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**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 1**  
**JULY 2, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:07 P.M. Councilor Dale and Councilor Johnson were absent, and Councilor Bowring arrived during Communications from City Manager.

**A. Acceptance of Minutes**

Motion was made by Councilor Maietta and seconded by Councilor Fickett to accept the minutes of the Regular Meeting of 06/18/01.

**B. Communications from City Manager**

FY 2002 Capital Improvement Plan.

South Portland Fire Department – Central Station – Conceptual Plan and Feasibility Study.

City Manager Jeffrey Jordan announced the Summer Concert Series in Millcreek Park.

He also recognized the South Portland Jazz Ensemble for winning the National Championship in Orlando, Florida.

**C. Petitions and Communications**

Councilor Maietta questioned whether the recruiting office personnel on Ocean Street had any parking allocated to them in the parking lot adjoining their building.

Councilor Baxter asked when the transfer station would be accepting brush.

Mayor Larsen wanted the public to know that there was a notice of collection dates for recycling and trash removal included with the recycling bins.

**D. Appointment Calendar**

1. ORDER #78-00/01 – Conservation Commission, District 1 (Dale), to fill an unexpired term which expires on 11/20/02. Postponed since 12/04/00.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to appoint Jane Batzell, of 86 Loveitts Field Road to this position. Passage 5-0 (Dale, Johnson absent).

2. ORDER #1-01/02 – SPTV, (Mayor), term to expire 07/15/04.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 2**  
**JULY 2, 2001**

Motion was made by Councilor Larsen and seconded by Councilor Maietta to postpone this item to the 07/16/01 meeting. Passage 5-0 (Dale and Johnson absent).

**E. Consent Calendar**

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

Ray Lee, 28 Henry Street, stated he does not think that the City should consider the Open Space Bond Ordinance. He also thought that there did not need to be 6 people working in the City Clerk's office.

**G. Public Hearings and Action**

3. ORDINANCE #27-00/01 – amending Chapter 24, "Subdivisions", regarding technical amendments for clarification purposes. Passed first reading on 06/18/01.

Motion was made by Councilor Baxter and Councilor Bowring to postpone this item to the 07/16/01 meeting. Passage 5-0 (Dale and Johnson absent).

4. ORDINANCE #28-00/01 – amending Chapter 27, "Zoning", regarding technical amendments for clarification purposes. Passed first reading 06/18/01

Motion was made by Councilor Baxter and seconded by Councilor Bowring to postpone this item to the 07/16/01 meeting. Passage 5-0 (Dale and Johnson absent).

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

5. ORDER #2-01/02 – accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. Passage 5-0 (Dale and Johnson absent).

6. ORDER #3-01/02 – accepting \$1,282.09 under the Federal Asset Forfeiture Program.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 5-0 (Dale and Johnson absent).

7. ORDER #4-01/02 – accepting \$2000.00 from Northern Utilities to Art in the Park.

Mary Kahl, Corporation Counsel addressed this item.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 3**  
**JULY 2, 2001**

Motion was made by Councilor Maietta and seconded by Councilor Baxter for passage. Passage 5-0 (Dale and Johnson absent).

8. ORDER #5-01/02 – authorizing the implementation of a new bus schedule on a trial basis to solicit public input.

Tom Myers, Transportation and Waterfront Director addressed this item.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 5-0 (Dale and Johnson absent).

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

**J. Councilor's Round Robin**

Councilor Maietta wanted an update on the Ge Erskine Park committee. He said he will be serving on the committee.

Councilor Baxter commented on his retirement income.

Councilor Bowring commended the Jazz Ensemble for their success in Florida.

**K. Executive Session**

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

Motion was made by Councilor Baxter and seconded by Councilor Bowring to postpone the executive session. Motion was made by Councilor Baxter and seconded by Councilor Bowring to withdraw the motion to postpone. Passage 5-0 (Dale and Johnson absent).

Motion was made by Councilor Bowring and seconded by Councilor Maietta to go into executive session at 8:20 P.M. Passage 5-0 (Dale and Johnson absent).

Motion was made by Councilor Baxter and seconded by Councilor Maietta to return to regular session. Passage 5-0 (Dale and Johnson absent).

Motion was made by Councilor Bowring and seconded by Councilor Maietta to adjourn at 8:52 P.M.

A TRUE COPY

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 4**  
**JULY 16, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:02 P.M. Councilor Johnson arrived during Communications from City Manager.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the regular meeting of July 2, 2001. Passed 6-0 (Johnson out).

**B. Communications from City Manager**

- City Manager Jeffrey Jordan distributed his Newsletter to the Council.
- Spring Point Festival will be August 18, 2001 at the S.M.T.C. Campus
- Art in the Park will be on August 11, 2001 at Millcreek Park.
- On August 20, 2001 there will be a five-event relay to benefit Maine Handicapped Skiing. One event will be held in South Portland.
- Knuckles, the Police Department's bomb dog finished his training and is now certified. On his first day of certification, he was called upon to utilize his skills.
- The CIP is ready for viewing; copies are available in the City Manager's office. First reading will be on the August 6, 2001 agenda.

**C. Petitions and Communications**

Department reports for the month of June.

Attendance reports for the month of June.

Councilor Dale congratulated the High School Jazz Ensemble on their National Championship in Orlando, Florida. He also reported that the Jetport Noise Committee is in the process of hiring a firm to research the noise levels. Councilor Dale also commented on putting a new traffic island at Willard Square.

Councilor Maietta thanked Tony Vigue and Annette Park for their work taping the last workshop at the Community Center. He also had some questions regarding the name of the new park on the corner of Broadway and Waterman Drive. He thinks that the park would be fully privately funded if it were named the Ge Erskine Memorial Park.

Mayor Larsen showed a picture of the Brown Family with their new Habitat for Humanity house on Robert Mills Road. She spoke about the 10 women Mayors from Bulgaria that visited women Mayors from Maine. She also attended the change of Command at the Coast Guard Base. Commander Mark O'Malley has taken over that position. She also told the public to call Public Works with any questions regarding recycling.

**D. Appointment Calendar**

1. ORDER #1-01/02 – SPTV, (Mayor), term to expire 07/15/04. Postponed on 07/02/01.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 5**  
**JULY 16, 2001**

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Baxter to postpone this item to the 08/16/01 meeting. Postponed 7-0.

2. ORDER #6-01/02 – Board of Appeals, (At-Large, Larsen), term to expire 07/23/04.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to appoint Daniel Fortin of 65 Thadeus Street to this position. Passage 7-0.

3. ORDER #7-01/02 – Board of Appeals, (At-Large, Fickett), term to expire 07/23/04.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Maietta to postpone this item to the 08/06/01. Passage 7-0.

**E. Consent Calendar**

Street Closing

Karen Nichols, 15 Whitehall Avenue, requests the closing of Whitehall Avenue, on August 4, 2001 from 10:00 A.M. until 10:00 P.M. for a block party.

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

Janice Doctor, Betsy Ross House, asked the Council to supply a seat in the bus shelter at the Betsy Ross House. She also wanted to let the public know that children are welcome at the residence.

Clarence Beckwith, Bonnybriar Road, asked City Manager Jordan if the city was buying the Armory for \$350,000.00. He thanked the manager for cutting the taxes, and also wants all bond issues for the schools to be separate on the ballot in November.

Dorothy Lee, 44 Westbrook Street, requested that the traffic island at the corner of Westbrook Street and Main Street be repaired.

Ray Lee, Henry Street, thanked Councilor Dale regarding noise levels at the airport.

**G. Public Hearings and Action**

4. ORDINANCE #27-00/01 – amending Chapter 24, "Subdivisions", regarding technical amendments for clarification purposes. Passed first reading on 06/18/01. Postponed on 07/02/01. ROLL CALL VOTE.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 6**  
**JULY 16, 2001**

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Dale for passage.  
Motion was made by Councilor Maietta and seconded by Councilor Bowring to withdraw this item. Passage 7-0.

5. ORDINANCE #28-00/01 – amending Chapter 27, "Zoning", regarding technical amendments for clarification purposes. Passed first reading 06/18/01. Postponed on 07/02/01.

There was no public discussion.

Motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Motion was made by Councilor Larsen and seconded by Councilor Dale to amend to delete all changes except Article IV. Administration 27-26. Passed 7-0.

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

6. ORDER #8-01/02 – accepting miscellaneous donations.

There was no public discussion.

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

7. ORDER #9-01/02 – waiving the bid process and authorizing the donation of a parcel of city-owned property on Sunset Avenue to Habitat for Humanity. Passage of waiver requires six (6) affirmative votes.

The following people addressed this item:

Dave Snyder, Executive Director of the Portland Chapter of Habitat for Humanity.  
Ray Lee, Henry Street  
Tom Brown, 101 Wainwright Circle West  
Clarence Beckwith, Bonnybriar Road  
Joel Bassett, 23 Strathmore Road  
Jamie Schwartz, 17 Strathmore Road

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

Motion was made by Councilor Dale and seconded by Councilor Maietta to amend the deed to stipulate that the residency shall be a single-family dwelling. Passed 4-3 (Larsen, Johnson and Baxter)

8. ORDER #10-01/02 – waiving the bid process and authorizing the sale of city-owned property on Thadeus Street to Don Hood. Passage of waiver requires six (6) affirmative votes.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 7**  
**JULY 16, 2001**

The following people addressed this item.

Clarence Beckwith, Bonnybriar Road.  
Ray Lee, Henry Street.

Motion was made by Councilor Dale and seconded by Councilor Baxter to postpone this item indefinitely. Passage 7-0.

9. ORDER #11-01/02 - waiving the bid process and authorizing the sale of city-owned property on Calais Street to Mr. and Mrs. Ricky Dana and Evelyn J. Martin. Passage of waiver requires six (6) affirmative votes.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passed as amended 6-1 (Fickett).

Motion was made by Councilor Johnson and seconded by Councilor Dale to deposit the proceeds from this sale to the Land Bank account. Passage of amendment 4-3 (Bowring, Maietta and Fickett).

10. ORDER #12-01/02 – amending the Traffic Schedule.

The following people addressed this item.

Ben Strout, 161 Fort Road  
Lieutenant Amy Berry, South Portland Police Department

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passed as amended 7-0.

Motion was made by Councilor Dale and seconded by Councilor Fickett to amend this item by deleting the no parking on Pine Street and the stop sign on Cole Street. Passed 7-0.

11. ORDER #13-01/02 – accepting a Local Law Enforcement Block Grant from the Department of Justice to be used by the Police Department.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passed 6-0 (Dale out).

12. ORDER #14-01/02 – authorizing a Cooperative Agreement between the National Center for Missing & Exploited Children and the Police Department.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Johnson for passage. Passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 8**  
**JULY 16, 2001**

13. ORDER #15-01/02 – amending the South Portland Fire Department Call Company Personnel Policy.

There was no public discussion.

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

14. RESOLVE #1-01/02 – joining the Maine Service Centers Coalition.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Baxter for passage.  
Passed  
6-1.

15. ORDER #16-01/02 – setting August 6, 2001 as the date for the condemnation hearing on property owned by Robert Kimball.

The following people addressed this item:

Ed Reidman, City Engineer  
Mary Kahl, Corporation Counsel

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

16. ORDER #17-01/02 – setting August 6, 2001 as the date for a nuisance hearing for property located at 1312 Broadway.

Mary Kahl, Corporation Counsel addressed this item.

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

17. ORDER #18-01/02 – authorizing the Police Department to serve as the fiscal administrative agent for South Portland Community advocates for Social Action (SPCASA) with regard to a grant from the Office of Substance Abuse.

Motion was made by Councilor Dale to take item 17 out of order. There were no objections.

The following people addressed this item:

Maxine Beecher, of CASA  
Ray Lee, Henry Street

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**JULY 16, 2001**

Motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passed 7-0.

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

**J. Councilor's Round Robin**

Councilor Maietta addressed the Ocean Street parking issue. He reported that the Inness building will be discussed at the August 13, 2001 workshop.

Councilor Baxter questioned when the Council of Governments will be discussed at a workshop. He also addressed the Armory issue.

Councilor Johnson spoke of his trip to the Baltic Sea.

Mayor Larsen attended the TRIAD meeting and discussed the phone a police officer program that has started. An elderly resident makes a phone call to a designated officer on a regular basis and if the officer does not receive the call by a certain time, a visit is paid to the resident to check on their well-being. The TRIAD is collecting old cell phones to distribute to the elderly for 911 access, and are also conducting a yard clean-up program. She also questioned the implementation of traffic lights at the intersection of Westbrook Street and Wescott Road.

Councilor Fickett stated that the traffic has increased too much for it to be feasible to relocate City Hall to the Armory location.

**K. Executive Session**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to adjourn at 10:52 P.M.  
Passed 7-0

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 10  
AUGUST 6, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:04 P.M. All were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to accept the minutes from the regular meeting of July 16, 2001. Passed 7-0.

**B. Communications from City Manager**

City Manager Jeffrey Jordan presented a brochure and Power Point presentation that will be used as an economic tool and also will be the annual report. This will be available in the Libraries, Clerk's Office and the Finance Department. He also presented Cathy Counts with a plaque for the extra effort and hard work she put into the project.

The Spring Point Light Innovation Award was presented to Wayne Ross, of Southern Maine Technical College. Mr. Ross accepted the award and thanked the S.M.T.C. community along with his wife.

Presentation of the City Manager's Fiscal Year 2002 Finalized Budget.

Art in the Park is August 11, 2001 at Millcreek Park.

**C. Petitions and Communications**

Councilor Bowring thanked Wayne and Betsy Ross for everything they do for the community. He also thanked Karen Morrill for filling in as Acting Clerk.

Mayor Larsen also thanked Wayne and Betsy and stated how much she admired their dedication.

**D. Appointment Calendar**

1. ORDER #1-01/02 – SPTV, (Mayor), term to expire 07/15/04. Postponed since 07/02/01.

There was no public discussion.

Motion was made by Mayor Larsen and seconded by Councilor Baxter to postpone this item to the 08/20/01 meeting. Passage 7-0.

2. ORDER #7-00/01 – Board of Appeals, (At-Large, Fickett), term to expire 07/23/04. Postponed on 07/16/01.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Dale to postpone this item to the 08/20/01 meeting. Passage 7-0.

