 – Civil Service Commission, District Five (Jalbert), for a term which expires on 03/01/16. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned to appoint Brian Dearborn, 215 Settler Road to fill the remaining term due to the resignation of Cara Biddings. Councilor Livingston seconded and the Order passed 6-0.

**E. Consent Calendar**

9. Sign Permit

The Rotary Club of South Portland / Cape Elizabeth is requesting a sign permit to advertise the Winter Carnival. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 59  
DECEMBER 19, 2011**

Councilor De Angelis motioned for passage. Councilor Coward seconded. The permit passed 6-0.

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

Dan Mooers, 39 Ledge Road – Mr. Mooers talked about the support from area businesses for the Winter Festival. He noted that the Rotary Club was very successful with the Christmas tree sales this year.

Gary Crosby, 2 Tanner Street – Mr. Tanner turned in a petition signed by 131 people indicating that they would like to see the current practice of providing health insurance benefits the City Councilors stopped and to put the issue out to referendum vote.

Pam Beal 58 Sylvan Road – Ms. Beal does not believe the health insurance issue has been transparent and noted that School Board members do not receive those benefits.

Marilyn Riley, Augusta Street – Ms. Riley said she hopes the Council decides to do away with health insurance benefits.

**G. Public Hearings and Action**

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

10. ORDER #83-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Beecher seconded. The Order passed 6-0.

11. ORDER #84-11/12 – Authorizing the City Manager to execute an easement deed to Highland Memorial Cemetery Association for drainage and building maintenance. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to postpone this item to the January 18, 2012 Council Meeting. Councilor Coward seconded. Postponed 6-0.

12. ORDER #85-11/12 – Approving the Unital Contract for the South Portland High School project. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 60  
DECEMBER 19, 2011**

Suzanne Godin, Superintendent of Schools – Ms. Godin indicated that the School Board has been in negotiation with Unitil regarding this contract for a few years.

Gary Crosby, 2 Tanner Street – Mr. Crosby inquired whether this contract would be charged to the School Department.

Councilor Coward motioned for passage. Councilor Beecher seconded. Councilor Jalbert motioned to postpone this item. Councilor Livingston seconded the motion. The motion to postpone failed 2-4 (De Angelis, Coward, Beecher, Smith). The Order passed 5-1 (Jalbert).

13. ORDER #86-11/12 – Accepting \$7,725, or any portion thereof, under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded. The Order passed 6-0.

14. ORDER #87-11/12 – Extending the Agreement with Portland Pipe Line Corporation for the lease of property at Bug Light Park. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The Order passed 6-0.

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

Kevin Davis, Library Director – Mr. Davis thanked the Councilor for supporting the reappointment of three Library Board committee members.

**J. Councilor's Round Robin**

Mayor Smith spoke about supporting local businesses and stated that for every \$100.00 spent locally, \$58.00 comes back to the community. She wished everyone a Merry Christmas and Happy Holiday.

Councilor Beecher also wished everyone Happy Holidays and reflected on the good neighbors helping one another in South Portland.

Councilor Livingston wished everyone a Merry Christmas and Happy Holiday.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 61  
DECEMBER 19, 2011**

Councilor De Angelis also extended holiday greetings and said she will be in Turkey the week after Christmas. She commented on UPS "going green" and has adopted a no idling truck policy. She said attendance at Sacred Stories was wonderful.

Councilor Coward talked about the passing of two world leaders, Vaclav Havel and Kim Jung. He reminded folks that there is heating assistance available and no one should go cold. He also extended holiday greetings.

**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 De Angelis motioned to adjourn to Executive Session at 8:35 P.M. Councilor Beecher seconded. The motion passed 6-0.

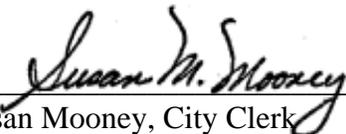
Councilor Coward motioned to return from Executive Session at 10:35 P.M.

Councilor Coward motioned to approved abatement 2011/2012 - #1 in the amount of \$2,879.05 plus interest and costs. Motion passed 4-2 (De Angelis, Jalbert)

Councilor De Angelis motioned to adjourn. Councilor Coward seconded. The motion passed 6-0.

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ATTEST

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 62**  
**JANUARY 2, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 7:00 P.M. Councilor De Angelis and Councilor Livingston were absent. Councilor Coward arrived at 7:45 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of December 19th was made by Councilor Beecher. Councilor Jalbert seconded. Passed 4-0

**B. Communications from City Manager**

The Manager addressed the following item;

- Willard Hose House Supper – The Manager and Council attended the supper just before the Council meeting.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2 and #3 was made by Councilor Coward and seconded by Councilor Jalbert. Postponed 4-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for a term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed on 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

Steve Haskell, 425 Broadway – Mr. Haskell announced that he would be running for the District 122 Representative seat this year.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 63**  
**JANUARY 2, 2012**

Marilyn Riley, Augusta Street – Ms. Riley questioned whether there was documentation defining the employment status of City Councilors in regard to whether they were considered full time employees.

**G. Public Hearings and Action**

4. Business License

Evelyn's Tavern, 121 Sawyer Street, for a Class A Lounge License. New owners of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jalbert. Passed 4-0.

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

5. ORDER #88-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jalbert and seconded by Councilor Blake. Passed 4-0.

6. ORDER #89-11/12 – Accepting a 2011 Homeland Security Grant of \$227,500.08 from the Maine Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Beecher. Passed 4-0.

7. ORDER #90-11/12 – Award of bid to Shi International, of Exeter, NH, for the purchase of scheduling software for the South Portland Police Department through the cooperative bid process with the State of Maine. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Blake. Passed 4-0.

8. ORDER #91-11/12 – Appropriating \$45,565 from Undesignated Fund Balance and award of bid to Patenaude Pool Plasterers Inc., of Hartland, VT, for emergency repairs to the South Portland Municipal Pool. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 64  
JANUARY 2, 2012**

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jalbert. Passed 5-0 (Coward arrived, De Angelis and Livingston absent).

9. ORDINANCE #7-11/12 – Amending Chapter 2, “Administration and Legislation,” regarding purchasing. First reading. Passage requires majority vote.

Motion to read the Ordinance by title only was made by Councilor Beecher and seconded by Councilor Coward. Motion passed 5-0. There was no public discussion.

Motion for passage was made by Councilor Jalbert and seconded by Councilor Beecher. Passed 4-1 (Blake).

10. ORDINANCE #8-11/12 – Amending Chapter 3, “Animals and Fowl,” regarding beekeeping. First reading. Passage requires majority vote.

Motion to read the Ordinance by title only was made by Councilor Beecher and seconded by Councilor Coward. Motion passed 5-0. There was no public discussion.

Motion for passage was made by Councilor Coward and seconded by Councilor Blake. Councilor Blake motioned to amend the ordinance by removing “and enforcement” from section 3-86. Councilor Beecher seconded. The amendment failed 1-4 (Coward, Beecher, Smith, Jalbert) The Ordinance passed first reading as presented 5-0.

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

Cynthia Billingslea, Owner of Evelyn’s Tavern – Ms. Billingslea was attending the Board of Appeals meeting when the Council discussed her business license. She wanted to make sure there were no issues.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked if Council members would respond to his inquiry on whether they felt it was acceptable and morally right for a legislative body to vote to give themselves additional compensation or benefits. He said he does not believe that the Charter is being upheld.

**J. Councilor’s Round Robin**

Councilor Jalbert thanked Texas Instruments for their generous donation.

Mayor Smith said she is looking to fill seats on the Conservation Commission and the Board of Appeals.

**K. Executive Session**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 65  
JANUARY 2, 2012**

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

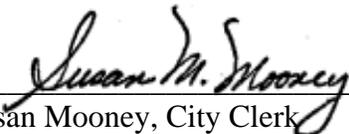
Councilor Blake motioned to adjourn to Executive Session at 8:42 P.M. Councilor Coward seconded. The motion passed 5-0.

Councilor Coward motioned to return from Executive Session at 9:15 P.M. Councilor Beecher seconded. Motion passed 5-0

Councilor Coward motioned to deny abatement 2011/2012 - #2. Councilor Jalbert seconded. Motion passed 5-0.

Councilor Coward motioned to adjourn. Councilor Jalbert seconded. The motion passed 5-0.

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ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 66**  
**JANUARY 18, 2012**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of January 4th was made by Councilor De Angelis. Councilor Coward seconded. Passed 6-0

**B. Communications from City Manager**

The Manager addressed the following item;

- The State Circuit Breaker applications are all online at the State website. Reminder that in order to qualify for the local Circuit Breaker program you must first qualify for the State program.

**C. Petitions and Communications**

Department Reports for the month of December, 2012.

Attendance Reports for the month of December, 2012.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2 and #3 was made by Councilor Blake and seconded by Councilor Livingston. Postponed 6-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for an unexpired term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 67**  
**JANUARY 18, 2012**

Dan Mooers, 39 Ledge Road – Mr. Mooers talked about the Winter Festival and said about 40 businesses have donated items. The Festival will kick off on February 1<sup>st</sup> with a scavenger hunt.

**G. Public Hearings and Action**

4. ORDINANCE #7-11/12 – Amending Chapter 2, “Administration and Legislation,” regarding purchasing. Passed first reading on 01/04/12. ROLL CALL VOTE. Passage requires majority vote.

Councilor Coward motioned to have items #4 and #5 read by title only. Councilor De Angelis seconded and the motion passed 6-0. There was no public discussion.

Councilor Jalbert motioned for passage. Councilor De Angelis seconded. The ordinance passed roll call vote 5-1 (Blake).

5. ORDINANCE #8-11/12 – Amending Chapter 3, “Animals and Fowl,” regarding beekeeping. Passed first reading on 01/04/12. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Blake seconded. The ordinance passed roll call vote 6-0.

6. Business License

Portland CI, LLC, d/b/a Comfort Inn, 90 Maine Mall Road, for a Lodging Establishment License. New owners of an existing business. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded. The license passed 6-0.

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

7. ORDER #92-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor De Angelis seconded. The order passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 68**  
**JANUARY 18, 2012**

8. ORDER #93-11/12 – accepting the Trout Brook Nature Preserve Master Plan and allocating \$42,770 from the South Portland Land Bank account. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Jalbert seconded. The order passed 6-0.

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

Jon Dore, 19 Mayberry Street – Mr. Dore thanked the Council for being supportive of the Land Trust.

**J. Councilor’s Round Robin**

Councilor Blake said the FVNCC quarterly meeting would be held tomorrow night at the PROP building.

Councilor Livingston voiced appreciation for all the people nominated for the “Great Person Award”. He said there was a nice article in the Current on Officer Battle.

Councilor Coward said the Winter Festival is well organized and will be a wonderful event. The Comprehensive Planning Committee continues to meet the first and third Tuesday of the month and the public is invited to attend. He will be attending the first MMA legislative meeting tomorrow.

Councilor De Angelis talked about a recent trip to Turkey where in Istanbul there are 25,000 people per square mile. Compare that with the 12 square miles of South Portland with 25,000 people and it indicates how densely populated that area is. She said it was a fabulous trip but was wonderful to return home.

Councilor Jalbert said he is committed to revising ordinance language to allow bid awards consideration to local vendors.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M. R. S. A, §405 (6) (D) regarding labor negotiations with Fire Command Officers.

Councilor Blake motioned to adjourn to Executive Session at 8:14 P.M. Councilor Coward seconded. The motion passed 6-0.

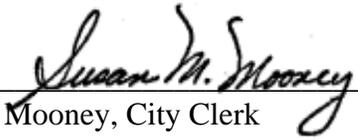
Councilor Coward motioned to return from Executive Session at 8:36 P.M. Councilor De Angelis seconded. Motion passed 5-0 (Jalbert out of room)

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 69  
JANUARY 18, 2012**

Councilor Livingston motioned to adjourn. Councilor De Angelis seconded. The motion passed 5-0. (Jalbert out of room)

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ATTEST

  
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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 70  
FEBRUARY 6, 2012**

**Roll Call:** The Workshop scheduled prior to the Council Meeting ran over. Mayor Smith called the meeting to order at 7:26 P.M. All members were present.

**A. Acceptance of Minutes**

**B. Communications from City Manager**

The Manager addressed the following items;

- 61 Applicants received funds from the local tax rebate program with an average refund in the amount of \$196.22
- A new Public Works Director has been hired. Doug Howard will start on 2/22/12

**C. Petitions and Communications**

Mayor Smith presented retired officers Kevin Battle and Joseph DellaQuilla with retirement plaques.

Councilor De Angelis motion to take item #7, Proclaiming the 2011 Officer of the Year out of order. Councilor Blake seconded and the motion passed 7-0. See Item #7 for details.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 and #3 was made by Councilor Beecher and seconded by Councilor De Angelis. Postponed 7-0.

2. ORDER #45-11/12 – Board of Appeals, District Two (Smith), for an unexpired term which expires on 07/23/12. Postponed since 09/19/2011. Passage requires majority vote.

There was no public discussion.

Mayor Smith motioned to appoint Aaron Hackett of 59 Parrott Street. Councilor Blake seconded. The order passed 7-0.

3. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #94-11/12 – Civil Service, District Two (Smith) for a term which expires 03/01/17. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 71**  
**FEBRUARY 6, 2012**

There was no public discussion.

This item was in consideration of Mr. Marles not having met attendance requirements for the Civil Service Commission. Mayor Smith motioned to reappoint Greg Marles of 18 Sawyerbrook Circle. Councilor Beecher seconded. The order passed 6-1 (Jalbert).

5. ORDER #95-11/12 - Appointment to the Long Creek Watershed Management District Board of Directors. Passage requires majority vote

There was no public discussion.

Councilor Coward motioned to appoint Councilor Jalbert to this seat. Councilor Beecher seconded. The order passed 6-0 (Jalbert abstained)

**E. Consent Calendar**

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

Dan Mooers, 38 Ledge Road – Mr. Mooers announced that the Winter Festival is being postponed to February 17<sup>th</sup> and 18<sup>th</sup> due to the weather and lack of snow. It will begin at 5:00 P.M. on the 17<sup>th</sup> with a candle lighting ceremony on the corner of Broadway and Ocean to recognized Rotary’s philosophy of world peace and understanding.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the Council has continued to ignore that the school has a massive surplus. He told the Council to not raise taxes.

Louise Philbrick, 43 Free Street – Ms. Philbrick thanked the Council, Chief Googins and the City Manager for their support of the recent disorderly house ordinance passed in October. She said the effort was successful and she now lives without fear.

Michael Drinan, Drinan Properties – Mr. Drinan thanked the Council for the workshop prior to the Council Meeting to hear about concerns of parking changes slated for the Knightville area. He said he hopes the City will help support business owners however it can.

Tom Smaha, Legion Square Market – Mr. Smaha said his business has been there for over fifty years and he voiced concern over the proposed parking changes being detrimental to his business.

Amy Alward, Allstate Insurance – Ms. Alward said she was quite alarmed that no one had approached her or the building owner, Mr. Drinan, about changing the parking areas and that we need to look at alternative parking arrangements.

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Gary Crosby, 2 Tanner Street – Mr. Crosby said parking is key to the success of any business. On the matter of Council health insurance he requested that the Council move forward and get the issue resolved.

Pam Canarie, 975 Sawyer Street – Ms. Canarie said she was concerned about the city facing a law suit because of the Council receiving health insurance benefits. She expressed a love of the community and said she doesn't think it is fair that Councilors receive this benefit and part time employees do not.

**G. Public Hearings and Action**

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

6. ORDER #96-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. PROCLAMATION #2-11/12 – Proclaiming the 2011 Police Officer of the year. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Coward seconded the motion and the proclamation passed 7-0.

8. ORDER #97-11/12 – Accepting \$497.54 or a portion thereof, under the Federal Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded the motion and the order passed 6-0 (Blake out of the room).

9. ORDER #98-11/12 – Amending the Substance Abuse Applicant Policy in compliance with current Federal and State laws. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Jalbert seconded the motion and the order passed 7-0.

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**FEBRUARY 6, 2012**

10. ORDER #99-11/12 - Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Fire Command Officers for the period of July 1, 2011 to June 30, 2014. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded the motion and the order passed 7-0.

11. ORDER #100-11/12 – Accepting a \$500,000 Municipal Partnership Initiative Grant from the Maine Department of Transportation to be used for the Knightville Phase II, Streets, Sidewalks and Utility infrastructure. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #101-11/12 – Authorizing the City Manager to sign a Memorandum of Agreement among the Cities of Portland and Westbrook, the Town of Scarborough and PACTS regarding a Regional Traffic Management System. Passage requires majority vote.

There was no public discussion.

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

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

Micah Smith, 141 Ocean Street – Mr. Smith said he hopes he receives proper notice regarding construction in his area so that he can assist his tenants.

**J. Councilor’s Round Robin**

Councilor Livingston said there is a Jetport Advisory Noise Committee meeting a week from Thursday. He commented on the High School production of Fiddler on the Roof and said it is outstanding.

Councilor Smith talked about the “Green Drinks” initiative and that there is a scheduled program tomorrow night at 5:30 at the Mariner’s Church in Portland. Local farms will be the highlighted theme for this event.

Councilor Coward said the spirit of the Governor’s office is to balance the budget on the back of municipalities and poor people. South Portland has a well organized General Assistance program so we will probably fair well. Regarding recognition of three police

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officers tonight he said we are fortunate to have the quality of Police and EMT's that we have on staff. He also said it is nice to hear that the disorderly house ordinance is working.

Councilor De Angelis encouraged folks to attend the Winter Festival. She also reminded everyone that the Farmers Market needs our support. There are twelve vendors there every Sunday.

Councilor Beecher said that Nanette Cobbett in the Assessor's Office is available to help residents either obtain or fill out their Circuit Breaker application forms. She also said that the average household gets 900 pieces of advertising in the mail each year. You can opt out by registering your name at the ecomaine.org website. There is an article on their home page.

Councilor Jalbert talked about meeting quorums and commitments. In regard to an earlier speaker, he noted that Amy Alward was in the top 1% of all Allstate agents for many years. He also commented that the School Building Committee would be reviewing bids on 2/27/12.

Councilor Blake advised that the health insurance question is scheduled for the 2/27/12 Council Workshop.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M. R. S. A, §405 (6) (D) regarding labor negotiations with AFSCME Local 481, Council 93, Parks and Public Works.

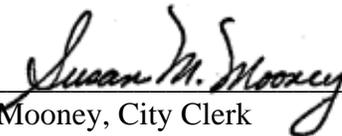
Councilor De Angelis motioned to adjourn to Executive Session at 9:45 P.M. Councilor Beecher seconded. The motion passed 7-0.

Councilor De Angelis motioned to return from Executive Session at 10:18 P.M. Councilor Jalbert seconded. Motion passed 6-0 (Livingston out of room)

Councilor Coward motioned to adjourn. Councilor Beecher seconded. The motion passed 6-0. (Livingston out of room)

A TRUE COPY

ATTEST

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 75**  
**FEBRUARY 22, 2012**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of January 18<sup>th</sup> and February 6<sup>th</sup> was made by Councilor Beecher. Councilor Livingston seconded. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Parallel parking in Knightville – A one way redesign on Ocean Street is being considered to keep diagonal parking. Discussion will continue on this at the March 12<sup>th</sup> workshop
- Street signs are being replaced with a larger font. Anyone interested in purchasing the old streets signs can do so for \$10.00
- The Manager reviewed the budget review schedule
- The 2010/2011 Annual Report was distributed. The publication has been dedicated to Dana Anderson and John Switzer. The Manager recognized Jessica Hanscombe, the Licensing Administrator for her wonderful work on the design of the report.

**C. Petitions and Communications**

Department Reports for the month of January, 2012.