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AUGUST 6, 2001**

**E. Consent Calendar**

3. Street Closings

Christopher Bowring, of 151 Elderberry Drive has requested the closing of Elderberry Drive from Highland Avenue to Crossmeadow Drive on August 11, 2001 from the hours of 9:00 A.M. to midnight.

William Angell, 28 Jessica Lane, has requested the closing of Jessica Lane on August 18, from the hours of 12:00 P.M. to 11:00 P.M.

4. Sign Permit

The Fire Department has requested a permit to erect a sign on the corner of Westbrook Street and Broadway to advertise "Spring Point Festival". It will be displayed from August 11, 2001 to August 18, 2001.

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

Harold Macomber, Kelsey Street, addressed the naming of the former U-Haul property. He felt that along with the park, the bridge in Millcreek Park should also be named for Arvin "Ge" Erskine.

Peter Larsen, Ocean Street, presented 4 cases of Portland Water District bottled water to Art in the Park. He also stated that the name of the U-Haul property should be the Arvin "Ge" Erskine Memorial Park.

Bill James, 2nd Street, thanked Councilor Maietta for his help in bringing notice of deteriorated properties to the Council. He cited state statute regarding dangerous buildings and that the City needed to take action as the problem had been going on for some time.

**G. Public Hearings and Action**

18. Motion was made by Councilor Dale and seconded by Councilor Bowring to take item 18 out of order. Passage 7-0.

ORDER #30-01/02 – naming the former U-Haul property the Arvin "Ge" Erskine Memorial Park.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passage 7-0.

7. Motion was made by Councilor Dale and seconded by Councilor Bowring to take item 7 out of order. Passage 7-0.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 12  
AUGUST 6, 2001**

ORDER #21-01/02 – appointing the City Clerk/Registrar of Voters.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Dale to appoint Susan Mooney as City Clerk/Registrar of Voters effective 08/20/01. Passage 7-0.

5. ORDER #19-01/02 – determining whether the conditions at 1312 Broadway are a public nuisance.

The following people addressed this item:

Corporation Counsel, Mary Kahl.  
Perry Rumo, 4 Doyle Street, Westbrook.  
Wilma Rumo, 109 Brigham Street.  
Tom Baker, Peary Terrace.  
Pat Doucette, Code Enforcement Officer.

Motion was made by Councilor Fickett and seconded by Councilor Larsen to postpone this item to the 08/20/01 meeting. Failed 3-4 (Maietta, Bowring, Johnson and Baxter).

Motion was made by Councilor Bowring and seconded by Maietta for passage. Passage 7-0.

6. ORDER #20-01/02 – taking a sewer easement at Map 33, Lot 127 by eminent domain.

Ed Reidman, City Engineer, addressed this item.

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passage 6-1 (Larsen).

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

8. ORDINANCE #1-01/02 authorizing the appropriation of \$28,600,000.00 for capital projects for the fiscal year ending June 30, 2002. First reading.

The following people addressed this item:

Bob Howe, of HKTA Architects.  
Steve Johnson, Public Works Director.  
Nancy Crowell, Fickett Street.  
Clarence Beckwith, Bonnybriar Road.  
Carrie Indorf, Mount Vernon Avenue.  
David Bourke, Henry Street.  
Janice Doctor, Betsy Ross House.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 13**  
**AUGUST 6, 2001**

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

9. ORDINANCE #2-01/02—amending Chapter 8, "Fire Protection and Prevention", regarding clay fireplace units and security shutters. First reading.

John True, Fire Chief, addressed this item.

Motion was made by Councilor Dale and seconded by Councilor Johnson for passage.  
Passage 7-0.

10. ORDER #22-01/02 – authorizing the City Manager to sign a Mercury Added Products' Storage Shed Agreement with the State of Maine.

Steve Johnson, Public Works Department, addressed this item.

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage.  
Passage 7-0.

11. ORDER #23-01/02 – accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Johnson for passage.  
Passage 7-0.

12. ORDER #24-01/02 – award of bid to Mechanical Services, of Portland, ME, for a heating and ventilation system upgrade at the Police Department.

There was no public discussion.

Motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passage 6-0 (Baxter out).

13. ORDER #25-01/02 – authorizing the acceptance of \$622.50 under the Asset Forfeiture Program.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Dale for passage.  
Passage 6-0 (Baxter out).

14. ORDER #26-01/02 – award of bid to Kimsco Supply Company, of Hancock, ME, for the purchase of chairs for Council Chambers.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 14**  
**AUGUST 6, 2001**

Motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passage 6-1 (Larsen).

15. ORDER #27-01/02 award of bid to Davis & Hanscom, Inc., of Steep Falls, ME, for the reconstruction of the loading dock wall at Memorial Middle School.

Dave Brochu, School Department addressed this item.

Motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passage 7-0.

16. ORDER #28-01/02 – award of bid to Tenex Systems Incorporated, of King of Prussia, PA, for the purchase of an IBM AS/400 Model 270, for the School Department.

There was no public discussion.

Motion was made by Councilor Dale and seconded by Councilor Maietta to postpone this item to the 08/20/01 meeting. Passage 7-0.

17. ORDER #29-01/02 - authorizing the City Manager to sign a standard agreement with the State of Maine accepting a Federal Transit Administration Grant in the amount of \$3,850.00.

There was no public discussion.

Motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passage 7-0.

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

There was no citizen's discussion.

**J. Councilor's Round Robin**

Councilor Maietta thanked Karen Morrill for a job well done as filling in as the Acting Clerk. He also asked about the laptops for the Council.

Mayor Larsen also thanked Karen Morrill for all her help as Acting City Clerk.

**K. Executive Session**

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

Motion was made by Councilor Maietta and seconded by Councilor Bowring to go into executive session at 11:55 P.M. Passage 6-0 (Fickett out).

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AUGUST 6, 2001**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to return to open session at 12:32 A.M. Passage 7-0.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to grant hardship abatement case #01/02-01 in the amount of \$314.27 plus interest and costs to date. Passage 7-0.

Motion was made by Councilor Baxter and seconded by Councilor Baxter to deny hardship abatement case #01/02-02. Passage 7-0.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to grant hardship abatement case #01/02-03 in the amount of \$1808.08 plus interests and cost to date. Passage 7-0.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to adjourn at 12:35 P.M. Passage 7-0.

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 16  
AUGUST 20, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:04 P.M. All were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the Regular meeting of August 6, 2001

**B. Communications from City Manager**

Letter for Hospice of Maine thanking City of South Portland for contribution.

Letter from Senator Lynn Bromley praising the Police Department, and especially Kevin Battle for their response to a suicide call.

Letter from Angus King re-appointing Chief Edward Googins as a member of the Commission on Domestic Abuse.

Letter from VNA Health Care thanking the City of South Portland for contribution.

Present new "Schools Open" signs to be displayed throughout the city donated by the local chapter of AAA.

**C. Petitions and Communications**

Councilor Bowring spoke in reference to an interview with Mayor Larson published in the Sentry. The interview suggested that Mayor Larsen supported having the council ask Councilor Maietta to remove himself from the District Two seat to run for the At Large position. He offered that he would second a motion made to vacate the District Two seat for discussion purposes, as he did not feel that the council had previously had discussions to support Mayor Larsen's position.

Mayor Larsen said that the article did not present a clear reflection of the interview. She stated that it is the Mayor's obligation to clarify what the impact of Councilor Maietta running for the At Large seat has to the city. It is the council's obligation to let her know if they feel, as a whole, whether Councilor Maietta should step down or let things go as they are. She stated that she would not bring anything forward but did want to bring the facts forward.

Councilor Bowring stated that the city as a whole elected Councilor Maietta to the seat and that Councilor Maietta has served the city well.

Councilor Maietta spoke saying that he stands behind his decision. He felt there was a lot of misrepresentation about his decision to run. He stated his decision publicly a year ago and brought the issue up several times since. He wanted it made clear that he has not dealt with this situation underhandedly. He wants it made known that he has no intentions of moving back to his property on Walnut Street to run for re-election in

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 17**  
**AUGUST 20, 2001**

District Two if he does not win the At Large seat, which had been done by one councilor in the past.

Councilor Fickett stated he would not stand in Councilor Maietta's way, however he decides to go forward.

Mayor Larsen reported that in observance of Labor Day, rubbish pickup scheduled for September 3<sup>rd</sup> would be picked up on September 4<sup>th</sup> and recycling will be postponed for September 3<sup>rd</sup>. She also stated that she attended a leadership breakfast for CASA. Mayor Larsen remarked on what a wonderful program CASA is.

The City Manager acknowledged receipt of Department and Attendance Reports for the month of July.

**D. Appointment Calendar**

1. ORDER #1-01/02 – SPTV, (Mayor), term to expire 07/15/04. Postponed since 07/02/01. Passage requires majority vote.

There was no public discussion

Passage was made by Mayor Larsen and seconded by Councilor Dale to appoint Mark Bogni, of 854 Broadway to this position. Passage 7-0

2. ORDER #7-01/02 – Board of Appeals, (At-Large, Fickett), term to expire 07/23/04. Postponed since 07/16/01. Passage requires majority vote.

There was no public discussion

Passage was made by Councilor Fickett and seconded by Councilor Maietta to appoint Mark S. Farrington, of 107 Elderberry Drive to this position. Passage 7-0

3. ORDER #31-01/02 – nomination to the Governor for an appointment to the Greater Portland Public Development Commission for a term which expires 08/08/06. Passage requires majority vote.

There was no public discussion

Passage was made by Councilor Maietta and seconded by Councilor Fickett to appoint Jerre Bryant, of 51 Whitworth Drive to this position. Passage 7-0

4. ORDER #32-01/02 – Conservation Commission, At-Large (Larsen) to fill a term which expires 11/20/01. Passage requires majority vote.

There was no public discussion

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Passage was made by Mayor Larsen and seconded by Councilor Johnson to appoint Christina L. Merrill, of 15 Kelley Street to this position. Passage 7-0. Councilor Johnson read narrative submitted by Ms. Merrill.

**E. Consent Calendar**

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

Stanley Cox, 460 Highland Ave. would like to see the Charter amended to address people temporarily moving back to a district they were previously elected in, to enable them to run in that district again.

Gerri Bissonnette, Bellaire Road spoke against the school building plan. She did not feel the taxpayers could afford the debt.

Ray Lee, 28 Henry Street felt that the bonding should be postponed. Also felt the taxpayers could not afford the debt.

Andrea Fuller, Lowell St. spoke supporting the school building project.

Kim Sprague, Victory Ave. also spoke in support of the school building project.

Christina Merrill, 15 Kelly St. spoke about serving on the recycling committee. She feels good about the support throughout the community with recycling. She also voiced concerns about the renaming of Gateway Park to Arvin "Ge" Erskine Memorial Park. As a member of the Amory Neighborhood committee, she said they were not aware of the renaming and would like to request a reconsideration of the change. Mayor Larsen responded to Christina's concerns and said there had been public notice and discussion of the renaming.

Bob Simmons, 775 Highland Ave. questioned whether council could have initiated a charter change to appoint someone to fill the District Two seat if Councilor Maietta won the At Large seat. Mary Kahl stated that the council would have to refer the question out to ballot and voters would have to vote on it. There are no provisions for the council to fill an empty seat. Charter amendments would go into effect at the beginning of the next fiscal year. He also spoke on the need to educate and inform the public about the school referendum.

Sally Grouppe, 57 Willard Street spoke in opposition to the beach rake and feels the money should be spent on schools.

Terry St. John, Kelly Street spoke in support of the name change from Gateway Park to Arvin "Ge" Erskine Memorial Park. He also supports Councilor Maietta's decision to run for the At Large seat.

Lori Bowring Michaud spoke in opposition to Councilor Maietta's decision to run. She feels he should step down from his current district seat. She also spoke in support of renaming of park to Arvin "Ge" Erskine Memorial Park and the school building

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committee. She does not support a six school plan but feels the committee has done a great job and feels it is time for something to happen.

Gary Salamone, 195 Harriet St. spoke in support of the six school plan.

Buzzy Sanborn, 28 South Ridgeland St. supports the renaming of the Gateway Park to Arvin "Ge" Erskine Memorial Park.

**G. Public Hearings and Action**

5. Applebee's, 244 Running Hill Road, for an application for an FSE/ Class A Restaurant with Liquor license. Passage requires majority vote.

Barry Gerstein was present to answer any questions. There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to approve. Passage 6-0 (Councilor Dale out of room)

6. ORDINANCE #1-01/02 authorizing the appropriation of \$28,600,000.00 for capital projects for the fiscal year ending June 30, 2002. Passed first reading on 08/06/01. ROLL CALL VOTE. Passage requires majority vote.

The City Manager summarized the Capital Improvement Program for municipal projects. The summarization was followed by a presentation by Robert Howe, Bob Metcalf and Brian O'Donnell outlining the school building project. Steve Onos, 114 Jordan Ave., spokesperson of the building committee made introductory comments before the school building presentation. Detail drawings of the renovation and addition to Brown and Dyer School were displayed followed by detail drawings of the new construction planned for Small, Redbank and Kaler Schools.

The following people addressed this item.

Stanley Cox, 460 Highland Ave. Questioned the equalization of enrollment in schools and whether costs for project were in today's prices. He was told that student enrollment would be equalized between schools and that the costs developed had inflation factored in.

Laura Ellis, Mt. Vernon St., clarified a statement made about the building committee "selling the project to the public". She stated the intent of the building committee was to educate and inform the public of the work and findings of the building committee.

Ed Huggins, So. Kelsey St. felt the project was a good deal for the residents and supports project.

Nancy Crowl, Fickett St., is not comfortable with the project and has issues with a 5 school project when demographics depict declining enrollment.

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Karen Callahan, Alfred St. feels its time to do something. The building committee needs to sell the project.

Christin Rioux, 56 Sprague St. spoke in support of building project.

Kevin Perkins, Ocean View Ave. feels the city needs to move forward with project.

Ray Lee, Henry St. is against 6 schools and feels the schools should consolidate. Does not feel the community can afford this project.

Karen Hollendorf, 112 Mt Vernon St. spoke in support of the project.

Janice Doctor, Preble Street, feels the building project will devastate the school budget. Feels the community cannot afford to support this project.

Discussion was made by each councilor supporting the school building project with the exception of Councilor Fickett who is in opposition of incurring the debt.

A motion to amend a typographical error in the document was made by Councilor Dale and seconded by Councilor Maietta.

A motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passed 6-1 (Fickett)

7. ORDINANCE #2-01/02 – amending Chapter 8, "Fire Protection and Prevention", regarding clay fireplace units and security shutters. Passed first reading on 08/06/01. ROLL CALL VOTE. Passage requires majority vote.

Motion made by Councilor Dale and seconded by Councilor Maietta to be read by title only.

There was no public discussion

Chief True was present to answer questions raised by Councilor Fickett, Mayor Larsen, Councilor Bowring and Councilor Maietta.

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passed 6-1 (Fickett)

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

8. ORDER #28-01/02 – award of bid to Tenex Systems Incorporated, of King of Prussia, PA, for the purchase of an IBM AS/400 Model 270, for the School Department. Postponed on 07/16/01. Passage requires majority vote.

There was no public discussion. Polly Ward was present to answer any questions.

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A motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passed 6-0  
(Baxter out of room)

9. ORDER #33-01/02 – award of bid to Les Wilson & Sons, Inc., of Westbrook, ME, for modifications to the fuel distribution system at the Public Works Department. Passage requires majority vote.

There was no public discussion. Steve Johnson was present to answer any questions.

A motion was made by Councilor Dale and seconded by Councilor Bowring for passage.  
Passed 6-0 (Baxter out of room)

10. ORDER #34-01/02 – award of bid to Boyle Associates, of Scarborough, ME, for wetland services for Jetport Plaza Road. Passage requires majority vote.

There was no public discussion. Ed Reidman was present to answer any questions.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passed 6-0  
(Bowring out of room)

11. ORDER #35-01/02 – setting the date of the public hearing on an amendment to the City Charter, Article VI, adding §626 regarding pension obligation bonds. Passage requires majority vote.

There was no public discussion.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passed 7-0

12. ORDER #36-01/02 – authorizing the City Manager to sign a collective bargaining agreement with AFSCME Local #481. Passage requires majority vote.

There was no public discussion. Lauren Carrier and Steve Johnson were present to answer questions.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passed 7-0

13. ORDER #37-01/02 – amending Order #180-00/01 regarding award of bid to Poirier Guide Lines, of Athol, MA, for street line stripe painting for the Public Works Department. Passage requires majority vote.

There was no public discussion. Steve Johnson was present to answer questions.

Councilors Dale, Maietta and Bowring spoke on this subject. An award of bid was passed on June 18, 2001 reflecting costs to be \$15,717.93. An additional \$14,210.82 was

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spent to line stripe the central part of the city which had not been included in Steve Johnson's original estimate. Discussion on whether there was a signed contract and whether the city is obligated to pay the additional costs.

A motion was made by Councilor Dale and seconded by Councilor Maietta to postpone this item to the 09/05/01 council meeting. Passed 7-0

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

**J. Councilor's Round Robin**

**K. Executive Session**

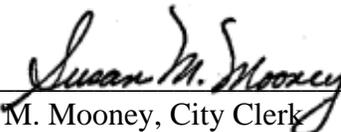
A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty; and pursuant to 1 M.R.S.A. §405 (6)(c), to discuss the acquisition of real property.

A decision was made not to make a motion to go into executive session

A motion was made by Councilor Fickett and seconded by Council Bowring to adjourn at 12:10 A.M.

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Susan M. Mooney, City Clerk

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**Roll Call:** Mayor Larsen called the meeting to order at 7:03 P.M. All members were present

**A. Acceptance of Minutes**

Motion was made by Councilor Dale and seconded by Councilor Maietta to accept the minutes of the regular meeting of August 20, 2001. 7-0

**B. Communications from City Manager**

The Manager spoke on the press conference held earlier in the day announcing the award of a \$240,000 grant from the United States Fisheries and Wildlife Service's Boating Infrastructure Grant Program. The project is designed to use the remaining granite piers from the old bridge to create a small pier and public boat landing in Thomas Knight Park. The Manager praised Tom Meyers, the Director of Transportation and Waterfront and also Tex Haeuser, the Planning Director for their efforts in making this possible. Out of the 55 applications, South Portland fell in the top 10.

He and Councilor Johnson were present at a breakfast ceremony at Spring Point Museum. The purpose of the ceremony was to report on fund raising progress by Bob Blackwood and Fred Thompson for the development of the Liberty Ship Memorial fund. The fund is still \$30,000 short of the \$302,000 needed to complete the project. There is such a high enough level of confidence of reaching the goal, that work has already begun clearing the site for the project. Former Governor Ken Curtis was in attendance.

**C. Petitions and Communications**

Council Johnson said it was a very nice breakfast. He was very impressed with what we are going to have. There will be a dedication on October 13, 2001.

Councilor Dale announced that the school building committee is getting ready to release information brochures to educate the public on this year's referendum.

Mayor Larson said she spent some time in the dunk tank at the Eagles raising money for Muscular Dystrophy this past weekend. It was a pleasure doing it and they raised a lot of money for a good cause.

**D. Appointment Calendar**

**E. Consent Calendar**

1. Street Closing South Portland Music Boosters along with the high school request that Mountain View Road be closed on September 22 from 5:00 P.M. to 10:00 P.M. for a Marching Band Home Show.

Gary Ferrell, 90 Clifford Street, President of South Portland Music Boosters spoke on the need to bring this issue forward. Last year the City put a retaining pond in the rear

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parking lot next to the football field. That location used to be the school bus parking lot. There was no place for the buses to park this year and Mountain View Road was the most fitting place.

A motion was made by Councilor Bowring and seconded by Councilor Johnson for passage of the Consent Calendar. Passage was made 7-0

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

Mike Williams 124 New York Ave. spoke on the problems at the Dispatch Center. He thanked the Council for their support in responding to the urgency of the problems there. He asked them for continued support.

Robbie Nadeau and Nicholas Edwards of Reynolds Street. They are concerned that the four way stop sign at the corner of Cole Street and Reynolds Street is going to be removed. They are asking for reconsideration of this issue. The "Alert Children at Play" is not an effective sign.

Maxine Beecher, 1329 Highland Ave. She is proud to be a resident of South Portland. She is here tonight representing CASA, Citizen's Against Substance Abuse. She would like to invite the Council and the citizens of South Portland to a public forum at the South Portland High School Auditorium on September 16, 2001 for 3:00 to 4:30 to work together to define, identify and create strategies to combat substance abuse.

Ed Knudsen, South Portland Police Dept. Concerned about issues at the Dispatch Center. He appreciates the support of the Council and is glad that an independent outside consultant has been hired to address the problems there. He thanked the Council for recognizing the problem and wants to join together to get it resolved.

William Collins, Fireman and Resident. Also voiced his concerns about the conditions the dispatchers are being forced to work under due to a shortage of staff.

Chris Muse, 35 Mildred Street. He echoed the concerns of the stop sign issue. He questioned whether the number of children in a neighborhood or if the speeds that people travel at are taken into consideration when traffic studies are being conducted. He hopes that everyone will continue to work together.

Jonathan Perry, Public Safety Dispatch. He has worked for the dispatch center for 3 ½ years. He said there have been 120 forced jobs since January 1<sup>st</sup> due to shortages in the department. He asked for support from the Council.

Ray Lee, Henry St. He can't see spending money for a study to be done on behalf of the Dispatch Center. He wants to get rid of waste in the City. Does not support the bond referendum for the school bond issue. He has an issue with the three lights in the round about in Knightville shining on the tree. He feels it is a waste.

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Clarence Beckwith, Bonnybriar Road. He feels we should have a crossing guide at intersections that are dangerous rather than stop signs. He does not want to spend 400,000 on a design for the Fire Station.

Feels school bond issue is too much too soon. City cannot make up of 20 years of neglect over 3 years. He would like to see the issue split up into 3 sections. He also wanted to know why people are allowed to continue living in tax acquired property and not pay taxes. The Manager responded to this issue saying the policy has been revised. Action is being taken on these issues and they are not being ignored.

**G. Public Hearings and Action**

2. Super Great Wall Buffet, Inc., d/b/a Super Great Wall Buffet, 198 Maine Mall Road, for an FSE/ Class A Restaurant with Malt and Vinous license.

There was no public discussion on this issue.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage was made 7-0

3. ORDER #38-01/02 – directing the City Clerk to place the proposed Charter amendment amending the City Charter, Article VI, adding §626 regarding pension obligation bonds. Passage requires majority vote.

Councilor Dale applauded the savings of \$60,000. He asked if the current charter allow us to issue debt for pension obligation bonds as long as we to repay on the basis that we pay our CIP bonds. Ralph St. Pierre said the current charter only allows for capital improvement items to be bonded and not pension obligations. Pay down of the unfunded liability through Maine State Retirement is on a level principal and interest basis. If we make the amendment the City could sell GEO bonds and would have more cost in early years and less cost in later years.

A motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passage was made 7-0

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

4. ORDER #37-01/02 – amending Order #180-00/01 regarding award of bid to Poirier Guide Lines, of Athol, MA, for street line stripe painting for the Public Works Department. Postponed on 08/20/01. Passage requires majority vote.

The Manager stated this item was discussed and postponed on the August 20<sup>th</sup> meeting. Poirier Guide Lines agreed to do all requested line striping in the City for a set amount per linear foot. The City would determine the number of linear feet of striping required. It was not until the bills were being processed that it was realized that there was a miscalculation in the original number of linear feet and that far more line striping had been done than had been approved. The Manager said that we have to look at ways to prevent this from happening again.

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A motion was made by Councilor Baxter and seconded by Councilor Johnson for approval.

Councilor Bowring raised the issue of whether Poirier Guides Lines ever saw the line striping list or the quantity sheet. Steve Johnson said they did not. He said Poirier did their job and had received authorization from the Public Works Director to do the work. Councilor Bowring agreed that the city needs to make sure there is a procedure in place to make sure this doesn't happen again. He thought that there had been something in place already. He remarked that it is the Council's job to authorize expenditures and they take the heat from the public when we spend too much or don't do the right thing. He will support the award because he felt that Poirier did the right thing by coming back and asking if the work should continue after a certain point.

Councilor Maietta said he was under the impression, when this issued was raised initially at the last council meeting, that Steve authorized the project to be completed knowing it was running over the authorized amount. Then reference was made to the effect that it was not known that the project had gone over the authorized amount until the invoices had been received. He wants to know which way it actually happened.

Steven Johnson replied that Poirier they didn't see the amount the award of bid was for, just the unit price approved.

Councilor Maietta voiced his irritation with issues being brought back to the Council because of miscalculations. He feels these types of issues reflect poorly on the Council and feels the public cannot trust their credibility when errors like this are made. Councilors should not have to question whether numbers are correct when they are presented with detail on projects. If Poirier knew how much the order was passed for, the City should not pay for the additional line striping.

Steve Johnson said Poirier did not have those numbers. Steve said that from this point forward they would get better numbers.

Mary Kahl stated that she did previously advise the Council that the city is not obligated to pay for work that was unauthorized. Her opinion paper stated this particular award of bid was based on a linear foot price and not a lump sum for all striping in city.

Councilor Dale asked whether the City enters into agreements using a standard type contract form or do we use a purchase order with multiple copies. Steve answered that this particular project was entered into with a purchase order. Councilor Dale recommended that the city create a standard statement on purchase orders that states that no contract, whether lump sum or unit cost, exceed \$10,000 without city council approval. Councilor Dale then asked where the figures for linear feet were derived from. Steve answered that the numbers were generated from paper work kept by hand over the years.

Councilor Dale questioned how this work was budgeted for and accounted for in previous years. He thought it curious that red flags didn't go up when the \$25,000 that was

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budgeted for line striping every year calculated out to \$15,000. Steve said that unfortunately he didn't question it.

Issues were raised as to exactly how much had been spent on line striping last year. The Manager said he would compile a complete accounting over the last two years and provide it to the Council.

Passage was made 4-3 with Councilor's Maietta, Fickett and Dale in opposition.

5. ORDER #39-01/02 – accepting miscellaneous donations. Passage requires majority vote.

The following donations were accepted for the Library:

\$25.00	Ed & Doris Cook in memory of Jackie Foster
\$20.00	Oswantha Garden Clue in memory of Martha Loring
\$25.00	Kathleen and Lester Baker in memory of Harold Cheney
\$30.00	Elizabeth Zwicker in memory of Harold Cheney
\$1,000.00	Dorothy S. Dana for the Susie McCann Memorial Book Fund

The following donations were accepted for the City:

\$180.00	From the Art in the Park Committee to six art teachers for supplies for their students.
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There was no public discussion.

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage was made 7-0

6. ORDER #40-01/02 – award of bid to K D Landscaping Company, of Portland, ME, for recycling facility landscaping. Passage requires majority vote.

There was no public discussion.

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage.

Councilor Dale wanted to know why only 1 out of 13 people bid on this project and what have we done to make sure this was a fair and reasonable price. He feels that some follow up should have been done to find out. Steve Johnson said he didn't really know why there was only one bid. He did not call the other bidders to find out why they did not submit a bid. He suggested that our requirements of Performance Bonds might keep some bidders from bidding. Ed Reidman checked with the Parks Department to see if the bid was reasonable and they said it was.

Councilor Bowring questioned whether this landscaping was necessary since landscaping had already been done on Highland Ave. and adjacent to the abutting neighbor's

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property. He would rather see the money go into equipment for the transfer facility. He questioned whether this would jeopardize the City's permit with the DEP.

A motion was made by Councilor Bowring and seconded by Councilor Dale to postpone this item to a special meeting on September 10, 2001. Passage was made 7-0

7. ORDER #41-01/02 – award of bid to Heavy Truck Sales, of Berwick, ME; Northland Holder, of Turner, ME; Charles Hippler, of Manchester, ME, and Ganio Land MGT., of Spoffard, NH, for the sale of used vehicles. Passage requires majority vote.

Clarence Beckwith, Bonnybriar road spoke from the public. He inquired whether analysis was done to ensure that we are getting more by bidding these vehicles rather than trading them in. He is glad to see the City getting rid of the vehicles rather than passing them on to other departments. Steve Johnson said that when vehicles are purchase two quotes are requested, one with a trade in and one without. He said vehicles are traded in when it is a good deal, otherwise they are sold in a bid process.

A motion was made by Councilor Bowring and seconded by Councilor Dale for passage. Passage was made 7-0

8. ORDER #42-01/02 – amending the Traffic Schedule. Passage requires majority vote.

There was no public discussion.