Attendance Reports for the month of January, 2012.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2 and #3 was made by Councilor Blake and seconded by Councilor Beecher. Postponed 7-0.

2. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #102-11/12 – Community Development Advisory Board, District One (Coward) for a term which expires 01/15/15. Passage requires majority vote.

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Postponed, see Item #1 for details.

4. ORDER #103-11/12 – Community Development Advisory Board, District Two (Smith) for a term which expires 01/15/15. Passage requires majority vote.

There was no public discussion.

Mayor Smith motioned to reappoint Anton Hoecker, 40 Hillside Avenue. Councilor De Angelis seconded and the order passed 7-0.

5. ORDER #104-11/12 – Community Development Advisory Board, District Five (Jalbert) for a term which expires 01/15/15. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned to reappoint Michael Fletcher, 5 Briarwood Road. Councilor Beecher seconded and the order passed 7-0.

6. ORDER #105-11/12 – Planning Board, District Five (Jalbert) for an unexpired term which expires 04/01/14. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned to appoint Molly Butler Bailey, 45 New York Avenue. Councilor Livingston seconded and the order passed 7-0.

**E. Consent Calendar**

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

Dan Mooers, 39 Ledge Road – Mr. Mooers thanked the Council, Manager, Sara Neuts, Linky Erskine and Mary Perry for all their help with the Winter Festival. Mr. Mooers expressed concern about damage from water fowl in Mill Creek Park and suggested the Council pass an ordinance prohibiting people from feeding the birds.

Michael Drinan, Market Place owner – Mr. Drinan submitted 386 signatures, in addition to the 200 previously submitted in support of keeping diagonal parking in the Knightville area. The one way new design would serve all the businesses better and provide better exposure for those businesses at the north end of Ocean Street.

Gary Crosby, 2 Tanner Street – Mr. Crosby said the one way redesign was a good idea. He requested that the Council put their health insurance benefit as a single line item in the budget. He submitted additional petition signatures bringing the total number of citizens concerned with the council receiving health insurance up to about 185. Folks do not

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 77**  
**FEBRUARY 22, 2012**

generally agree that the Council is receiving an adequate stipend and he asked the Council to suggest a fair increase when they begin discussions on compensation.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said that he has filed the law suit opposing city covered health insurance for the Council. He recently learned that if he wins this suit he cannot demand that Council reimburse the city for the value of the benefit they have received. He said he will report this to the IRS as soon as he wins this case so councilors will have report this as compensation and pay taxes on it. He feels there is a conflict of interest to have the City Attorney represent this issue.

**G. Public Hearings and Action**

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

7. ORDER #106-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #107-11/12 – Accepting \$2,706, or any portion thereof, under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

9. RESOLVE #5-11/12 – Approving an Appropriation Transfer Resolve for FY 2012 Police and Fire Union Contracts. Passage requires majority vote.

There was no public discussion.

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

10. ORDINANCE #9-11/12 - Amending Chapter 9, “Garbage and Refuse,” regarding solid waste/recycling. First reading. Passage requires majority vote.

The following person addressed this item;

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Marilyn Riley, Augusta Street – Ms. Riley suggested that the city put flyers in with the tax bills. Apartment dwellers might not receive them but the property owners would and they could address this matter with their tenants.

Councilor De Angelis motioned for passage. Councilor Jalbert seconded the motion and the ordinance passed first reading 6-1 (Blake).

11. ORDER #108-11/12 – Authorizing the sale of tax acquired property located at 35 McLean Street (Tax Map 53, Lot 115) to the former owner pursuant to Sec. 2171(2)(a)(3) of the Code of Ordinances. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Coward seconded the motion and the order passed 7-0.

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

Marilyn Riley, Augusta Street – Ms. Riley agreed with Mr. Crosby in that the majority of folks would not oppose an increase in Councilors' stipend. She noted that insurance rates dramatically increased in the 90's. She would like a copy of the documents from 1977.

**J. Councilor's Round Robin**

Mayor Smith promoted the freecycle.org website and also the soles4souls.com.

Councilor Coward thanked the folks who helped with the Winter Festival and he said he hopes it continues. The Comprehensive Plan Committee is working on their final documents. He encouraged the public to attend the spring budget meetings.

Councilor De Angelis thanked Dan Mooers for all his work on the Winter Festival. She commented that she wasn't sure what to do about ducks in the park. People get hostile when they are asked to refrain from feeding the ducks.

Councilor Beecher reminded citizens that the Comprehensive Plan Committee meets the first and third Tuesday of the month at 6:30 P.M. at the Planning and Development Office. She said the committee is a well diversified group of about 22 people.

Councilor Jalbert remarked that the School Renovation bids would be opened tomorrow. He thanked Paul McKee for his service on the Planning Board.

Councilor Blake raised the issue of not having a swap shop in the community. He would like to initiate some plan of action regarding the water fowl in Mill Creek Park. He also reminded folks that it is caucus time and the Dem's would be holding their caucus at Memorial Middle School on Sunday at 12:30. He said there would be a fund raiser at

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 79**  
**FEBRUARY 22, 2012**

Thatchers on Friday to support a firefighter whose home had recently burned. His family lost all their material items.

Councilor Livingston congratulated all the folks who received awards from the Wellness Committee for meeting healthy goals.

**K. Executive Session**

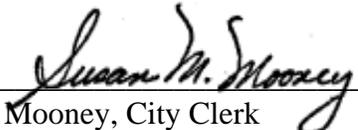
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel about pending litigation, Albert A. DiMillo, Jr. v. City of South Portland.

Councilor De Angelis motioned to adjourn to Executive Session at 9:14 P.M. Councilor Coward seconded. The motion passed 7-0.

Councilor De Angelis motioned to return from Executive Session at 10:14 P.M. Councilor Jalbert seconded. Motion passed 7-0

Councilor Coward motioned to adjourn. Councilor Jalbert seconded. The motion passed 7-0

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 80**  
**MARCH 5, 2012**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of February 22nd was made by Councilor Beecher. Councilor Jalbert seconded. Passed 5-0 (De Angelis was out of the room).

**B. Communications from City Manager**

The Manager addressed the following items;

March 10<sup>th</sup> is National Passport Day. Employees will be available from 10:00 to 1:00 to process passports for residents.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2 and #4 was made by Councilor De Angelis and seconded by Councilor Jalbert. Postponed 6-0.

2. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #102-11/12 – Community Development Advisory Board, District One (Coward) for a term which expires 01/15/15. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to reappoint Elizabeth Morin, 74 Angell Avenue. Councilor Beecher seconded. The order passed 6-0.

4. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 81  
MARCH 5, 2012**

5. ORDER #110-11/12 – Energy & Recycling Committee, At Large (Blake), for a term which expires on 05/05/14. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Edward Hellier, 37 Hawthorne Lane. Councilor Livingston seconded. The order passed 6-0.

6. ORDER #111-11/12 – Energy & Recycling Committee - Associate, At Large (Blake), for a term which expires on 05/05/14. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint David Domingos, 192 Elderberry Drive. Councilor Beecher seconded. The order passed 6-0.

**E. Consent Calendar**

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

Stephanie Baird, Smith Street – Ms. Baird inquired whether about what could be done about the elimination of a street light on Smith Street. She felt there was a safety issue without this light and wanted reconsideration on the shut off of that particular light.

**G. Public Hearings and Action**

13. ORDINANCE #9-11/12 - Amending Chapter 9, “Garbage and Refuse,” regarding solid waste/recycling. Passed first reading on 02/22/12. ROLL CALL VOTE. Passage requires majority vote.

Councilor De Angelis motioned to waive Standing Rule 3(e) to have this item added to the agenda. Councilor Livingston seconded. The motion passed 6-0.

The ordinance was read by title only per motion by Councilor Beecher with a second by Councilor De Angelis. The motion passed 6-0. There was no public discussion.

Councilor Beecher motioned for passage and Councilor Jalbert seconded the motion. Councilor Blake expressed dismay that the Energy and Recycling Committee was not involved in the issue that resulted in this ordinance amendment. The ordinance passed roll call vote 5-1 (Blake).

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 82**  
**MARCH 5, 2012**

7. ORDER #84-11/12 – Authorizing the City Manager to sign an easement deed to Highland Memorial Cemetery Association. Postponed on 12/19/11. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #112-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage and Councilor Livingston seconded. The order passed 6-0.

9. ORDER #113-11/12 – Authorizing the City Manager to sign a 1% base wage increase for Parks and Public Works employees who are members of AFSCME Local 481, Council 93, in accordance with wage re-opener negotiations for the period July 1, 2011 to June 30, 2012. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #114-11/12 – Accepting a FY2011 Port Security Grant of \$19,040 to be used by the Police Department. Passage requires majority vote.

There was no public discussion. Officer Frank Clark answered questions from the Council.

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

11. ORDER #115-11/12 – Accepting a FY2011 Port Security Grant of \$76,000 to be used by the Fire Department. Passage requires majority vote.

One person addressed this item;

Steve Haskell, Broadway – Mr. Haskell said he would be available to volunteer.

Councilor Jalbert motioned for passage and Councilor Blake seconded. The order passed 6-0.

12. ORDER #116-11/12 – Authorizing the City Manager to sign a lease agreement with Willard Engine and Ladder Company, No. 2 for property located at 20 Pillsbury Street. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 83**  
**MARCH 5, 2012**

There was no public discussion.

Councilor Blake motioned for passage and Councilor Beecher seconded. The order passed 5-1 (Smith).

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

**J. Councilor's Round Robin**

Councilor De Angelis encouraged folks to attend the Sunday Farmer's Market.

Councilor Beecher praised the Public Works employees for their great job cleaning up after the last snow storm.

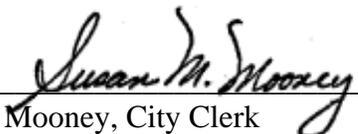
Mayor Smith gave a plug on recycling and informing residents that \$1.00 out of every \$10.00 is spent on packaging and that 65% of household waste is from packaging materials.

**K. Executive Session**

Councilor De Angelis motioned to adjourn at 8:04 P.M.. Councilor Beecher seconded. The motion passed 6-0

A TRUE COPY

ATTEST

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 84**  
**MARCH 19, 2012**

**Roll Call:** Mayor Smith 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 Council meeting of March 5th was made by Councilor Beecher. Councilor Livingston seconded. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- The Community Development Advisory Committee has posted a survey seeking input on a 5 year CDBG plan. The survey can be accessed from the City website.

**C. Petitions and Communications**

Department Reports for the month of February, 2012.  
Attendance Reports for the month of February, 2012.

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3 and #7 was made by Councilor Coward and seconded by Councilor Beecher. Postponed 7-0.

2. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #117-11/12 – Planning Board, District Three (De Angelis), for a term which expires on 4/1/15. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 85**  
**MARCH 19, 2012**

Councilor De Angelis motioned to reappoint Caroline Hendry of 75 B Street. Councilor Jalbert seconded. The order passed 7-0.

5. ORDER #118-11/12 – Planning Board, At Large (Blake), for a term which expires on 4/1/15. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to reappoint William Laidley of 12 Taylor Street. Councilor Livingston seconded. The order passed 7-0.

6. ORDER #119-11/12 – South Portland Housing Authority, District Three (De Angelis), for a term which expires on 3/25/17. Passage requires majority vote.

Councilor De Angelis motioned to waive Standing Rule 3(e) to add this order to the agenda. Councilor Beecher seconded and the motion passed 7-0. There was no public discussion.

Councilor De Angelis motioned to reappoint Elizabeth (Betsy) Ross of 1 Franklin Terrace. Councilor Beecher seconded. The order passed 7-0.

7. ORDER #120-11/12 – Economic Development Committee, District One (Coward), for a term which expires on 3/23/15. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #121-11/12 – Economic Development Committee, District Two (Smith), for a term which expires on 3/23/15. Passage requires majority vote.

There was no public discussion.

Mayor Smith motioned to reappoint Sergio Gaddar of 16 Haven Road. Councilor Blake seconded. The order passed 7-0.

9. ORDER #122-11/12 – Economic Development Committee, District Five (Jalbert), for a term which expires on 3/23/15. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned to reappoint William Collins of 224 Fellows Street. Councilor Blake seconded. The order passed 7-0.

10. ORDER #123-11/12 – Board of Assessment Review, District Three (De Angelis), for a term which expires on 3/16/15. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 86**  
**MARCH 19, 2012**

Councilor De Angelis motioned to reappoint Randall Scott of 13 Ocean Street. Councilor Beecher seconded. The order passed 7-0.

11. ORDER #124-11/12 – Energy & Recycling Committee – Associate Member, District Five (Jalbert), for a term which expires on 5/5/2012 and the reappointment for a term which expires on 5/5/2015. Passage requires majority vote.

The following person addressed this item;

Brian Wallace, 213 Sandy Hill Road – Mr. Wallace introduced himself and thanked the Council for giving him an opportunity serve on this board.

Councilor Jalbert motioned to appoint Brian Wallace of 213 Sandy Hill Road. Councilor Livingston seconded. The order passed 7-0.

**E. Consent Calendar**

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

Richard Campbell, Washington Avenue – Mr. Campbell said people used to be able to take things away from the Transfer Station as long as they didn't get into dumpsters. He wants to know why that practice can't continue.

John Wilkinson, Settler Road – Mr. Wilkinson said he read in the Current that the Council had concerns about making an investment into repairs on the Wilkinson Park building. He said the agreement that his father made with the city at the time he donated the property was that the city would have to keep the grounds and building in good shape.

Don Cook, New York Ave. – He agreed with Mr. Wilkinson and said the city has not kept the building up.

Dawn Snow, 55 E Street – Ms. Snow spoke in favor of parallel parking in Knightville and encourage Councilor to stick with the plan the engineers presented.

Stephanie Baird, Smith Street – Ms. Baird still has concerns about streetlight #7 on Smith Street being removed. She requested that the process be opened back up again.

**G. Public Hearings and Action**

12. Business License

Taco Trio LLC, DBA Taco Trio, 119 Ocean Street, for a food establishment restaurant with malt and vinous license. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 87**  
**MARCH 19, 2012**

There was no public comment.

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

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

13. ORDER #125-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The order passed 6-0 (De Angelis out of room)

14. ORDER #126-11/12 – Approving the submission of grant applications to PACTS for traffic, bicycle and pedestrian projects. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Livingston seconded. The order passed 7-0.

15. ORDER #127-11/12 – Award of Bid #40-12 to Shaw Brothers, of Gorham, ME, for the Knightville Phase II Project. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Jalbert seconded. The order passed 7-0.

16. ORDER #128-11/12 – Implementing the FY 2013 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The order passed 7-0.

17. RESOLVE #6-11/12 – Approving an Appropriation Transfer Resolve for FY 2012 Public Works and Parks Contracts. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage and Councilor Coward seconded. The resolve passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 88**  
**MARCH 19, 2012**

18. RESOLVE #7 -11/12 – Resolution pursuant to Section 612 of the City Charter Determining Details of Issue of \$41,500,000 Principal Amount of Bonds Authorized by Bond Ordinance finally Passed and Enacted September 8, 2010. Passage requires majority vote.

Councilor De Angelis requested to have the resolve read by title only. Councilor Beecher seconded. The motion passed 7-0. There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The resolve passed 6-0 (De Angelis left).

19. ORDINANCE #10-11/12 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding the Civil Service Commission. First reading. Passage requires majority vote.

Councilor Coward motioned to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 6-0 (De Angelis left). There was no public discussion.

Councilor Blake motioned for passage. Councilor Beecher seconded. The Ordinance passed first reading 6-0 (De Angelis left).

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

Chris Kelley, 4 Bayview Ave. – Mr. Kelley talked about undo favoritism should the Council support signage for the Farmer’s Market and said it would set a bad precedent.

Phil Notis, 71 Ocean Street – Mr. Notis spoke in opposition to diagonal parking in Knightville and said it was not conducive to creating a village atmosphere.

**J. Councilor’s Round Robin**

Councilor Beecher said someone remarked to her about the City of South Portland’s efforts in regard to CSO (combined sewer overflow) work and that the City is so far ahead. The Color Guard competition will be held at the High School this Sunday.

Councilor Jalbert thanked folks for their calls and emails regarding the Farmer’s Market and that it was great to see this kind of communication.

Councilor Blake is working on the “Day of Caring” which involves 400 students venturing out into the community to volunteer their time in efforts. He is requesting suggestions for projects.

Councilor Livingston said we have a responsibility to take care of the Wilkinson building and that we honor Mr. Wilkinson’s wishes.

Mayor Smith said the Neighborhood Connection Night will be held at the Redbank Gym on March 21<sup>st</sup> at 6:00 P.M.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 89  
MARCH 19, 2012**

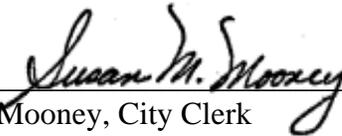
Councilor Coward talked about the work of the Legislative Policy Committee. Current focus is on Revenue Sharing II and the Governor's proposed cuts to general assistance which could be harmful to those in need.

**K. Executive Session**

Councilor Coward motioned to adjourn at 9:41 P.M. Councilor Beecher seconded. The motion passed 6-0

A TRUE COPY

ATTEST

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

**IN COUNCIL SPECIAL MEETING VOL. 73 PAGE 90**  
**MARCH 28, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 5:05 P.M. Councilor De Angelis and Councilor Coward were absent.

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

1. ORDER #129-11/12 - Setting April 4, 2012, as the date for Public Hearing in City Council Chambers at 7:00 P.M. for the Proposed FY 2013 Municipal Budget. Passage requires majority vote.

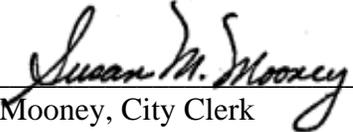
There was no public discussion.

Councilor Beecher motioned for passage and Councilor Blake seconded. The order passed 5-0.

Councilor Jalbert motioned to adjourn at 5:07 P.M. Councilor Livingston seconded. The motion passed 5-0

A TRUE COPY

ATTEST \_\_\_\_\_

  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 91**  
**APRIL 2, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 7:00 P.M. Councilor De Angelis arrived at 7:03.

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of March 19<sup>th</sup> and the Special meeting of March 28<sup>th</sup> was made by Councilor Blake. Councilor Jalbert seconded. Passed 6-0 (De Angelis had not arrived yet)

**B. Communications from City Manager**

The Manager addressed the following items;

- Public Hearing on the budget – Wednesday evening at 7:00 P.M.
- Recycling education – magnets and inserts are available in municipal buildings
- Earth Day is 4/21. The South Portland Land Trust will be sponsoring its 13<sup>th</sup> annual cleanup. Gather at Mill Creek Park. Work will be done from 8:30 to 11:30 on the 21<sup>st</sup>.
- Efficiency Maine – New refrigerator recycling program. Receive \$50.00 rebate for a new refrigerator.
- South Portland Housing Authority waiting lists are now open until April 30<sup>th</sup>
- Thank you to public safety personnel for their work during the President's visit on Friday

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for an unexpired term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to appoint Mitchell Sturgeon of 15 E Street. Councilor Coward seconded the motion and the order passed 7-0.

2. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #2 through #5 was made by Councilor Blake and seconded by Councilor Livingston. Postponed 7-0.

3. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 92**  
**APRIL 2, 2012**

Postponed, see Item #2 for details.

4. ORDER #120-11/12 – Economic Development Committee, District One (Coward), for a term which expires on 3/23/15. Passage requires majority vote.

Postponed, see Item #2 for details.

5. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Passage requires majority vote.

Postponed, see Item #2 for details.

**E. Consent Calendar**

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

Dawn Snow, 55 E Street – Ms. Snow said she has not heard any further updates on the parking situation in Knightville and said she is still in support of parallel parking and two way traffic on Ocean Street.