Councilor Maietta spoke in favor of the two hour parking on Ocean St.. He also voiced concerns about putting up stop signs to address speeding issues.

In regard to the parking issue on Ocean, Chief Googins said he had stopped by the recruiting office to see what their issues were. They have limited parking in the lot and more vehicles than the lot can accommodate. The Chief indicated that the recruiting office was going to draft a letter to the Council and be in attendance at this council meeting, but no one came.

Councilor Maietta raised issues on whether this was a Code Enforcement issue. He said parking should have been addressed before they were allowed occupancy of the building.

Councilor Bowring brought forward an amendment to keep the four way stop sign on Cole & Reynolds and to include “no parking here to corner” from Market St. towards Broadway up 15’ and from the entrance to Mill Creek 15’ back towards Market. Councilor Dale seconded the motion. The amendment passed 7-0.

The main motion passed as amended 7-0

9. ORDER #43-01/02 – authorizing the City Manager to implement the FY 2002 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

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Councilor Maietta would like to see a quarterly report outlining the accounting and progression of the Capital Improvement projects.

A motion was made by Councilor Maietta and seconded by Councilor Bowring to amend this order removing the Land Acquisition 703 Extension under the Public Works heading in the amount of 650,000.

Passage of amendment was made 5-1 with Councilor Johnson in opposition and Councilor Dale abstaining due to a conflict of interest.

The main motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passed as amended 7-0.

10. ORDINANCE #3-01/02 – amending Chapter 24, "Subdivisions regarding language and procedural clarifications. First reading. Passage requires majority vote.

Tex Haeuser made a power point presentation summarizing the changes being brought forward.

The following members of the public spoke on this subject:

Stanley Cox, Highland Ave. questioned the need for new subdivisions to have buffering requirements.

Clarence Beckwith, Bonnybriar Road. Also does not feel the buffering revisions are fair to property owners.

A motion was made by Councilor Dale and seconded by Councilor Baxter for passage.

Councilor Dale made a motion to amend the ordinance as follows:

- 24-4.1.1 Drop completely. Does not feel comfortable with current language
- 24-27.1 Delete the paragraph to be added and replace it with Mary Kahl's revised paragraph as submitted on the position paper.
- 24-35 Delete text to be added
- 24-36 Keep the proposed text but replace with revised text on the position paper.
- 24-38 Delete proposed revisions

Councilor Bowring seconded the motion.

Councilor Baxter was the only one who expressed a level of comfort with the original ordinance revisions.

The amendment passed 4-3 with Councilor Maietta, Councilor Fickett and Councilor Baxter in opposition

The main motion passed as amended 4-3 (Maietta, Fickett, Baxter)

**IN COUNCIL REGULAR MEETING VOLUME 63 PAGE 30**  
**SEPTEMBER 5, 2001**

11. ORDINANCE #4-01/02 – amending Chapter 27, "Zoning", regarding language and procedural clarifications. Passage requires majority vote.

Tex Haeuser outlined revisions being brought forward.

There was no public discussion.

A motion was made by Councilor Dale and seconded by Councilor Bowring for passage. Councilor Dale made a motion to amend Section 27-147 to delete proposed changes. Councilor Bowring seconded the motion. Passage failed 3-4 with Councilor's Maietta, Fickett, Baxter and Johnson in opposition.

Councilor Dale made a second motion to amend the following:

- Pages 1 & 2 – Change “city accepted street” to “city street”
- Page 5 Leave out increase of fine from \$100 to \$1,000
- Page 6 Section 27-51 remove added text
- Page 10 Section 27-110 remove the word “please”
- Page 11 Section 27-118 take out Residential uses that abut the waterfront must permit public access to and along the waterfront. Leave in the text that has been struck out.
- Page 14 Section 27-147 take out (e)
- Page 18 Section 27-396 delete added text

Councilor Bowring seconded the motion.

Amendment failed 3-4 with Councilor's Johnson, Baxter, Maietta and Fickett in opposition.

The main motion failed passage 2-5 with Councilor's Dale, Maietta, Fickett, Larsen and Bowring in opposition.

12. ORDER #44-01/02 – setting September 17, 2001 as the date for Public Hearing on proposed Charter amendment regarding residency in districts for City Council, School Board, Civil Service Commission and Board of Assessment Review. Passage requires majority vote.

Stanley Cox, 460 Highland Ave. said he was glad to see a uniform system and supports the proposal.

Clarence Beckwith, Bonnybriar Road feels it is a fair change and supports the order.

A motion for passage was made by Councilor Fickett and seconded by Councilor Baxter.

Councilor's Bowring and Dale felt this was an inappropriate time to raise this issue, sighting that it would bring negative focus to Councilor Maietta.

Mayor Larsen had wanted to make sure the issue was resolved before she left office. It was not intended to bring harm to anyone.

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Passage failed 2-5 (Maietta, Dale, Baxter, Johnson and Bowring)

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

Stanley Cox, 460 Highland Ave. Feels the system is broke and needs to be fixed. He feels the zoning changes take rights away from the homeowner.

**J. Councilor's Round Robin**

Councilor's Johnson, Larsen, Fickett, Bowring and Dale did not have anything to speak about.

Councilor Maietta would like the have clarification on when items can be raised by councilors. Can the councilors bring forth issues at the beginning of the meeting at Petitions and Communications? He also wanted to make sure that Public Works Department has been advised that they could start the removal of hot top in the Arvin "Ge" Erskine Memorial Park.

Councilor Baxter feels that clarification needs to be made about what can and cannot be brought up in Petitions and Communications. It was his understanding that it was restricted to reports from committees that you may be on. He does not object to what people have brought up but feels it needs to be clarified.

Councilor Johnson just wanted to express his thanks to Tom Meyers and Tex Haeuser for the Boating Infrastructure.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(d), public employee labor negotiations; and §405(6)(e), consultation with public agency's attorney, regarding contract issues and grievances relating to the South Portland Public Safety Dispatchers IAFF Local #1476.

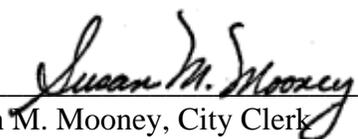
A motion was made by Councilor Dale and seconded by Councilor Maietta to go into executive session at 11:55 P.M. Passage was made 7-0

A motion by Councilor Bowring, seconded by Councilor Dale was made to go back to regular session. Passed 7-0

At 1:05A.M. a motion to adjourn was made by Councilor Bowring and seconded by Councilor Dale. 6-0 (Dale)

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 32A  
SEPTEMBER 10, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 6:05 P.M. Councilor Fickett arrived late.

**A. Executive Session**

A motion was made by Councilor Bowring and seconded by Councilor Dale to go into executive session to discuss, pursuant to 1 M.R.S.A. §405 (6)(E), consultation with public agency's attorney regarding a code enforcement issue; and pursuant to 1 M.R.S.A. §405 (6)(D), public employee labor negotiations regarding contract issues relating to the South Portland Public Safety Dispatchers IAFF Local #1476. Passage 6-0

A motion was made by Councilor Bowring and seconded by Councilor Baxter to come out of executive session and go back into regular session at 7:10 P.M.

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

1. ORDER #40-01/02 – award of bid to K D Landscaping Company, of Portland, ME, for recycling facility landscaping. Postponed on 9/5/01. Passage requires majority vote.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road  
Ray Lee, Henry Street  
Stanley Cox, Highland Ave.

A motion was made by Councilor Dale and seconded by Councilor Bowring for passage.

A motion was made by Councilor Dale and seconded by Councilor Maietta to postpone to 09/17/01. Postponed 7-0.

2. Order #45-01/02 – authorizing the donation of \$3,500 towards the purchase and mailing costs of informational brochures regarding November's bond issue. Passage requires majority vote.

Councilor Dale raised this issue. He was not comfortable going to the same "usual suspects" to ask for a donation to cover this cost. He is concerned about creating entitlement for their special projects if they are constantly funding these types of requests.

The following people addressed this item:

Ray Lee, Henry Street  
Stanley Cox, Highland Ave.  
Clarence Beckwith, Bonnybriar Road  
Linda Boudreau, 293 Sawyer Street

A motion was made by Councilor Dale and seconded by Councilor Bowring for Passage.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 32A  
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Councilor Bowring made a motion to amend the brochure to remove a section that he felt was leading the reader towards a vote in support of the referendum. Councilor Dale seconded the motion. Amendment failed 2-5 (Maietta, Larsen, Johnson, Baxter, Fickett)

The original motion failed 2-5 (Maietta, Larsen, Johnson, Baxter, Fickett)

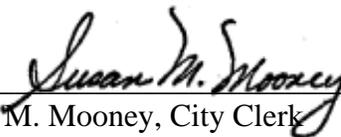
A motion was made by Councilor Bowring and seconded by Councilor Dale to recess after the workshop to go back into executive session. Passage 7-0 8:35 P.M.

A motion was made by Councilor Bowring and seconded by Councilor Baxter to come out of executive. 7-0

A motion was made by Councilor Bowring and seconded by Councilor Baxter to adjourn. 7-0 9:20 P.M.

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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 33**  
**SEPTEMBER 17, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:03 P.M. All members were present

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Dale to accept the minutes of the regular meeting of September 5, 2001.

**B. Communications from City Manager**

City Manager Jeffrey Jordan announced several new features soon to be provided by RoadRunner. In particular, the ability to permit customers to dial in and access their RoadRunner service when they travel.

William Berman, Dean of Students at S.M.T.C. and Chair for the Spring Point Festival, recognized Cheri Murray for her contribution in organizing the events and activities at the festival.

The Manager read a letter from David Littlefield, Assisting Secretary for Engine Company Six, to Mike McGovern, Town Manager for Cape Elizabeth, thanking the Town of Cape Elizabeth for the donation of one overhead door.

Day One wrote a letter to thank the City for its' contribution to support the crucial programs of Day One.

Esther Clenott, Chair for the County Commissioners, sent a letter requesting the City to participate in a presentation and discussion of the upcoming FY 2002 county budget proposal to be held September 24, 2001 at the Cumberland County Courthouse.

The Food Cupboard wrote a letter to thank the City for its contribution of \$2,257.00.

Letter from Federal Emergency Management Agency thanking the City for its' application for a grant in the Vehicle category. They were not able to fund the grant.

Geoff Herman from M.M.A. sent a notice advising that October 5, 2001 has been established as the "cloture date" for the second legislative session.

Memo from Robert Devlin, Deputy County Manager, sent a memo of compiled data on the cost of operating county jails in Maine.

Report of RWS recycling totals for August. South Portland came in with the second largest percentage of recycled material in non pay per bag communities.

Letter from City Manager to Governor Angus King encouraging the strengthening of partnerships between federal, state and local governments and development of new emergency plans and procedures to provide safety against the threat of terrorism.

**C. Petitions and Communications**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 34**  
**SEPTEMBER 17, 2001**

Councilor Baxter spoke, as the representative of the council, for Citizens Against Substance Abuse. The forum for September 16, 2001 was very poorly attended. He also attended his first Cumberland County Budget Advisory Committee meeting. He outlined some of the increases in jail costs.

Mayor Larsen was also at the CASA forum. She mentioned South Portland Triad 2001 fall cleanup for citizens sixty and over. Schedule date of clean up is slated for November 10, 2001.

Mayor Larsen received a letter from Ann Swift-Kayatta, chairman of Town Council of Cape Elizabeth. She is looking for views and suggestions to work together as elected officials to better serve the citizens of Cumberland County.

Department reports for the month of August, 2001.  
Attendance reports for the month of August, 2001.

**D. Appointment Calendar**

**E. Consent Calendar**

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

Ray Lee, Henry Street. He feels the City should cancel the bond referendum.

**G. Public Hearings and Action**

1. ORDINANCE #3-01/02 – amending Chapter 24, "Subdivisions regarding language and procedural clarifications. Amended and passed first reading on 09/05/01. ROLL CALL VOTE. Passage requires majority vote.

Tex Haeuser reviewed the revised outline of the subdivision changes.

There was no public discussion.

A motion was made by Councilor Dale and seconded by Councilor Bowring to amend the pending motion. Passage to amend 6-1. (Maietta)

Motion was made by Councilor Dale and seconded by Councilor Bowring for passage. Passage 4-3 (Maietta, Larsen, Fickett)

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

2. ORDER #40-01/02 – award of bid to K D Landscaping Company, of, Portland, ME, for recycling facility landscaping. Postponed since 09/05/01. Passage requires majority vote.

Ray Lee, Henry Street addressed this item. He felt landscaping is a waste.

Motion was made by Councilor Baxter and seconded by Councilor Dale for passage.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 35**  
**SEPTEMBER 17, 2001**

Discussion was held to withdraw this item and file an application for an amendment with the D.E.P. to have this work withdrawn from the plan.

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

3. ORDER #46-01/02 – award of bid to Sigma Communications, Inc., of Indianapolis, IN, for the purchase of a Reverse 911 system. Passage requires majority vote.

Chief Googins addressed this item. The system would allow dispatch to set a geographical area to send an emergency notice to residents. Residents will be allowed the choice of being removed from the database or to determine the level of notification (general or emergency) to be set in their record.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road  
Ray Lee, Henry Street

Motion was made by Councilor Johnson and seconded by Councilor Baxter for passage. Passage 7-0

4. ORDER #47-01/02 – accepting a Juvenile Accountability Incentive Block Grant from the Maine Department of Corrections to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Johnson for passage. Passage 7-0

5. ORDER #48-01/02 – authorizing the City Manager to sign a renewal agreement with the Department of Mental Health, Office of Substance Abuse, for the D.A.R.E. Alternatives Program. Passage requires majority vote.

Ray Lee, Henry Street addressed this item.

Discussion on the effectiveness of the D.A.R.E. program was raised. Chief Googins said he feels the effectiveness falls somewhere in the middle of statistics claiming it doesn't work at all and works very well.

Motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. Passage 7-0

6. ORDER #49-01/02 – authorizing the City Manager to sign a Release and Indemnification Agreement for the Bug Light Enhancement Project. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 36**  
**SEPTEMBER 17, 2001**

Motion was made by Councilor Fickett and seconded by Councilor Baxter for passage.

Concerns were raised about the wording of the release and the necessity of the agreement. It was decided that the issue would be postponed until the next regular council meeting when Mary Kahl and Drummond Woodsum, attorneys representing the Liberty Ship Memorial Committee, would be available to address concerns being raised.