Gary Crosby, 2 Tanner Street – Mr. Crosby thanked the City for the good work on keeping the budget increase low. While he supports a new public works complex he hopes the project comes in far lower than the anticipated 10,000,000 estimate.

**G. Public Hearings and Action**

6. ORDINANCE #10-11/12 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding the Civil Service Commission. Passed first reading on 03/19/12. ROLL CALL VOTE. Passage requires majority vote.

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

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

7. Business License

P.C.Y. INC., d/b/a Thai Taste Restaurant, 435 Cottage Road, for a Food Establishment License with Liquor, upgrade of an existing license. Passage requires majority vote.

There was no public discussion.

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 93**  
**APRIL 2, 2012**

8. ORDER #131-11/12 – Authorizing the City Manager to submit an application to the Maine Department of Economic Development certifying the City of South Portland as a Business Friendly Community. Passage requires majority vote.

There was no public discussion. Erik Carson presented background information on this item.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

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

9. ORDER #132-11/12 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded. The order passed 7-0.

10. ORDER #133-11/12 – Award of Bid #41-12 to WorkGroup Technologies, of Westbrook, ME, for a Cisco 6509 Switch to be used by the Information Technology Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 7-0.

11. ORDER #134-11/12 – Award of Bid #42-12 to CDW Government LLC, of Vernon Hills, IL, for the purchase of a Single Sign On and Advanced Authentication Solution for the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

12. ORDER #135-11/12 – Award of Bid #49-12 to Glidden Excavating and Paving, Inc., of Gorham, ME, for the High Street Park Improvements. Passage requires majority vote.

There was no public discussion. Erik Carson presented background information on this item.

Councilor Blake motioned for passage. Councilor Beecher seconded. The order passed 7-0.

13. ORDER #136-11/12 – Amending ORDER #118-10/11 regarding the Performance Contracting Agreement with Siemens Industry, Inc., of Scarborough, ME, for a reduction of \$7,084 in the contract price for improvements and energy upgrades to various municipal buildings. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 94**  
**APRIL 2, 2012**

There was no public discussion. Erik Carson presented background information on this item.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

14. ORDER #137-11/12 – Authorizing the City Manager to submit the FY2012/2013 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

Erik Carson presented background information on this item. The following people addressed this item;

Susan Wilder, Southern Maine Agency on Aging – Ms. Wilder thanked the City for support. There is a great demand for the Meals on Wheels project in South Portland.

Ken (Jake) Myrick, 10 Harbor View Ave. – Mr. Myrick was disappointed that the Boys and Girls Club would not be recipients from CDBG funds.

Bobby Lipson, Community Partnership for Protecting Children – Ms. Lipson said they are also partnering with the Land Trust and will be doing Earth Day projects in the Redbank area. She invited Councilors to the Neighborhood Connection Night on 4/18 at the Redbank gym.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

15. ORDER #138-11/12 – Award of Bid #48-12 to Peters Construction, Inc., of Gorham, ME, for improvements to Mill Creek Park. Passage requires majority vote.

The following person addressed this item;

Ken (Jake) Myrick, 10 Harbor View Ave. – Mr. Myrick raised concerns about changes to the Veteran's Green area. He said that group access would be greatly inhibited.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 7-0.

16. ORDER #139-11/12 – Accepting \$785.00, or any portion thereof, under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded. The order passed 7-0.

17. ORDER #140-11/12 – Amending the curbside solid waste/recycling collection contract with Pine Tree Waste. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 95**  
**APRIL 2, 2012**

There was no public discussion.

Councilor Coward motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

18. ORDER #141-11/12 – Authorizing the City Manager to execute a vehicle title transfer agreement between the City and the State of Maine’s Department of Transportation related to South Portland Bus Service vehicles that are currently leased by the City. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded. The order passed 7-0.

19. ORDER #142-11/12 – Authorizing the City Manager to execute a vehicle cost sharing agreement between the City and the State of Maine’s Department of Transportation regarding the purchase of South Portland Bus Service vehicles. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

20. ORDER # 143-11/12 - Authorizing the City Manager to accept delivery on behalf of the City of temporary construction easement deeds and agreements from owners of property along Ocean Street relating to the Knightville Sewer Separation and Street Improvements Phase II project. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

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

**J. Councilor’s Round Robin**

Mayor Smith mentioned the event “Words & Pictures: an evening with Maine's Poet Laureate and the SP Writers Group” at the Public Library on April 12.

Councilor De Angelis invited folks to attend a Naturalization Ceremony at SMCC on April 13<sup>th</sup> at 10:00 A.M.

**K. Executive Session**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 96**  
**APRIL 2, 2012**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel about pending litigation, Albert A. DiMillo, Jr. v. City of South Portland.

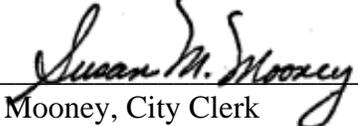
Councilor De Angelis motioned to adjourn to Executive Session at 9:14 P.M. Councilor Coward seconded. The motion passed 7-0.

Councilor De Angelis motioned to return from Executive Session at 10:37 P.M. Councilor Jalbert seconded. Motion passed 7-0

Councilor Blake motioned to adjourn. Councilor Jalbert seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 73 PAGE 97**  
**APRIL 4, 2012**

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

**G. Public hearings and Action**

1. School Budget presentation for FY2013.
2. Municipal Budget presentation for FY2013.

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

3. ORDER #144-11/12 – Award of bid to PC Construction, of South Burlington, VT, for the South Portland High School Renovations and Construction Project. Passage requires majority vote.

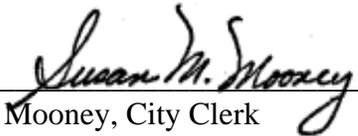
There was no public discussion

Councilor De Angelis motioned for passage. Councilor Coward seconded. The order passed 6-1 (Livingston)

Councilor Jalbert motioned to adjourn at 10:28 P.M. Councilor Beecher seconded. The motion passed 7-0.

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ATTEST

  
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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 98**  
**APRIL 18, 2012**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of April 2<sup>th</sup> and the Special meeting of April 4<sup>th</sup> was made by Councilor De Angelis. Councilor Coward seconded. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Monday night workshop will begin at 6:00 P.M. because of the anticipated length of the workshop items
- Residents can find stickers and magnets in municipal locations for information on recycling.

**C. Petitions and Communications**

Department Reports for the month of March, 2012.  
Attendance Reports for the month of March, 2012.

Presentation of award to Luke Foster from Maine Municipal Association for his essay on "If I Led My Community"

**D. Appointment Calendar**

1. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Motion to postpone #1 to #4 was made by Councilor Beecher and seconded by Councilor Blake. Motion passed 7-0.

2. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #120-11/12 – Economic Development Committee, District One (Coward), for a term which expires on 3/23/15. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 99**  
**APRIL 18, 2012**

Postponed, see Item #1 for details.

5. ORDER #145-11/12 - Appointment of election clerks. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded and the order passed 7-0.

**E. Consent Calendar**

6. Sign Permit

South Portland High School Softball Boosters are requesting to place signs in various locations throughout the City from April 20 – 28, 2012, to advertise a fundraiser. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned for passage. Councilor Blake seconded. The permit passed 7-0.

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

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo encouraged the Council to wait until the Primary Election to hold the School Budget Referendum so get a better reading on the budget numbers.

Gary Crosby, 2 Tanner Street – Mr. Crosby talked about City Council health insurance and how he would like to have all discussion on this matter make publicly.

**G. Public Hearings and Action**

7. Business License

Freeport Brewing Company, 110 Breakwater Drive, for a Food Establishment Class A Catering License. Passage requires majority vote.

There was no public discussion. Owner, Ken Collings, answered a few questions from the Council.

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

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 100**  
**APRIL 18, 2012**

8. ORDER #146-11/12 – Accepting a Rural Transit Assistance Program (RTAP) grant. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded. The order passed 7-0.

9. ORDER #147-11/12 - Award of bid to Fall River Ford, of Fall River, MA, for the purchase of two (2) SUV's; and to Central Chrysler, Jeep Dodge, of Raynham, MA for the purchase of two (2) police sedans for the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Beecher seconded. The order passed 7-0.

10. ORDER #148-11/12 – Authorizing the City's participation in submitting an application and accepting a 2012 Edward Byrne Memorial Justice Assistance Grant in the amount of \$21,404 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The order passed 7-0.

11. ORDER #149-11/12 – Award of Bid #50-12 to Hi-Way Safety Systems Inc., of Hanover, MA, to provide line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded. The order passed 7-0.

12. ORDER #150-11/12 – Authorizing the City Manager to sign an indenture agreement with Richard Hill to install a private sewer line on property located on Rosewood Avenue. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Blake seconded. The order passed 7-0.

13. ORDER #151-11/12 – Authorizing the City Manager to sign a Municipal Partnership Agreement with the Maine Department of Transportation regarding the Westbrook Street Project. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 101**  
**APRIL 18, 2012**

Councilor Beecher motioned for passage. Councilor Livingston seconded. The order passed 7-0.

14. ORDER #152-11/12 – Amending the “Traffic Schedule,” regarding No Parking on Beach Street. Passage requires majority vote.

The following person addressed this item;

Dan LaBrie, Beach Street – Mr. LaBrie noted problems for trash and oil trucks being able to get down Beach Street.

Councilor Coward motioned for passage. Councilor Beecher seconded. The order passed 7-0.

15. ORDER #153-11/12 - Authorizing the City Manager to accept delivery on behalf of the City of temporary construction easement deeds and agreements from owners of property along Ocean Street relating to the Knightville Sewer Separation and Street Improvements Phase II project. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Beecher seconded. The order passed 7-0.

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

**J. Councilor’s Round Robin**

Mayor Smith thanked those leading the Trout Brook Preserve Project and encouraged citizen participation on the Earth Day Cleanup on Saturday.

Councilor Coward talked about issues with State cutbacks on general assistance and that nationwide the trend for public transit is up, but funds are being cut.

Councilor De Angelis thanked those who attended the Naturalization Ceremony at SMCC and extended an invitation to folks to attend Sacred Stories scheduled on May 3<sup>rd</sup> in Council Chambers.

Councilor Jalbert said there was a good turnout for the Redbank / Brickhill Community Dinner.

Councilor Blake also spoke about Earth Day and said that people can contact the Land Trust if they are unable to participate on Earth Day but would like to help with a cleanup project.

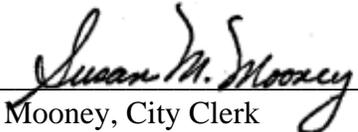
**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 102**  
**APRIL 18, 2012**

**K. Executive Session**

A motion may be made to go into Executive session with the Corporation Counsel pursuant to 1 M.R.S.A. Section 405(6)(E) to discuss the legal rights and duties of the City Council regarding electronic communications and the Right-to-Know law.

Councilor De Angelis motioned to adjourn at 8:38 P.M. Councilor Coward seconded. The motion passed 7-0.

A TRUE COPY

ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 103**  
**MAY 7, 2012**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of April 18th was made by Councilor Beecher. Councilor De Angelis seconded. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following item;

- The Cumberland County Snow Plow “roadeo” was held on May 2 at the Scarborough Public Works Facility. The South Portland team of Lance Robishaw and Howie Leighton finished in 1st place.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Motion to postpone Items #1, #2, #4 and #6 was made by Councilor Blake and seconded by Councilor Beecher. The motion passed 7-0.

2. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #120-11/12 – Economic Development Committee, District One (Coward), for a term which expires on 3/23/15. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to reappoint Dave Owen of 68 Willard Street to this committee. Councilor De Angelis seconded. The Order passed 7-0.

4. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #154-11/12 – Energy & Recycling Committee, District One (Coward) for a term that expires 05/05/15. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 104**  
**MAY 7, 2012**

Councilor Coward motioned to reappoint Angela Griffiths of 20 Davis Street to this committee. Councilor De Angelis seconded. The Order passed 7-0.

6. ORDER #155-11/12 – Energy & Recycling Committee, District Two (Smith) for a term that expires 05/05/15. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #156-11/12 – Energy & Recycling Committee, District Five (Jalbert) for a term that expires 05/05/15. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert motioned to reappoint Emily Sherman of 66 Boston Street to this committee. Councilor Livingston seconded. The Order passed 7-0.

**E. Consent Calendar**

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

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said he had not received answers to questions that he had asked. He said the School Department budget is incorrect.

**G. Public Hearings and Action**

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

8. PROCLAMATION #3-11/12 – Proclaiming May 25, 2012 as Arbor Day in the City of South Portland. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The Proclamation passed 7-0.

9. ORDER #157-11/12 - Setting the time for opening the polls for the May 15, 2012 School Budget Election. Passage requires majority vote.

This item was moved out of order and was taken back up after Item #34, the School Budget items. There was no public discussion.

Councilor Blake motioned for passage. Councilor Jalbert seconded. The Order passed 5-2 (Livingston, Jalbert)

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 105**  
**MAY 7, 2012**

10. ORDER #158-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #11-11/12 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential A to Transitional Residential at 329 Cottage Road and 509 Sawyer Street. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage of the first reading of this ordinance. Councilor Livingston seconded. The Ordinance passed first reading 7-0.

12. ORDER #159-11/12 – Accepting a 2012 Buckle Up No Excuses (BUNE) Grant for \$2,000 and a 2012 Speed Enforcement Grant for \$5,000 from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor De Angelis seconded. The Order passed 7-0.

13. ORDER #160-11/12 – Award of Bid #59-12 to Chicago Dogs, of South Portland, ME, for the lease of the Willard Beach Concession Building. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded. The Order passed 7-0.

14. ORDINANCE #12-11/12 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” and Chapter 15, “Motor Vehicles and Traffic,” regarding insurance for taxicabs, farmers’ markets, and wreckers. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the Ordinance read by title only. Councilor Coward seconded. The motioned passed 7-0. There was no public discussion.

Councilor Coward motioned for passage of first reading of the Ordinance amendment. Councilor De Angelis seconded. The Ordinance passed first reading 7-0.

15. ORDER #161-11/12 – Establishing time, place and particulars for the Farmers’ Market to be located on Hinckley Drive. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 106**  
**MAY 7, 2012**

Caitlin Jordan, South Portland Farmers Market Manager – Ms. Jordan thanked Hannaford for offering parking for market visitors.

Dan Mooers, 39 Ledge Road – Mr. Mooers said Hannaford always steps up to help in the community. He said the decision to move the market to the Hannaford parking lot should be a business/council decision and not the Market Association’s decision.

David Orbeton, 37 Lowell Street – Mr. Orbeton said he could have joined the other Farmer’s Market but he wanted to be part of building community. He feels Hinckley Drive is a better location than Hannaford’s parking lot.

Councilor Jalbert motioned for passage. Councilor Livingston seconded. Mayor Smith motioned to amend the order to move the market from Hinckley Drive to Hannaford’s parking lot. Councilor Jalbert seconded the amendment. The amendment failed 3-4 (Coward, Beecher, Jalbert, Livingston). The Order passed 5-2 (De Angelis, Smith).

16. ORDER #162-11/12 – Authorizing the City Manager to submit grant applications to the Maine Department of Transportation for the New Freedom Program. Passage requires majority vote.

There was no public discussion.

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

17. RESOLVE #8-11/12 - That \$15,758,992 be authorized to be expended for Regular Instruction. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the discussion should be whether May is the right date for an election. The election should be held with the Primary Election in June. Making people pay for an extra election is wasting taxpayer money.

Jeff Selser, 17 Summit Street – Mr. Selser responded to Mr. DiMillo’s comment about the Council rubber stamping the school budget. He said the public doesn’t perceive that the Council has rubber stamped the budget. The Council asked a lot of intelligent questions through the process.

Councilor Coward motioned to move items #17 through #34 as one vote. Councilor Beecher seconded. The City Clerk read Items #17 through #34 and they passed by a vote of 5-2 (Jalbert, Livingston)

18. RESOLVE #9-11/12 - That \$8,070,705 be authorized to be expended for Special Education. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

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**MAY 7, 2012**

19. RESOLVE #10-11/12 - That \$300,647 be authorized to be expended for Career and Technical Education. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

20. RESOLVE #11-11/12 -That \$738,978 be authorized to be expended for Other Instruction. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

21. RESOLVE #12-11/12 -That \$3,430,463 be authorized to be expended for Student and Staff Support. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

22. RESOLVE #13-11/12 -That \$1,194,517 be authorized to be expended for System Administration. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

23. RESOLVE #14-11/12 -That \$2,192,930 be authorized to be expended for School Administration. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

24. RESOLVE #15-11/12 -That \$1,405,900 be authorized to be expended for Transportation and Buses. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

25. RESOLVE #16-11/12 -That \$3,818,431 be authorized to be expended for Facilities Maintenance. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

26. RESOLVE #17-11/12 -That \$2,707,683 be authorized to be expended for Debt Service and Other Commitments. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

27. RESOLVE #18-11/12 -That \$377,495 be authorized to be expended for All Other Expenditures. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 108**  
**MAY 7, 2012**

28. RESOLVE #19-11/12 -That \$31,855,803 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 \$28,752,526 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.

Explanation: 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 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.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

29. RESOLVE #20-11/12 -That \$2,062,162 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 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:

*Skillin Elementary School Addition and Renovation, approved by voters on November 5, 1991. SPS Auditorium/Cafeteria Construction, approved by voters on November 8, 1994. Elementary Schools Construction and Renovation, approved by voters on November 6, 2001. South Portland High School Addition and Renovation, approved by voters on November 2, 2010.*

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

30. RESOLVE #21-11/12 -That \$4,027,960 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$3,295,361 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

The Board of Education recommends \$4,027,960 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$3,295,361.

*Pension Obligation Debt Service, approved by voters November 4, 2003*  
*Co-curricular 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*

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*Class Size Targets less than State standard*  
*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 kindergarten to grade 12 as describe 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.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

31. RESOLVE #22-11/12 -That the Board of Education be authorized to expend \$39,996,741 for the fiscal year beginning July 1, 2012 and ending June 30, 2013 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.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

32. RESOLVE #23-11/12 -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.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

33. RESOLVE #24-11/12 -That the City of South Portland will raise and appropriate \$370,000 in additional local dollars in support of the food service program. Passage requires majority vote.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

34. RESOLVE #25-11/12 -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.

Passed 5-2 (Jalbert, Livingston). See Item #17 for motions.

35. RESOLVE #26-11/12 -That the City of South Portland will raise and appropriate \$1,450,000 in additional local dollars to fund partially the construction and renovation of

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 110**  
**MAY 7, 2012**

South Portland High School as approved by the voters on November 2, 2010. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The Resolve passed 7-0.

36. ORDER #163-11/12 – Award of Bid #54-12 to Budget Document Technology, of Lewiston, ME, for the purchase of photocopiers for the School Department. Passage requires majority vote.

There was no public discussion.

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

37. ORDER #164-11/12 – Award of sole source bid to Apple Computers, of South Portland, Me. for the purchase of iPads for the South Portland School Department. Passage requires majority vote.

There was no public discussion.

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

38. ORDER #165-11/12 - Authorizing the initiation of a capital lease over a 10-year period not to exceed \$1,234,850 to encompass work related to the renovation and addition to South Portland High School. Passage requires majority vote.

There was no public discussion.

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

39. ORDER #166-11/12 – Adopt the City of South Portland Appendix of the Cumberland County 2012 Cumberland County Consolidation Plan. Passage requires majority vote.

There was no public discussion.

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

40. ORDER #167-11/12 –Authorizing the Finance Director to enter into agreement(s) for the purchase of #2 Fuel Oil, Diesel Fuel and Unleaded Fuel for FY2013. Passage requires majority vote.