A motion was made by Councilor Bowring and seconded by Councilor Dale to postpone. Postponed 6-0 (Maietta abstained)

7. RESOLVE #2-01/02 – condemning attacks on America. Passage requires majority vote.

There was no public discussion.

There was discussion in support of the resolve but it was the wish of the council to change the official declaration date in order to plan a public event for the day of mourning. A meeting was set for September 18, 2001 to discuss what type of event was to take place.

Motion was made by Councilor Bowring and seconded by Councilor Dale for passage. Passage 7-0

8. ORDER #50-01/02 - authorizing the City Manager to sign a consent agreement with GLM Associates, Inc. regarding a side yard setback violation. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

Motion was made by Councilor Dale and seconded by Councilor Bowring for passage. Passage 6-0 (Maietta abstained)

9. Manager requested that the Council waive rule #4 to allow a new item to be added to the agenda.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to waive the rule and allow order #51-01/02 to be added. Passage 7-0

ORDER #51-01/02 – authorizing the City Manager to file intervenor status regarding Regional Waste Systems, Inc. Ashfill Expansion Application. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

Motion was made by Councilor Fickett and seconded by Councilor Maietta for passage. Passage 5-1 (Fickett) Dale abstained

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 37**  
**SEPTEMBER 17, 2001**

Clarence Beckwith, Bonnybriar Road. Concerned about building committee flyers being posted in municipal buildings.

**J. Councilor's Round Robin**

Councilor Dale spoke in support of the building committee flyers. He feels they are necessary so voters would be informed about what they are voting on.

Councilor Maietta also spoke in favor of the flyers and feels the community center is a proper place for distribution. People complained at the last election that they were not given enough information to make an informed decision.

Councilor Baxter spoke about the number of students at Kaler School. When the proposed plan actually takes effect we are going to have approximately 1,500 elementary pupils. One elementary school will have approximately 400 kids and 4 elementary kids will have about 275. He feels a five elementary school plan is right. He feels that tearing down a school and building a new eight million-dollar school that we don't need is not right. A second item that he wanted to bring up was support for a replay of the council meetings. He would like to have meetings aired one or two more times, during the week, on the local television channel.

Councilor Bowring spoke in support of the school bond issue. If the pamphlet is going to be distributed from municipal buildings, a factual opposing pamphlet should also be allowed to be distributed in municipal buildings.

Councilor Johnson spoke in support of the police and fire personnel and their dedication.

Mayor Larsen felt equal time needs to be allowed for factual opposing views on building referendum.

**K. Executive Session**

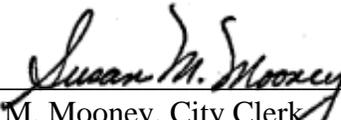
A motion was made by Councilor Bowring and seconded by Councilor Baxter to go into executive session pursuant to 1 M.R.S.A. §405 (6)(d), regarding contract issues and grievances relating to the South Portland Public Safety Dispatchers IAFF Local #1476. Passage 7-0, 9:55 P.M.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to come out of executive session. Passage 7-0 10:29 P.M.

Motion was made by Councilor Bowring and Seconded by Councilor Baxter to adjourn. Passage 7-0. 10:30 P.M.

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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 38  
OCTOBER 1, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:01 P.M. All members were present

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to accept the minutes of the regular meeting of September 17, 2001. 7-0

**B. Communications from City Manager**

Jeff Jordan acknowledged the display from children from Dyer School to the Fire & Police Departments to show their appreciation to those who work to protect us.

He recognized those who put the Day of Unity together.

The manager outlined several instances when emergency operations have been put into effect and the success of those incidences. Incident Command Structure policies are being updated and training is being scheduled to update staff on existing plans in place.

Jeff Jordan passed out his newsletter.

Letter from the Friends of Casco Bay thanking the City Manager, Jeffrey Jordan, for his efforts in helping to secure a generous grant of \$9,000.

**C. Petitions and Communications**

Mayor Larsen, Councilor Maietta and Councilor Bowring all expressed thanks to all that participated in the Day of Unity.

Councilor Dale outlined the list of meetings being put on by the building committee to update the public on the school building referendum.

Mayor Larsen spoke on the New England Town Clerks convention, Triad clean up and the day long summit on global dependence. Saturday night she slept in a box to raise money for the homeless.

Jeff Jordan introduced Jane Eberle, the new school director of volunteer services. She spoke about her excitement of working with the school department and in the community.

Planning Board report regarding educational facilities in the Transitional Residential District.

Councilor Bowring would like the council to have a discussion at the next workshop to discuss setting policies on appropriate materials being displayed in public buildings.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 39  
OCTOBER 1, 2001**

**D. Appointment Calendar**

**E. Consent Calendar**

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

The following people spoke:

Gerri Bissonette, Bellaire Road  
Ray Lee, Henry Street  
Dave Bork, 26 Henry Street

**G. Public Hearings and Action**

1. Bangkok 9 Thai Restaurant, 435 Cottage Road, for a FSE/Class A Restaurant with Malt and Vinous license. Passage requires majority vote.

The following person spoke on this item:  
Dave Bork, 26 Henry St

Motion was made by Councilor Maietta and seconded by Councilor Dale for passage.  
Passage 7-0

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

2. ORDER #49-01/02 – authorizing the City Manager to sign a Release and Indemnification agreement for the Bug Light Enhancement project. Postponed on 09/17/01. Passage requires majority vote.

Arthur Cerullo was available to speak to this item. He brought with him, a new agreement adding Hancock Lumber. Councilor Dale requested another revision to the agreement.

There was no public discussion.

Motion to amend the agreement was made by Councilor Dale and seconded by Councilor Bowring. Amended 5-1 Fickett (Maietta abstaining)

Motion was made by Councilor Bowring and seconded by Councilor Dale for passage.  
Passage 5-1 Fickett (Maietta abstaining)

3. ORDER #52-01/02 – accepting miscellaneous donations. Passage requires majority vote.

The fire department received the following donations:

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 40  
OCTOBER 1, 2001**

In memory of Donald "Bronc" Thorne	\$575.00
In memory of Eugene Swiger	\$300.00
Miscellaneous donations	<u>\$75.00</u>
	\$950.00

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage.  
Passage 7-0

4. ORDER #53-01/02 – accepting materials and labor from South Portland/Cape Elizabeth Rotary to paint Bug Light Lighthouse. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage.  
Passage 7-0

5. ORDER #54-01/02 – authorizing the appropriation of \$32,011.47 to hire a full-time dispatcher. Passage requires majority vote.

There was no public discussion, however Mike Williams was given the chance to thank the Council for their support on this issue.

Motion to amend was made by Councilor Bowring and seconded by Councilor Baxter.  
Amended 7-0

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage.  
Passage 7-0

6. ORDINANCE #5-01/02 – amending Chapter 27 "Zoning", regarding the addition of educational facilities in the Transitional Residential District. First reading. Passage requires majority vote.

There was no public discussion.

Tex Haeuser was available to answer questions about the amendment.

Motion to amend was made by Councilor Bowring and seconded by Councilor Dale.  
Amended 7-0

Motion was made by Councilor Dale and seconded by Councilor Bowring for passage.  
Passage 7-0

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 41  
OCTOBER 1, 2001**

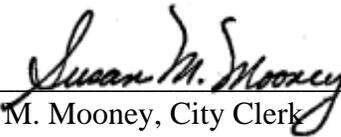
**J. Councilor's Round Robin**

**K. Executive Session**

Motion was made by Councilor Bowring and seconded by Councilor Dale to adjourn at 9:12 P.M. 7-0

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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 42  
OCTOBER 15, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:01 P.M. All members were present

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the regular meeting of October 1, 2001. 7-0

**B. Communications from City Manager**

City Manager read an award from the South Portland Rotary presented to Kevin J. Battle of the South Portland Police Department.

The Triad program is looking for volunteers to help with the senior citizen yard cleanup on November 10, 2001.

Dedication for the Liberty Ship Memorial will be held on November 10, 2001.

The annual household hazardous waste cleanup will be held on October 20, 2001.

Fall leaf collection program begins Monday November 5th through November 30<sup>th</sup>.

City Hall will not open until 10:00 A.M. on Friday morning due to the City Employee Recognition Breakfast.

**C. Petitions and Communications**

Councilor Dale mentioned that the master building committee will be presenting information at a meeting October 16, 2001 tomorrow night at the Community Center.

Mayor Larsen said that MacDonaldis will be serving french-fries and hash browns made from Maine potatoes. She also spoke at the newly founded South Portland Kiwanis. She would also like to be involved with any fund raising events that may be held around the city to support the children in Afghanistan.

Department reports for the month of September, 2001.

Attendance reports for the month of September, 2001.

**D. Appointment Calendar**

**E. Consent Calendar**

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

Gerri Bissonnette - Belaire Road  
Ray Lee - Henry Street

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 43  
OCTOBER 15, 2001**

Clarence Beckwith - Bonnybriar Road  
Angela Griffiths - Davis Street

**G. Public Hearings and Action**

1. ORDINANCE #5-01/02 – amending Chapter 27 "Zoning", regarding the addition of educational facilities in the Transitional Residential District. Passed first reading on 10/01/01. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Tex Haeuser was present to answer questions raised about this ordinance change.

Motion was made by Councilor Maietta and seconded by Councilor Fickett for discussion.

A motion was made to by Councilor Baxter and seconded by Councilor Bowring to amend. 7-0

The main motion roll call vote passed 7-0

2. ORDER #56-01/02 – purchase of equipment under the Justice Department Block Grant Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

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

3. ORDER #57-01/02 – accepting miscellaneous donations. Passage requires majority vote.

The Police Department received a donation of labor and materials valued at \$475.00 to install receptacles for radio equipment at the Marriott Hotel and the Library received the following donations;

\$300.00 From Yolanda Fogg

\$25.00 From Cape Elizabeth Shriners

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. Passage 7-0

4. ORDER #58-01/02 – accepting a donation from the Estate of G. Walter Johnson for the South Portland High School scholarship fund and South Portland High School athletic department. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 44  
OCTOBER 15, 2001**

Gail Hannon was present on behalf of her uncle, G. Walter Johnson.

Motion was made by Councilor Baxter and seconded by Councilor Bowring for an amendment to specify the reference to the South Portland High football coach to be the head football coach. 7-0

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passage 7-0

5. ORDER #59-01/02 – authorizing the City Manager to sign a City/State Agreement with the Maine Department of Transportation regarding the modification, operation and maintenance of traffic signals at the intersection of Gorham Road and Clark's Pond Parkway. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

6. ORDINANCE #6-01/02 – amending Chapter 14, "Licenses, Permits and Business Regulations Generally", regarding Taxicab Fares. First reading. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Bowring for passage. Passage 7-0

7. ORDINANCE #7-01/02 – amending Chapter 2, "Administration and Legislation", regarding purchasing cards. First reading. Passage requires majority vote.

Clarence Beckwith - Bonnybriar Road spoke on this item.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

8. ORDER #60-01/02 – amending the Comprehensive Plan. Passage requires majority vote.

Motion was made by Councilor Larsen and seconded by Councilor Dale for withdrawal of this item. Withdrawn 7-0

9. ORDER #61-01/02 – setting the time for opening the poles on November 6, 2001. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Baxter for passage. Passage 7-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 45  
OCTOBER 15, 2001**

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

**J. Councilor's Round Robin**

Councilor Baxter announced that the re-broadcasting of the council meetings will occur on Wednesdays at 1:00 P.M. and 7:00 P.M. and on Saturday and Sunday at 1:00 P.M.

Councilor Bowring announced that he would be away on October 22<sup>nd</sup> and would not be at the workshop.

Councilor Johnson made mention of the Master Building Committee information meeting at Small School.

Councilor Fickett gave the definition of "inflation".

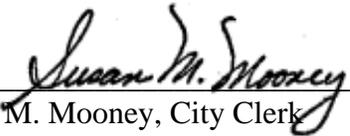
Councilor Dale announced the Master Building Committee information meeting scheduled for tomorrow night, October 16 at the Community Center.

**K. Executive Session**

Motion was made by Councilor Bowring and seconded by Councilor Baxter to adjourn at 9:05 P.M. 7-0

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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 46  
NOVEMBER 5, 2001**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Dale and seconded by Councilor Maietta to accept the minutes of the regular meeting of October 15, 2001. 7-0

**B. Communications from City Manager**

Manager introduced the paperless packets and explained the process. He also spoke about curbside leaf pickup for leaves bagged in biodegradable bags. Triad has scheduled approximately 170 homes to be raked by volunteers. He will be attending the Liberty Ship Memorial to be held on Saturday morning at 10:00 A.M. Hazmat cleanup on October 20, 2001 was once again a big success with 116 cars bringing \$11,278 worth of hazardous waste. South Portland was the first to conduct a hazmat cleanup and continues to be the only on going yearly program in the state. There will be a mercury-recycling program in the future at which fluorescent light bulbs and batteries will also be collected for disposal. The local economy has made a remarkable recovery, most likely due to 0% financing on automobiles. Investment income will still be off because of dropping interest rates. The Manager and the Finance Director will continue to monitor the budget.

Letters were received from A.B. Elowitch and Jonas B. Klein commending off duty Kevin Guimond in his response to assist Mrs. Elowitch when she became ill while dining at the Village Cafe. An email from Bob Varney was sent to Chief Googins recognizing Peter MacVane for visiting with his grandson who had a serious medical problem. Finally the City Manager sited a letter from Wright Express thanking both the Police and Fire Departments for their fine work and compassion in dealing with a resent anthrax scare.

**C. Petitions and Communications**

Councilor Baxter remarked on Memorial School winning the Internet Innovators National Program. Memorial Middle School is the only school to win all four times. It was Alison Brown's second win. He also has been attending the county budget meetings. It appears there may be a 20.5% increase.

Councilor Dale is on the Jetport Noise Committee. A large consulting firm will be doing a study over the winter, spring and summer. He commended the Police and Fire Departments for their service above and beyond the call of duty.

Councilor Bowring will be meeting with all the parties involved with the Grandview Estate setback issue one week from Thursday. Things are not going well and he will try to get things running smoothly again.

Mayor Larsen spoke about the Triad leaf pickup and that she would be unable to attend the Liberty Ship Memorial due to her commitment to the leaf-raking program. She was

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 47**  
**NOVEMBER 5, 2001**

able to attend part of the State of the Schools address at the high school and reported that drop out rates are low.