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**MAY 7, 2012**

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Coward seconded. The Order passed 7-0.

41. ORDER #168-11/12 – Amending ORDER #128-11/12 regarding the FY 2013 Capital Improvement Program to increase local match funding for Traffic/Bicycle/Pedestrian Projects. Passage requires majority vote.

There was no public discussion.

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

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

**J. Councilor's Round Robin**

Mayor Smith reminded folks about the Land Trust Plant Sale on May 19<sup>th</sup>.

Councilor Coward encouraged residents to vote on Tuesday.

Councilor Blake thanked the Earth Day volunteers.

Councilor Livingston passed along a reminded that the Transfer Station would be open for the next three Sundays.

**K. Executive Session**

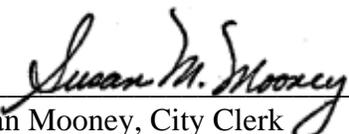
A motion may be made to enter into executive session pursuant to 1 M.R.S.A. Section 405(6)(E) to discuss a pending litigation matter, *Callaghan v. City of South Portland*, with the Corporation Counsel.

Councilor Coward motioned to adjourn to Executive Session at 10:56 P.M. Councilor Beecher seconded. The motion passed 7-0.

Councilor Coward motioned to return from Executive Session at 11:41 P.M. Councilor Beecher seconded. Motion passed 7-0

Councilor Blake motioned to adjourn. Councilor Livingston seconded. The motion passed 7-0.

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ATTEST   
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 112**  
**MAY 21, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 7:00 P.M. Councilor De Angelis arrived at 7:23 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of May 7th was made by Councilor Blake. Councilor Livingston seconded. Passed 6-0 (De Angelis had not yet arrived).

**B. Communications from City Manager**

- Memorial Day Parade – Monday stepping off at SMCC
- No Workshop next week.

**C. Petitions and Communications**

Department Reports for the month of April, 2012.

Attendance Reports for the month of April, 2012.

**D. Appointment Calendar**

1. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Motion to postpone #1 through #4 was made by Councilor Beecher and seconded by Councilor Coward. Motion passed 6-0 (De Angelis had not yet arrived).

2. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Postponed since 03/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Postponed since 04/02/12. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #155-11/12 – Energy & Recycling Committee, District Two (Smith) for a term that expires 05/05/15. Postponed on 05/07/12. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 113**  
**MAY 21, 2012**

Winston Churchill, Kent, England – Mr. Churchill talked about paying homage to those who fought and died for our freedoms by attending the Memorial Day Parade.

**G. Public Hearings and Action**

5. ORDINANCE #11-11/12 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential A to Transitional Residential at 329 Cottage Road and 509 Sawyer Street. Passed first reading on 05/07/12. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The Ordinance passed roll call vote 6-0. (De Angelis had not yet arrived).

6. ORDINANCE #12-11/12 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” and Chapter 15, “Motor Vehicles and Traffic,” regarding insurance for taxicabs, farmers’ markets, and wreckers. Passed first reading on 05/07/12. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion. Councilor Coward motioned to have the item read by title only and Councilor Beecher seconded. The motion passed 6-0. (De Angelis had not yet arrived).

Councilor Jalbert motioned for passage. Councilor Coward seconded. The Ordinance passed roll call vote 6-0. (De Angelis had not yet arrived).

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

7. ORDER #169-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Coward seconded. The Order passed 6-0. (De Angelis had not yet arrived).

8. PROCLAMATION #4-11/12 Regarding Memorial Day, and directing that flags be placed on the graves of veterans. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Jalbert seconded. The Proclamation passed 6-0. (De Angelis had not yet arrived).

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 114**  
**MAY 21, 2012**

9. ORDER #170-11/12 – Award of Bid #64-12 to Headlight Audio Visual, of Portland, ME, for the purchase of Smartboards for the School Department. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to postpone. Councilor Beecher seconded. The motion to postpone passed 6-0 (De Angelis had not yet arrived).

10. ORDER #171-11/12 – Accepting a \$5,000 grant from the Casco Bay Estuary Partnership's Community-Based Habitat Enhancement Program. Passage requires majority vote

There was no public discussion.

Councilor Jalbert motioned for passage. Councilor Blake seconded. The Order passed 7-0.

11. ORDER #172-11/12 – Award of Bid #44-12 to Elliot Mead Carpenter, Contractor, Inc., of Bath, Maine for renovations to the City Hall roof and facade. Passage requires majority vote.

There was no public discussion.

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

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

**J. Councilor's Round Robin**

Councilor Beecher encouraged folks to help with flagging graves on Saturday. She also mentioned that the Comprehensive Planning Committee would be holding their final forum on June 19<sup>th</sup> at the Community Center.

Councilor Livingston said there was a Jetport Noise Committee meeting on Thursday evening at 5:30 at the Jetport.

Mayor Smith said the South Portland Land Trust Plant sale was a big success and she thanked the volunteers.

Councilor Coward encouraged the public to attend the Memorial Day Parade and to attend the Comprehensive Plan Public Forum on June 19<sup>th</sup>.

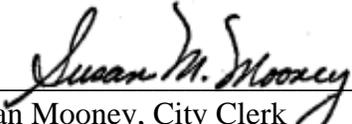
Councilor De Angelis attended SMCC graduation ceremony yesterday. Over 1,000 students graduated. She said it was a spectacular ceremony.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 115  
MAY 21, 2012**

**K. Executive Session**

Councilor De Angelis motioned to adjourn at 7:48 P.M. Councilor Coward seconded. The motion passed 7-0.

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 116**  
**JUNE 4, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 7:00 P.M. Councilor Livingston and Councilor Jalbert were absent.

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of May 21st was made by Councilor Beecher. Councilor De Angelis seconded. Passed 5-0

**B. Communications from City Manager**

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Motion to postpone #1 through #4 was made by Councilor Blake and seconded by Councilor Beecher. Motion passed 5-0

2. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Postponed since 03/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Postponed since 04/02/12. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #155-11/12 – Energy & Recycling Committee, District Two (Smith) for a term that expires 05/05/15. Postponed on 05/07/12. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #173-11/12 – Appointing Ward Clerk District 2, Pro-Tempore for June 12, 2012 Primary Election. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Robert Morency, 278 Broadway. Councilor De Angelis seconded. The Order passed 5-0.

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 117**  
**JUNE 4, 2012**

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

**G. Public Hearings and Action**

6. Business License

Jillson's Farm and Sugarhouse, Lakeside Farm, Luscious Live Lobsters, Main-ly Poultry and Tourmaline Hill Farm for a FE/Stationary Vending Unit. Seeking a variance to operate within 500' of another city licensed Food Establishment. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Beecher seconded. The license passed 5-0.

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

7. ORDER #170-11/12 – Award of Bid #64-12 to Headlight Audio Visual, of Portland, ME, for the purchase of Smartboards for the School Department. Postponed on 05/21/12. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The order passed 5-0.

8. ORDER #174-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded. The order passed 5-0.

9. ORDER #175-11/12 – Setting the time for opening the polls for the June 12, 2012 Primary Election. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 5-0.

10. ORDER #176-11/12 – Adopting Appendice A, General Assistance Overall Maximums as mandated by the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 118**  
**JUNE 4, 2012**

Councilor Beecher motioned for passage. Councilor Coward seconded. The order passed 5-0.

**Councilor Coward motioned to waive Standing Rule 3(e) to add Item #20 to the agenda. Councilor De Angelis seconded. Motion passed 5-0. Councilor De Angelis motioned to take Item #20 out of order. Councilor Beecher seconded and the motion passed 5-0. Councilor De Angelis motioned to have the Ordinance read by title only. Councilor Coward seconded and the motion passed 5-0. See Item #20 for details of passage.**

11. ORDER #177-11/12 - Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 5-0.

12. ORDER #178-11/12 - Authorizing the Finance Director to accept prepayment of FY 2013 property taxes. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Beecher seconded. The order passed 5-0.

13. ORDER #179-11/12 –amending Resolve #26 approved on May 7, 2012. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 5-0.

14. ORDER #180-11/12 – Authorizing the transfer of funds from General Fund Undesignated fund balance to fund the 1861 Property Tax Rate Stabilization Reserve. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor De Angelis seconded. The order passed 5-0.

15. RESOLVE #27-11/12 – Approving the FY 2013 Appropriation Resolve. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 119**  
**JUNE 4, 2012**

Councilor De Angelis motioned for passage. Councilor Beecher seconded. The Resolve passed 5-0.

16. ORDER #181-11/12 – Setting the sewer user fees for Fiscal Year 2013. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The order passed 5-0.

17. ORDER #182-11/12 – Authorizing a 1.5% cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded. The order passed 5-0.

18. ORDINANCE #11-11/12. Action to reconsider in order to substitute an amended ordinance to correct language error describing Official Zoning Map that is part of Chapter 27, “Zoning”; otherwise, no substantive change is provided. Originally adopted on 05/21/12. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Blake motioned to reconsider this Ordinance. Councilor Coward seconded. The motion passed 5-0. Councilor Coward motioned to amend the language error as outlined in the position paper. Councilor Beecher seconded. The motion passed 5-0. Councilor Beecher motioned for passage. Councilor Coward seconded. The Ordinance passed roll call vote 5-0.

19. ORDER #183-11/12 – Establishing a High School Bond Premium Reserve Account. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The order passed 5-0.

20. ORDINANCE #13-11/12 – Amending Chapter 10, Health, Welfare and Sanitation Generally, regarding housing maximums. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage of first reading. Councilor De Angelis seconded. The Ordinance passed first reading 4-1 (Coward).

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 120**  
**JUNE 4, 2012**

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

**J. Councilor's Round Robin**

Councilor Blake invited folks to an open house at the Coast Guard Base on June 9<sup>th</sup> at 10:00 A.M. Residents from Ferry Village will receive special accommodations. Councilor Blake inquired whether there have been any significant issues in regard to the large amount of rain that has fallen over the last few days. The Manager said there was nothing notable to speak of.