**D. Appointment Calendar**

1. ORDER #62-01/02 – Conservation Commission At-Large (Larsen). Term to expire 11/20/04. Passage requires majority vote.

There was no public discussion

A motion was made by Mayor Larsen and seconded by Councilor Baxter to appoint Christina Merrill. Passage 7-0.

2. ORDER #63-01/02 – Conservation Commission At-Large (Fickett). Term to expire 11/20/04. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Fickett and seconded by Councilor Maietta to appoint Stanley L. Cox.  
Passage 7-0.

3. ORDER #64-01/02 – Registration Appeals Board (Democrat). Term to expire 09/29/04. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Dale and seconded by Councilor Maietta to appoint Mark Duval and Anne Duval as the alternate. Passage 7-0

4. ORDER #65-01/02 – Registration Appeals Board (Republican). Term to expire 09/29/04. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Bowring and seconded by Councilor Baxter to appoint Rose Clark and Judy Carpenter as the alternate. Passage 7-0

5. ORDER #66-01/02 – Civil Service Commission, District 3 (Baxter). To fill and un-expired term to which expires 03/01/04. Passage requires majority vote.

There was no public discussion

A motion was made to postpone by Councilor Baxter and seconded by Councilor Bowring. Postponed 7-0

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 48**  
**NOVEMBER 5, 2001**

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

Angela Griffiths – Davis Street  
Carrie Hall-Indorf – Mt. Vernon St.  
Clarence Beckwith – Bonnybriar Rd.  
Gerri Bissonnette - Bellaire Road  
Ray Lee – Henry St.

**G. Public Hearings and Action**

6. Business License

SL Uno Portland Inc., d/b/a Pizzeria Uno Chicago Bar and Grill, 280 Maine Mall Road for an FSE Class A Restaurant with Liquor license. New owners of an existing business. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Bowring and seconded by Councilor Dale for passage. Passage 7-0

7. ORDINANCE #6-01/02 – amending Chapter 14, "Licenses, Permits and Business Regulations Generally", regarding Taxicab Fares. Passed first reading 10/15/01. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

8. ORDINANCE #7-01/02 – amending Chapter 2, "Administration and Legislation", regarding purchasing cards. Passed first reading 10/15/01. ROLL CALL VOTE. Passage requires majority vote.

Clarence Beckwith – Bonnybriar Road asked what the cost of implementing purchasing cards.

Ralph St. Pierre was present and responded to Mr. Beckwith's question. He stated that the City joined the purchasing card process through the State bid. There is no charge to the City for the cards or the internet billing. The estimated cost for each non-purchasing card item nationally is about \$60.00; the cost for each purchasing card transaction would be less than \$10.00.

Councilor Bowring would like an update in six months on how the system is going.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

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**NOVEMBER 5, 2001**

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

9. PROCLAMATION #1-01/02 – proclaiming the week of November 5, 2001 as Veterans Appreciation Week. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

10. RESOLVE #3-01/02 – asking that bells be rung at 11:00 a.m. on Veteran’s Day. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

11. ORDER #67-01/02 – accepting a donation in the amount of \$5,000 from the South Portland Lion’s Club to be used by the Fire Department. Passage requires majority vote.

There was no public discussion.

The donation was for the purchase of an air bag lifting system for extrication. Chief True expressed thanks to the Lion’s Club on behalf of the Fire Department.

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

12. ORDER #68-01/02 – accepting a grant from the Maine Municipal Association’s Enhancement Program for the purchase of an Accountability System for the Fire Department. Passage requires majority vote.

There was no public discussion

The grant of \$2,000 along with a local match of \$1,625 will purchase the Accountability System. Chief True was present to explain how the piece of equipment works. The system permits the accounting of the personnel working a fire incident by the use of computer chip tags and computer readers.

A motion was made by Councilor Bowring and seconded by Councilor Dale for passage. Passage 7-0

13. ORDER #69-01/02 – approving a waiver of Chapter 8-49(f) to Global Oil for tank placement and dike requirements. Passage requires majority vote. There was no public discussion

A motion to withdraw was made by Councilor Bowring and seconded by Councilor

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**NOVEMBER 5, 2001**

Maietta. Item Withdrawn 6-0 (Dale abstaining)

14. ORDER #70-01/02 – award of bid to Bill Dodge, of Westbrook, ME, for an evidence van for the Police Department. Passage requires majority vote.

Clarence Beckwith – Bonnybriar Road spoke on this item.

Chief Googins was present to answer questions. Councilor Dale was concerned about why only 4 bidders responded out of 19. Chief Googins did not know why more bidders did not respond.

A motion to amend the fiscal note to include special equipment was made by Councilor Bowring and seconded by Councilor Maietta. Amended 7-0

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

15. ORDER #71-01/02 – accepting fifteen laptop computers from the Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Bowring inquired as to whether the laptops were replacements. Chief Googins said that they were; replacements were necessary in order to upgrade to new software. Thirteen of the units will go in vehicles and two will be spares.

A motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. Passage 7-0

16. ORDER #72-01/02 - accepting a grant in the amount of \$18,645 from the Maine Department of Public Safety and a grant in the amount of \$19,000 from the Ronald McDonald House Charities to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

The two grants will be used to acquire an Auxiliary Robotic Educational System, which is a specialized robot designed for use by law enforcement agencies. The robot is used to supplement elementary school and community educational programs geared toward crime and violence. George Berry was present to answer questions.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

17. ORDER #73-01/02 – authorizing notice to abutters regarding discontinuance of a portion of Sixth Street. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 51  
NOVEMBER 5, 2001**

A motion was made by Councilor Maietta and seconded by Councilor Dale for passage.  
Passage 7-0

18. ORDER #74-01/02 – accepting a U.S. Fish and Wildlife Service Boating Infrastructure Grant in the amount of \$240,086 to be used to build a public boat landing at Thomas Knight Park. Passage requires majority vote.  
There was no public discussion.

A motion to postpone until November 19, 2001 was made by Councilor Bowring and seconded by Councilor Maietta. Postponed 7-0

19. ORDER #75-01/02 – award of bid to New Meadows Abatement, of Bath, ME, for asbestos removal at the former Inness Photo Building. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage.  
Passage 5-2 (Larsen, Fickett)

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

**J. Councilor's Round Robin**

Councilor Bowring encouraged people to get out and vote. He wished all the candidates good luck in the election.

Mayor Larsen wanted to address a comment made stating that the Council refused to meet with Cape Elizabeth Council in response to an invitation from Cape Elizabeth to work together to discuss the County budget issues. She stated that she has worked hard to build communication with surrounding communities and that the South Portland Council made a request to meet on their own before meeting with the Cape Elizabeth Council. She also urged citizens to get out and vote.

Councilor Fickett said the banks announced that the value of the dollar had dropped 50% from 1980 to this past spring. He estimates the U.S. dollar is worth about .08 according to his analysis, which dates back to 1968.

Councilor Dale is pleased that the city is incorporating technology to provide good service cheaper noting the addition of purchasing cards and lap tops to the organization.

Councilor Maietta is concerned that citizens may not be clear on the school bond question and urged citizens to call the Manager, Finance Director, Councilor Johnson, Councilor Dale or himself if anyone has any questions.

Councilor Baxter also urged citizens to get out and vote.

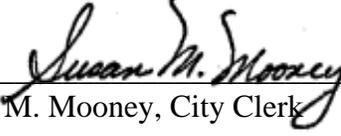
Motion was made by Councilor Dale and seconded by Councilor Maietta to adjourn at 9:20 P.M. 7-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 52  
NOVEMBER 5, 2001**

**K. Executive Session**

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 53  
NOVEMBER 19, 2001**

**Roll Call:** Mayor Larsen called the meeting to order at 7:03 P.M. All members were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to accept the minutes of the regular meeting of November 5, 2001.

**B. Communications from City Manager**

The City Manager received a letter from Rusty Nelson thanking the City for its contribution of \$2,500 to be used for the restoration of Spring Point Ledge Lighthouse. The Manager had presented The Spring Point Light Award to Fred Thompson and Bob Blackwood for their outstanding commitment and contribution to the City of South Portland by seeing the Liberty Ship Memorial Museum project to completion. He also recognized Ken Curtis, Arthur Cerullo, Peggy Fuller, Susan Abraham, Sally and Bill Maxell, Chuck O'Reilly, Roberta Skillin and Peggy Wescott for their contribution to the Liberty Ship Memorial.

In addition the Manager acknowledged the following items:

- He received three separate letters from seniors who wrote to express their appreciation in the Triad leaf-raking program.
- He recognized Jack Roberts and Airtemp for revitalizing a refrigerator from the Inness building and donating it to the Wayside Soup Kitchen.
- Noted the availability of applications for the rent and tax refund program for residents.
- Outlined the Thanksgiving rubbish collection schedule.
- Richard Feeney, Cumberland County Commissioner, and the development of a charter commission.
- Rundown of Employee Award Recognition and an award given to Wayne Ross

Mayor Larsen spoke on the recycling program. 90% of residents are participating. Visiting Ukrainians will be meeting next week to learn about how the City implemented the process. She recognized the following people for the contribution to the program:

Linda Cohen

Peggy Fuller

Jeff McCue

Jim Ruterbories

Doug Howard

Ralph Baxter Sr.

Wayne Ross

D. Michelle Sturgeon

M. Joseph Punskey

Linda Johnson

Tom Kane

Christina Merrill

Steve Johnson

Linda Boudreau

Cheryl Beeman

Stan Cox

Mary Lou Falkner

**C. Petitions and Communications**

Department Reports for the Month of October, 2001

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 54  
NOVEMBER 19, 2001**

Attendance Reports for the Month of October, 2001  
Planning Board report regarding the discontinuance of Sixth Street.

Councilor Dale announced the passing of Ladd Heldenbran and commented that the City is richer for his contributions. The governor has nominated Leigh Soufly, a South Portland graduate, to serve as the new Chief Justice in the Maine Supreme Court.

Councilor Bowring announced Councilor Johnson's 50-year anniversary of his ordination this past weekend.

Mayor Larsen spoke about the Triad program saying it was a pleasure to serve on the program. Thanked the committee members and Elm Street Church. She participated in the Anthem Unity march. She also received a letter from Me. Veterans Home for participating in their Veterans Day Service. She was present for the Babies R Us ribbon cutting. She also congratulated Councilor Johnson on his ordination anniversary.

The Manager presented a gift to each of the Councilors to recognize their efforts at this last formal council meeting with the existing council.

**D. Appointment Calendar**

1. ORDER #66-01/02 – Civil Service Commission, District 3 (Baxter). To fill and unexpired term to which expires 03/01/04. Postponed on 11/05/01. Passage requires majority vote.

There was no public discussion

A motion was made to postpone by Councilor Baxter and seconded by Councilor Bowring. Postponed 7-0

2. ORDER #78-01/02 – Planning Board District 4 (Bowring) to fill un-expired term which expires 04/01/02. Passage requires majority vote.

There was no public discussion.

A motion was made to postpone by Councilor Bowring and seconded by Councilor Dale. Postponed 7-0

**E. Consent Calendar**

3. ORDER #77-01/02 – authorizing the placement of a banner across Ocean Street advertising the Millcreek Lighting Ceremony to the Waterfront Market Association. Passage requires majority vote.

The following people spoke on this item:

Michael Drinan - President of the Waterfront Market Association  
Ray Lee – Henry Street

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 55**  
**NOVEMBER 19, 2001**

A motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passage 7-0

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

The following people spoke during Citizen Discussion:

Stanley Cox – 460 Highland Ave.  
Ray Lee – Henry Street  
Clarence Beckwith – Bonnybriar Road

**G. Public Hearings and Action**

**Item #11 taken out of order and placed here.**

4. ORDER #76-01/02 – discontinuing a portion of Sixth Street. Passage requires majority vote.

There was no public discussion.

A motion was made by Councilor Maietta and seconded by Councilor Bowring for passage. Passage 7-0

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

5. ORDER #74-01/02 – accepting a U.S. Fish and Wildlife Service Boating Infrastructure Grant in the amount of \$240,086 to be used to build a public boat landing at Thomas Knight Park. Postponed on 11/05/01. Passage requires majority vote.

The following people spoke to this item:

Ray Lee – Henry Street  
Clarence Beckwith – Bonnybriar Road  
Linda Boudreau – 293 Sawyer Street

This item was brought forward and postponed at the November 5, 2001 meeting. The grant requires a local match of \$142,500. Tom Meyers gave an overview of the scope of the project.

A motion was made by Councilor Dale and seconded by Councilor Johnson for discussion.

A motion was made by Councilor Dale and seconded by Councilor Bowring for postponement. Councilor Dale would like to have a business plan in place to assure revenues will cover expenses on this project. Postponed 4-3 (Maietta, Fickett, Baxter)

6. ORDER #79-01/02 – accepting miscellaneous donations. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 56  
NOVEMBER 19, 2001**

The following donations were received from:

Rita Gott to purchase new fitness room equipment for the Police Dept.	1,000.00
Janis Cheney in memory of Harold V. Cheney for the Library	75.00
David Burkey and Linda Zembsch for the Fire Department	500.00
Ralph and Paula Howard for the Fire Department	1,000.00
Rita Gott for the Fire Department	1,000.00
South Portland Lions Club for the Fire Department	5,000.00

There was no public discussion.

A motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. Passage 7-0

7. ORDER #80-01/02 – amending Order #68-01/02 regarding a grant from the Maine Municipal Association to be used by the Fire Department. Passage requires majority vote.

This item is being brought back from the November 5, 2001 meeting due to an error in the position paper stating the cost being \$3,625 with a local match of \$1,625. The actual cost should have been \$5,625 with a local match of 3,635.

There was no public discussion.

A motion was made by Councilor Maietta and seconded by Councilor Bowring for passage. Passage 7-0

8. ORDER #81-01/02 – award of bid to CBE Technology, of Westbrook, ME, for computer equipment for the Library. Passage requires majority vote.

The purpose of the computer equipment is to replace an aging server and add new workstations for public access and provide licensing to establish a thin client environment for the library computer system. Shawn Pennington from the IT Department was present to answer questions.

There was no public discussion.