Mayor Smith invited residents to a "Buy Local" event at the Snow Squall on June 12<sup>th</sup> from 6:00 to 9:00 P.M. This is a great opportunity to show support and advocacy for local merchants.

Councilor Coward urged people to vote in the Primary Election.

Councilor De Angelis said the Community Gardens look beautiful. She expressed appreciation of staff who immediately responded to a constituent matter.

Councilor Beecher said the third Community Forum has been scheduled for June 19<sup>th</sup> at the Community Center from 6:00 P.M. to 9:30 P.M. A light supper will be served and there will be entertainment. Virtual forums are also scheduled for June 20<sup>th</sup> to June 24<sup>th</sup>.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) to discuss the economic development of Megquier and Jones, Inc. and, acquisition or sale of real property (933 Highland Ave).

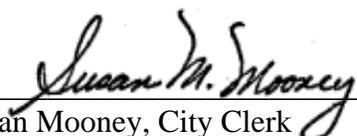
Councilor Blake motioned at 8:40 P.M. to go into executive session. Councilor Beecher seconded. The motion passed 5-0.

Councilor DeAngelis motioned to come out of executive session at 9:37 P.M. Councilor Beecher seconded. The motion passed 5-0

Councilor De Angelis motioned to adjourn at 9:38 P.M. Councilor Coward seconded. The motion passed 5-0.

A TRUE COPY

ATTEST

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

**IN COUNCIL REGULAR MEETING VOL. 73 PAGE 121**  
**JUNE 18, 2012**

**Roll Call:** Mayor Smith called the meeting to order at 7:05 P.M. All Councilors were present.

**A. Acceptance of Minutes**

Motion to accept the minutes from the Council meeting of June 4th was made by Councilor Beecher. Councilor De Angelis seconded. Passed 7-0

**B. Communications from City Manager**

Greg L'Heureux passed out a letter addressed to James Gailey from Bob Thayer regarding the new parallel parking spaces in Legion Square.

**C. Petitions and Communications**

Department Reports for the month of May, 2012.  
Attendance Reports for the month of May, 2012.

**D. Appointment Calendar**

1. ORDER #78-11/12 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/19/11. Passage requires majority vote.

Motion to postpone #1 through #4 was made by Councilor Blake and seconded by Councilor Livingston. Motion passed 7-0.

2. ORDER #109-11/12 – Conservation Commission, District Five (Jalbert), for a term which expires on 11/20/13. Postponed since 03/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #130-11/12 – Civil Service Commission, District Four (Beecher) for a term that expires 03/1/17. Postponed since 04/02/12. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #155-11/12 – Energy & Recycling Committee, District Two (Smith) for a term that expires 05/05/15. Postponed on 05/07/12. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

5. Street Closure

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**JUNE 18, 2012**

Tri For A Cure is requesting the closure of Fort Road, Benjamin Pickett Street and Surfside Road from 6:00 A.M. to 1:00 P.M. on July 29, 2012 for a triathlon. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The street closure passed 7-0.

6. Street Closure

The Willardfest Committee is requesting the closure of Preble Street at Willow Street, Pillsbury Street up to 444 Preble Street for Willardfest on July 14<sup>th</sup> with a rain date of July 15<sup>th</sup>. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Jalbert seconded. The street closure passed 7-0.

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

Michael Girardin spoke regarding the parking changes in Knightville. He has concerns as an owner with parallel parking.

Marilyn Reilly spoke regarding the Knightville Parking Plan. She requests that it comes back before the City Council for more discussion.

**G. Public Hearings and Action**

7. ORDINANCE #13-11/12 – Amending Chapter 10, Health, Welfare and Sanitation Generally, regarding housing maximums. Passed first reading on 06/04/12. ROLL CALL VOTE. Passage requires five affirmative votes.

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

Councilor Beecher motioned for passage. Councilor Coward seconded. The Ordinance passed roll call vote 5-2 (Blake and Coward).

8. Business License

Taj Indian Cuisine, 200 Gorham Road, #8, for a Food Establishment Restaurant with Malt and Vinous License. New owners of an existing business. Passage requires majority vote.

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There was no public discussion.

Councilor Coward motioned for passage. Councilor De Angelis seconded. The license passed 7-0.

9. Business License

Applications of David's 388 and One Fifty Ate are seeking a variance to allow them to operate an FE/Temporary License at 12 Pillsbury Street, which is within 500' of other City licensed food establishments. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #184-11/12 – Adopting the Fifth Amendment to the National Semiconductor Municipal Development and Tax Increment Financing District Development Program. Passage requires majority vote.

Shana Cook Mueller, City Attorney, was on hand to answer questions regarding the TIF. She stated that the Fifth Amendment had three parts to it. 1. It changed the name of the district to Texas Instruments Municipal Development and Tax Increment Financing District. 2. It extended the Credit Enhancement Agreement. 3. Authorizes the City Manger to execute on behalf of the City. The company must meet required investments.

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

Councilor De Angelis motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

11. ORDER #185-11/12 – Adopting the Second Amendment to the Cummings Road Municipal Development and Tax Increment Financing District Development Program. Passage requires majority vote.

Shana Cook Mueller, City Attorney, spoke in regards to this item. She stated that the TIF District is performing quite well and it is exceeding the needs in the district. The accumulating TIF revenues add two new projects and amends one project. The three projects are: Improvements along Main Street with an emphasis from Veteran's Bridge to Cash Corner, a traffic signal at the intersection of Gannett Drive and Cummings Road and the construction of a path system inside the business park.

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

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Councilor Blake motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

12. ORDER #186-11/12 – Adopting Order to Reduce Captured Value Percentage of Cummings Road Business Park Municipal Development and Tax Increment Financing District. Passage requires majority vote.

Shana Cook Mueller, City Attorney, was present for comments. This order will reduce the captured value percentage for the Cummings Road Business Park Municipal Development and Tax Increment Financing District.

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

Councilor Jalbert motioned for passage. Councilor Beecher seconded. The order passed 7-0.

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

13. ORDER #187-11/12 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Coward seconded. The order passed 7-0.

14. ORDER #188-11/12 - Regarding filing of applications for Federal assistance with the Federal Transit Administration. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded. The order passed 7-0.

15. ORDER #189-11/12 – Authorizing the City Manager to submit a request to the Maine Department of Transportation to reduce the speed limit on Highland Avenue, from the Scarborough town line to Dresser Road, from 40 mph to 35 mph. Passage requires majority vote.

Kristy Feldhousen-Giles spoke in favor of this matter. She brought this matter to Planning and Development to have the speed limit lowered..

Councilor Beecher motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

16. PROCLAMATION #5-11/12 – Proclaiming the week of June 19<sup>th</sup> to June 24<sup>th</sup> as Comprehensive Plan Week. Passage requires majority vote.

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There was no public discussion.

Councilor Beecher motioned for passage. Councilor Coward seconded. The proclamation passed 7-0.

17. ORDER #190-11/12 – Accepting a 2012 Planning and Education grant of \$15,000 under the Project Canopy Assistance Program to be used by the Parks Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded. The order passed 7-0.

18. ORDER #191-11/12 – Award of Bid #58-12 to Viking Welding & Fabrication, LLC, of Kensington, NH, for the purchase of an emergency response vessel for the Fire Department. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Blake seconded. The order passed 7-0.

19. ORDER #192-11/12 – Award of Bid #62-12 to New England Communications, Inc. of Portland, ME, for the purchase of a telephone system for the School Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Aneglis seconded. The order passed 6-1 (Livingston).

20. ORDER #193-11/12 - Award of Bid #55-12 to GovConnection Inc, of Rockville, MD, for SAN replacement for the Information Services Department. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Jalbert seconded. The order passed 7-0.

21. ORDER #194-11/12 – Authorizing legal action against Richard and Debra O’Brion regarding land use violation at 65 Old Farm Road (Tax Map 57, Lot 627). Passage requires majority vote.

There was no public discussion. Corporation Counsel was on hand to answer questions.

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Councilor Beecher motioned for passage. Councilor Coward seconded. The order passed 6-1 (Jalbert).

22. ORDER #195-11/12 – Authorizing the City Manager to apply for grants to the Boating Facilities Fund of the Maine State Department of Conservation and the Small Harbor Improvements Program of the Maine State Department of Transportation. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for the passage. Councilor De Angelis seconded. The order passed 7-0.

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

**J. Councilor's Round Robin**

Mayor Smith invited the public to the ribbon cutting on Saturday June 23<sup>rd</sup> 11:00am to 12:00pm at the Community Gardens.

Councilor Coward reminded citizens to participate in the Comprehensive plan meetings. He also asked if any citizens see a Coward Political sign to either call him or drop it off at his house, please.

Councilor De Angelis would also like to invite people to attend the ribbon cutting ceremony at the Community Gardens. She asks that citizens be patient with the renovations at Mill Creek Park and with the parking changes in Knightville. It is almost July, so enjoy the sun.

Councilor Beecher would like the public to attend the Comprehensive Plan Meeting on Tuesday. If not, then review the material on the City website and participate in the web session.

Councilor Jalbert congratulated Tom Coward on his Primary Victory. He thanked Lt Bernard and Officer MacVane for participating in a fundraising event.

Councilor Blake thanked the City Clerk and the staff for the Election. He congratulated Tom Coward on his win. He thanked Tim Gato for all his hard work as acting Parks and Recreation Director and congratulated the new Parks and Recreation Director. Councilor Blake reminded residents if they see wild animals, they need to call Corey Hamilton, the Animal Control Officer at the Police Department.

Councilor Livingston advised the citizen that the departure route from the Portland Jetport will change on July 27, 2012 and will no longer go over Meeting House Hill.

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**K. Executive Session**

Councilor De Angelis motioned to adjourn at 10:10 P.M. Councilor Jalbert seconded. The motion passed 7-0.

A TRUE COPY

ATTEST   
Jessica B. Hanscombe