A motion was made by Councilor Dale and seconded by Councilor Maietta for passage. Passage 7-0

**Items #10 and #13 were taken out of order due to the anticipated length of discussion on Item #9**

9. ORDER #82-01/02 – award of bid to Maietta Construction Corporation, of Scarborough, ME, for the construction of a community recreation field complex at Wainwright Farms. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 57**  
**NOVEMBER 19, 2001**

Dana Anderson provided some background information on the community recreation field complex. Ben Walters from Curtis, Walter and Steward and John Mitchell from Mitchell and Associates were present.

There was no public discussion.

A motion was made by Councilor Dale and seconded by Councilor Baxter for passage.

A motion was made by Councilor Bowring and seconded by Councilor Dale to add the Manager's amendment to purchase materials for the construction of the access road. Amended 6-0 (Maietta abstaining)

A motion was made by Councilor Dale and seconded by Councilor Bowring the delete the main motion to award bid to Maietta Construction. Amended 6-0 (Maietta abstaining)

Passage 6-0 (Maietta abstaining)

10. ORDER #83-01/02 – award of bid to H.E. Sargent, of Stillwater, ME, for the purchase of an emergency generator for the Willard Beach Pump Station. Passage requires majority vote.

Dave Thomes was available to answer questions.

There was no public discussion.

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

11. ORDER #84-01/02 – authorizing the City Manager to sign an agreement with R.J. West & Son, Inc. regarding a setback violation. Passage requires majority vote.

Councilor Bowring described the progress of this issue and explained what has been done to rectify the problem regarding the setback violation.

The following people spoke to this item:

Ric West – Contractor

Steve Bradstreet representing the Bradford's regarding their drainage problem.

Stanley Cox – 460 Highland Ave.

Clarence Beckwith – Bonnybriar Road

Ray Lee – Henry Street

A motion was made by Councilor Bowring and seconded by Councilor Dale for passage. Passage 4-3 (Fickett, Baxter, Larsen)

12. PROCLAMATION #2-01/02 – proclaiming November, 2001, as Adoption Awareness Month. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 58**  
**NOVEMBER 19, 2001**

A motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

13. ORDER #85-01/02 – award of bid to JPK Micro Supply of Industry, CA, for the purchase of thirteen (13) computers for the School Department. Passage requires majority vote.

The following person spoke to this item:

Clarence Beckwith – Bonnybriar Road

Polly Ward was available and answered questions.

A motion was made by Councilor Baxter and seconded by Councilor Bowring for passage. Passage 6-1 (Maietta)

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

**J. Councilor's Round Robin**

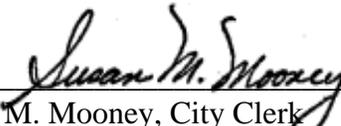
Mayor Larsen said that it has been an honor to serve the public and wanted to thank everyone for the privilege.

**K. Executive Session**

A motion to adjourn was made at 11:00 P. M. by Councilor Bowring and seconded by Councilor Baxter. Passage 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL INAGURATION VOL. 63 PAGE 59  
DECEMBER 3, 2001**

Mayor Larsen called the meeting to order at 4:00 P.M. All Councilors were present.

Mayor Larsen invited Reverend Stephen W. Foote to offer the invocation.

Mayor Larsen led the Pledge of Allegiance and welcomed 2<sup>nd</sup> Graders from Skillin School who then sang America the Beautiful. Councilor Dale presented Mayor Larsen with a recycling container and thanked her for her leadership in the recycling program.

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

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

Councilor Bowring nominated Councilor Dale for Mayor for year 2001/2002. Councilor Maietta seconded the motion.

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

City Clerk Mooney announced Councilor Dale as Mayor for 2000/2001 by unanimous vote.

Mayor Dale presented Councilor Larsen with her official gavel and portrait.

Mayor Dale then presented the Inaugural Address.

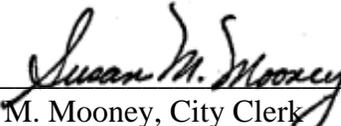
Councilor Fickett moved that the Inaugural Address be spread on the records. Councilor Boudreau seconded the motion. Mayor Dale took the vote and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read RESOLUTION #4-01/02 establishing times and place of meetings. Councilor Bowring moved for passage. Councilor Baxter seconded the motion. Mayor Dale took the vote and declared the Resolution duly passed.

Councilor Johnson moved that Council recess until 7:00 p.m. Councilor Maietta seconded the motion. Mayor Dale took the vote and declared the Council recessed until 7:00 P.M. this evening.

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 60  
DECEMBER 3, 2001**

**Roll Call:** Mayor Dale reopened the meeting at 7:02 P.M. All were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the Regular Meeting of November 19, 2001. 7-0

**B. Communications from City Manager**

The Manager welcomed Linda Boudreau back to the Council. He congratulated Councilor Fickett on his reappointment to the at large seat and Councilor Dale on his appointment as mayor for the next year.

The Manager received a letter from Peter Crichton giving an update on the County budget process. The jail costs will be increasing the County budget by an estimated 17.38%. The non-jail increase is 3% for a total of 20.38%.

The annual tree lighting ceremony will be held on Friday, December 7, 2001.

**C. Petitions and Communications**

Harbor Commission Rules and Regulations - Dick Ingalls was present and gave an overview of the proposed changes to the Rules and Regulations. The Council will wait to see if the public has opposition to the proposed changes.

Planning Board Report regarding Tax Acquired Properties

**D. Appointment Calendar**

1. ORDER #66-01/02 – Civil Service Commission, District 3 (Baxter). To fill an unexpired term which expires 03/01/04. Postponed since 11/05/01. Passage requires majority vote.

There was no public discussion.

A motion was made to postpone by Councilor Baxter and seconded by Councilor Maietta. 7-0

2. ORDER #78-01/02 – Planning Board District 4 (Bowring) to fill unexpired term which expires 04/01/02. Postponed on 11/19/01. Passage requires majority vote.

There was no public discussion.

A motion was made by Councilor Bowring and seconded by Councilor Boudreau to appoint Craig E. Babbidge. 7-0

3. ORDER #86-01/02 – Conservation Commission, District 5 (Johnson) to fill a term which expires 11/20/04. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 61  
DECEMBER 3, 2001**

There was no public discussion.

A motion was made by Councilor Johnson and seconded by Councilor Bowring to appoint James P. Boyle. 7-0

**E. Consent Calendar**

4. The fundraising committee for the Ge Erskine Park requests authorization to erect a temporary sign at 625 Broadway to promote and track public donations for the Ge Erskine Park. Passage requires majority vote.

There was no public discussion.

A motion to amend the display date to December 3, 2001 was made by Councilor Maietta and seconded by Councilor Bowring. A motion was made by Councilor Bowring and seconded by Councilor Maietta. Passed as amended 7-0

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

Marshal Tinkle - from the law firm Tompkins Clough Hirshon & Langer, representing  
Portland Tugboat and Ship Docking Company, Inc.  
Janice Doctor – 99 Preble Street

**G. Public Hearings and Action**

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

5. ORDER #74-01/02 – accepting a U.S. Fish and Wildlife Service Boating Infrastructure Grant in the amount of \$240,086 to be used to build a public boat landing at Thomas Knight Park. Postponed since 11/05/01. Passage requires majority vote.

Tom Myers was present to provide an overview of the operations plan for the pier and slips.

The following people spoke on this item:

Bill Ciccarone - 60 Minute Photo  
Ray Lee – Henry Street  
Phil Notis – 71 Ocean Street  
Rosamond Brown – 10 E Street  
Michael Drinan – President Waterfront Market Association.  
Clarence Beckwith – Bonnybriar Road  
Klaus Schulz – 55 B Street

A motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. 4-3 (Maietta, Bowring, Fickett)

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 62  
DECEMBER 3, 2001**

6. ORDER #86-01/02 – authorizing the purchase of an Auxiliary Robotic Educational System (ARES) from Creative Kiosk, of Norcross, GA, to be used by the Police Department. Passage requires majority vote.

George Berry from the police department was present to answer questions.

The following people spoke on this item.

Ray Lee – Henry Street

A motion was made by Councilor Boudreau and seconded by Councilor Maietta for passage. 7-0

7. ORDINANCE #8-01/02 – amending Chapter 8, “Fire Protection and Prevention”, regarding the “NFPA No. 101 Life Safety Code” and the “NFPA 1, 2000 Edition”. First reading. Passage requires majority vote.

Miles Haskell from the fire department was present to answer questions.

There was no public discussion.

A motion to amend references made to Chapter 6 to be replaced with Chapter 5 made by Councilor Boudreau and seconded by Councilor Bowring 7-0. A motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage of first reading to be tabled the January 7, 2002 for public hearing and action. 7-0

8. ORDER #87-01/02 – amending the Personnel Policy regarding Deferred Compensation. Passage requires majority vote.

The following person spoke on this item.

Clarence Beckwith – Bonnybriar Road

A motion was made by Councilor Bowring and seconded by Councilor Maietta for passage. 7-0

9. ORDER #88-01/02 – amending the CIP Budgets FY 2001 and FY 2002 to reduce expenditures by \$185,000.00 to be used for a recreation field complex at Wainwright Farms. Passage requires majority vote.

John Mitchell gave a generally overview of the proposed project. Tom Nelson gave an overview of the process the committee went through.

The following people spoke on this item:

Clarence Beckwith – Bonnybriar Road

Ray Lee – Henry Street

Janice Doctor – 99 Preble Street

Jim Soule – 23 Whitworth Drive

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 63  
DECEMBER 3, 2001**

A motion was made by Councilor Bowring and seconded by Councilor Johnson for passage. 6-0 (Maietta abstaining)

10. ORDER #89-01/02 - award of bid to Maietta Construction Corporation, of Scarborough, ME, for construction of a recreation field complex at Wainwright Farms. Passage requires majority vote.

The following people spoke on this item:

Ray Lee – Henry Street  
Janice Doctor – 99 Preble Street  
Clarence Beckwith – Bonnybriar Road

A motion was made by Councilor Bowring and seconded by Councilor Boudreau for passage. 6-0 (Maietta abstaining)

11. ORDER #90-01/02 – determining the disposition of ten (10) residential tax acquired properties. Passage requires majority vote.

The following person spoke on this item:

Ray Lee – Henry Street

A motion was made by Councilor Maietta and seconded by Councilor Baxter for passage. 6-1 (Fickett)

12. ORDER #91-01/02 – authorizing the City Manager to sign a license agreement with ASCAP regarding copyrighted music. Passage requires majority vote.

There was no public discussion.

A motion was made by Councilor Boudreau and seconded by Councilor Bowring for passage. 7-0

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

Ray Lee – Henry Street

**J. Councilor's Round Robin**

No one had any issues to speak on for round robin.

**K. Executive Session**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to recess to executive session at 10:50 P.M. 7-0

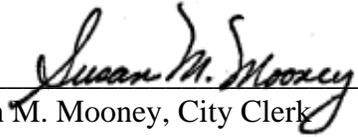
**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 64  
DECEMBER 3, 2001**

Motion was made by Councilor Baxter and seconded by Councilor Johnson to return to the regular meeting at 11:18 P.M. 7-0

Motion was made by Councilor Baxter and seconded by Councilor Johnson to adjourn at 11:19 P.M. 7-0

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 65  
DECEMBER 17, 2001**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the Regular Meeting of December 3, 2001. 7 – 0

**B. Communications from City Manager**

City Manager Jordan had no communications.

**C. Petitions and Communications**

Planning Board report regarding zoning text amendments to Chapter 27, Section 27-208(d)(ii) relating to sign regulations.

Planning Board report regarding zoning text amendments to Chapter 27 relating to Knightville zoning.

Department Reports for the month of November, 2001.

Attendance Reports for the month of November, 2001.

**D. Appointment Calendar**

1. ORDER #66-01/02 – Civil Service Commission, District 3 (Baxter). To fill an unexpired term which expires 03/01/04. Postponed since 11/05/01.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Maietta to appoint Robert M. Schwartz. 7 – 0

2. ORDER #92-01/02 – Board of Assessment Review, At-Large (Fickett). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to appoint George Koutalakis. 7 – 0

3. ORDER #93-01/02 – Board of Assessment Review, District 1 (Dale). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 66  
DECEMBER 17, 2001**

Motion was made by Councilor Dale and seconded by Councilor Boudreau to appoint Mallory Garrison. 7 – 0

4. ORDER #94-01/02 - Board of Assessment Review, At-Large (Boudreau). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion was made Councilor Boudreau and seconded by Councilor Baxter to appoint Philip A. Notis. 7 – 0

5. ORDER #95-01/02 – Board of Assessment Review, District 5 (Johnson). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Boudreau to appoint Alton E. Morgan. 7 – 0

6. ORDER #96-01/02 – Library Advisory Board, District 2 (Maietta). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Baxter to postpone this item to the meeting on January 7, 2002. 7-0

7. ORDER #97-01/02 – Library Advisory Board, District 4 (Bowring). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to postpone this item to the meeting on January 7, 2002. 7-0

**E. Consent Calendar**

**F. Citizens Discussion**

Ray Lee, 28 Henry Street  
Angela Griffith, 20 Davis Street

**G. Public Hearings and Action**

8. Benjamin Building Wrecking Company, 41 Jackson Street, for a renewal of an Automobile Graveyard and/or Junkyard Permit. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 67  
DECEMBER 17, 2001**

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Fickett to grant the Permit. 7-0

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

9. ORDER #98-01/02 – accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta. 7-0

10. ORDER #99-01/02 – authorizing the City Manager to sign a Memorandum of Understanding with the South Portland Fire Command Officers Bargaining Unit. Passage requires majority vote.

John True, Fire Chief, addressed this item.

Motion was made by Councilor Bowring and seconded by Councilor Maietta. 7-0

11. ORDINANCE #9-01/02 – amending Chapter 27, "Zoning", Section 27-208 (d)(ii) for a zoning text amendment regarding sign regulations under the Suburban Commercial District's Performance Standards. First reading. Passage requires majority vote.

Ordinance #9-01/02 was read by title only.

The following people addressed this item:

Don Peterson, consultant for Wright's Express.

Tex Haeuser, City Planner

Councilor Bowring disclosed that he was employed by Wright Express.

Motion was made by Councilor Boudreau and seconded by Councilor Johnson to have Councilor Bowring abstain. Failed 3-4 (Bowring, Maietta, Johnson, Fickett)

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

12. ORDINANCE #10-01/02 – amending Chapter 27, "Zoning", for zoning text amendments in the Residential G, Knightville Design District and LB zones. First reading. Passage requires majority vote.

The following people addressed this item:

Tex Haeuser, City Planner

Mike Drinan, President, Waterfront Market Association

Ed Millett, 13 Ocean Street

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 68  
DECEMBER 17, 2001**

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

13. ORDER #100-01/02 – authorizing the City Manager to execute a Use Agreement with Central Maine Power regarding the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

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

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

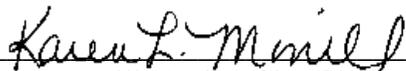
Janice Doctor, 99 Preble Street

**J. Councilor's Round Robin**

All Councilors wished everyone a Happy Holiday Season.  
Councilor Bowring thanked Cheryl Beeman for the gift of fudge.  
Councilor Fickett warned that the taxes would double if we keep on spending.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to adjourn at 8:55 P.M. 7-0

A TRUE COPY

ATTEST   
Karen L. Morrill, Acting City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 69**  
**JANUARY 7, 2002**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the Regular Meeting of December 17, 2001. 7-0

**B. Communications from City Manager**

Lauren Carrier filled in for Jeffrey Jordan. Mr. Jordan is recuperating from an illness. Lauren reviewed the Christmas tree pickup policy. She also referenced a memo from Tom Meyers, Transportation and Waterfront Director, outlining Bus Service staffing shortages over the holidays. The bus service staff performed well beyond the call of duty to cover shortages due to one position vacancy and several medical vacancies. Lauren then introduced Senator Lynn Bromley who came to present the City with a flag from the State House.

**C. Petitions and Communications**

Councilor Johnson wished everyone a Happy New Year.

Councilor Maietta reported that there would be a Master Building Committee meeting on January 8, 2002 at 7:00 P.M. at the High School. Both Councilor Baxter and Councilor Maietta are members of the committee. Councilor Maietta will look into having the committee meeting dates and times posted on the City web site.

**D. Appointment Calendar**

1. ORDER #96-01/02 – Library Advisory Board, District 2 (Maietta). To fill a term which expires 12/31/04. Postponed on 12/17/01. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Bowring to postpone this item to the 1/23/02 meeting. Postponed 7-0

2. ORDER #97-01/02 – Library Advisory Board, District 4 (Bowring). To fill a term which expires 12/31/04. Postponed on 12/17/01. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter to postpone this item to the 1/23/02 meeting. Postponed 7-0

3. ORDER #101-01/02 – Planning Board, District 3 (Baxter). To fill a term which expires on 04/01/03. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 70  
JANUARY 7, 2002**

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Maietta to postpone this item to the 1/23/02 meeting. Postponed 7-0

**E. Consent Calendar**

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

Peter Larsen – On behalf of Portland Water District. Mr. Larsen thanked Tony Vigue for his assistance in helping with the setup to televise Portland Water District board meetings. He also returned a check from Portland Water District to the city in the amount of \$41,240.00 for an over assessment of sewer billing fees.

Clarence Beckwith, Bonnybriar Road, requested that the surplus from last year be used to pay for sidewalk improvements and public works equipment, which had passed in the bond referendum this past November.

Ray Lee, Henry Street, was interested in gathering data on the number of people requesting a rent or tax refund through the Maine State Rent and Tax Refund Program.

Michael Drinan, President of the Waterfront Market Association, commented on Mill Creek Park being a treasure to the area and offered assistance from the association if improvements were to be considered for that area.

Ed Millett, 13 Ocean Street, supported the Knightville Millcreek issues slated for passage on tonight's agenda.

**G. Public Hearings and Action**

4. ORDINANCE #8-01/02 – amending Chapter 8, “Fire Protection and Prevention”, regarding the “NFPA No. 101 Life Safety Code” and the “NFPA 1, 2000 Edition”. Amended and passed first reading on 12/03/01. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Deputy Haskell was present to answer any questions.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 7-0

5. ORDINANCE #9-01/02 – amending Chapter 27, "Zoning", Section 27-208 (d)(ii) for a zoning text amendment regarding sign regulations under the Suburban Commercial District's Performance Standards. Passed first reading on 12/17/01. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 71  
JANUARY 7, 2002**

The following people addressed this item:

Don Peterson – Representing Wright Express  
Ray Lee – Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to have Councilor Bowring abstain from voting. Failed 3-3 (Maietta, Johnson, Fickett) Bowring abstained.

Motion was made by Councilor Boudreau and seconded by Councilor Maietta for passage. Passage 7-0

6. ORDINANCE #10-01/02 – amending Chapter 27, "Zoning", for zoning text amendments in the Residential G, Knightville Design District and LB zones. Passed first reading on 12/17/01. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to have the ordinance read by title only. Passage 7-0.

Tex Haeuser presented a brief overview of the amendments.

The following people addressed this item:

Michael Drinan, President of the Waterfront Market Association  
Clarence Beckwith, Bonnybriar Road  
Ray Lee, Henry Street  
John Sappi, Co-Chair Knightville Neighborhood Association  
Max Brown, Owner of 112 Ocean Street

Motion was made by Councilor Maietta to have Councilor Boudreau abstain from voting on this Ordinance. There was no second so the motion failed.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Motion was made by Councilor Bowring and Seconded by Councilor Boudreau to amend to remove Sec. 27-376. Standards for Review and to amend Sec. 27-101, change off street parking in residential "G" section of Knightville from two spaces per each two (2) dwelling units to two spaces per each (1) dwelling unit, and to strike out the verbiage, "unless the Planning Board determines that there is adequate guest parking otherwise available." Passage of amendment 6-1 (Johnson). Passage of main motion as amended 5-2 (Johnson, Fickett).

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

7. ORDER #102-01/02 – accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 72  
JANUARY 7, 2002**

Motion was made by Councilor Baxter and seconded by Councilor Bowring for passage.  
Passage 7-0

8. ORDER #103-01/02 – authorizing the Finance Director to adopt Declarations of Official Intent pursuant to Treasury Regulation 1.150-2. Passage requires majority vote.

Rob Coombs, City Controller explained the necessity of the order.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road  
Ray Lee, Henry Street

Motion was made by Councilor Baxter and seconded by Councilor Maietta for passage.  
Passage 7-0

9. ORDER #104-01/02 – approving 2002 rates for Spring Point Marina. Passage requires majority vote.

The following person spoke on this item:

Clarence Beckwith, Bonnybriar Road.

Motion was made by Councilor Fickett and seconded by Councilor Johnson to postpone this item to the January 23, 2002 meeting in order to determine if Port Harbor Marines transient rates are comparable to other marinas in the area. Postponed 6-1 (Dale)

10. ORDER #105-01/02 – disposing of two (2) residential tax-acquired properties. Passage requires majority vote.

The following people addressed this item:

Ray Lee, Henry Street  
Michael Mavadones, 15 Colonial Ave.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage.  
Motion was made by Councilor Boudreau and seconded by Councilor Baxter to amend the order to remove 15 Colonial Ave. from the order. Passage of amendment 7-0.  
Passage of main motion as amended. 6-1 (Fickett)

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

**J. Councilor's Round Robin**

Councilor Baxter thanked Jeffrey Jordan for watching the meeting at home.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 73  
JANUARY 7, 2002**

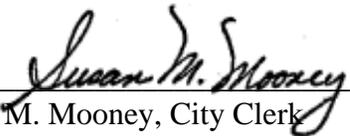
Councilor Bowring commented on how well Assistant City Manager, Lauren Carrier ran her first council meeting. He also apologized to the audience for the debate that occurred earlier in the meeting as to whether certain councilors should be abstaining from certain items.

**K. Executive Session**

Motion was made by Councilor Bowring and seconded by Councilor Johnson to adjourn at 9:02 P.M. 7-0

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 74  
JANUARY 23, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:05 P.M. Councilor Bowring was absent.

**A. Acceptance of Minutes**

Motion was made by Councilor Boudreau and seconded by Councilor Maietta to accept the minutes of the Regular Meeting of January 7, 2002. 6-0

**B. Communications from City Manager**

Mayor Dale welcomed Representative Kevin Glynn. Representative Glynn gave an overview of the proposals currently being considered by the Education Committee. He advised that a joint meeting between the Education Committee and the Legislatures Appropriation's Committee will be held on Friday morning from 8:30 to 1:30 regarding Education funding in the State of Maine contained within the Governor's proposed supplemental budget. Mayor Dale requested that the City Manager contact Reg MacDonald to formulate a joint response for the Friday meeting.

The City Manager reviewed the top ten predictions and the status of those predictions for 2001. He then reviewed his predictions for 2002.

The Manager read a note from Tom Meyers, Bus Director, to one of the bus drivers, Roland White. Roland called dispatch when he saw that a man fell on the ice and was unable to get up. Tom wanted to acknowledge the "huge, unheralded service" the bus drivers provide to the community every day by being the eyes and ears on the front lines of public safety.

The Manager presented a letter from Lt. Ronald C. Harmon from the Maine State Police to Chief True thanking the fire and rescue personnel assisting in a tragic accident which occurred on December 22, 2001.

**C. Petitions and Communications**

Department reports for the month of December, 2002.

Attendance reports for the month of December, 2002.

**D. Appointment Calendar**

1. ORDER #96-01/02 – Library Advisory Board, District 2 (Maietta). To fill a term which expires 12/31/04. Postponed since 12/17/01. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Boudreau to appoint Cheryl A. Beeman. Passage 6-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 75**  
**JANUARY 23, 2002**

2. ORDER #97-01/02 – Library Advisory Board, District 4 (Bowring). To fill a term which expires 12/31/04. Postponed since 12/17/01. Passage requires majority vote.

There was no public discussion.

Motion was made to postpone by Councilor Maietta and seconded by Councilor Baxter. Postponed 6-0

3. ORDER #101-01/02 – Planning Board, District 3 (Baxter). To fill an unexpired term which expires on 04/01/03. Postponed on 01/07/02. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Boudreau to appoint Stanley Cox. Passage 6-0

4. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett) To fill an unexpired term which expires on 11/20/04. Passage requires majority vote.

There was no public discussion.

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

**E. Consent Calendar**

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

Ray Lee, Henry Street, spoke against the local option sales tax.

Clarence Beckwith, Bonnybriar Road, attended a School Building Committee meeting and felt that the committee was not considering costs while reviewing building options.

Councilor Baxter responded to Mr. Beckwith's concerns saying that the committee is carefully reviewing the selection of building options and that costs are highly considered. Councilor Maietta supported the Engineering firm and said it was the goal of the firm and the committee to stay within the budget.

Mr. Fickett voiced concerns about the local sales tax option. He does not support it.

**G. Public Hearings and Action**

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 76**  
**JANUARY 23, 2002**

5. ORDER #104-01/02 – Approving 2002 rates for Spring Point Marina. Postponed on 01/07/02. Passage requires majority vote.

There was no public discussion

Motion was made by Councilor Boudreau and seconded by Councilor Maietta for passage. Passage 6-0

6. ORDER #107-01/02 – Accepting miscellaneous donations. Passage requires majority vote.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road

John Switzer, Parks Department, responded to Mr. Beckwith's questions about the actual cost of each bench. He noted that the cost of each bench is \$700.00 including a memorial plaque and that the benches are being placed at Bug Light Park, Hinkley Park and Spring Point Shoreway.

Motion was made by Councilor Boudreau and seconded by Councilor Maietta for passage. Passage 6-0

7. ORDER #108-01/02 – Authorizing the donation of \$25,000 to the Center for Environmental Enterprise. Passage requires majority vote.

John Ferland and Mary McAleney were present from the Center for Environmental Enterprise to answer questions from the Council.

The following people addressed this item:

Stanley Cox, 460 Highland Ave.

Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage. Passage 5-1 (Fickett)

8. ORDER #109-01/02 – Authorizing the donation of \$12,500 to the Friends of Casco Bay Bay Keeper Program. Passage requires majority vote.

There was no public discussion.

Mary Cerullo, Managing Director of Friends of Casco Bay was present. She responded to a question pertaining to the mission of the Friends of Casco Bay. Their focus was to protect and preserve the water quality of Casco Bay.

Motion was made by Councilor Baxter and seconded by Councilor Boudreau for passage. Passage 5-1 (Fickett)

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 77**  
**JANUARY 23, 2002**

9. ORDER #110-01/02 – Award of bid to Medical Reimbursement Services, of Windham, ME, for EMS billing services for the Fire Department EMS Division. Passage requires majority vote.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road

John True, Fire Chief was present to answer questions. He responded to the concerns that Councilor Maietta had about the billing company forcing collection. Chief True said that the company was not a collection agency, just a billing agency, and they have been apprised of the city's policy on ambulance billing.

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage. Passage 5-1 (Fickett)

10. ORDER #111- 01/02 – Award of bid to Weirs Motor Sales, of Arundel, ME, for the purchase of a pickup truck for the Parks Department. Passage requires majority vote.

There was no public discussion.

John Switzer was present to answer questions. Concerns about a discrepancy between the bid tab sheet and the position paper were raised. A motion to postpone this item to later in the evening was made by Councilor Boudreau and seconded by Councilor Maietta to retrieve additional information from the bid folder. Postponed 6-0.

Councilor Maietta made a motion to bring this item back after Item 11 had passed. It was seconded by Councilor Boudreau. Passage 6-0

After reviewing the bid folder it was determined that the position paper and order were correct. Motion was made by Councilor Baxter and seconded by Councilor Johnson for passage. Passage 6-0

11. ORDER #112-01/02 – Award of bid to Yankee Ford, of South Portland, ME, for the purchase of eight (8) police cruisers for the Police Department. Passage requires majority vote.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road

Chief Googins was present to answer questions.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage 6-0

12. ORDER #113-01/02 – Award of bid to Whited Truck Company, of Auburn, ME, for the purchase of a sander truck for the Public Works Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 78**  
**JANUARY 23, 2002**

There was no public discussion.

Steve Johnson, Public Works director was present to answer questions.

Motion was made by Councilor Boudreau and seconded by Councilor Maietta for passage. Passage 6-0

13. ORDER #114-01/02 – Authorizing the purchase of four (4) ground speed control retrofits for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Steve Johnson, Public Works director answered questions about this item.

Motion was made by Councilor Baxter and seconded by Councilor Maietta for passage. Passage 6-0

14. ORDER #115-01/02 – Award of bid to J & M Development & Construction Corp., of Augusta, ME, for the demolition of the former Inness Photo Building. Passage requires majority vote.

There was no public discussion.

Dave Pineo was present to answer questions on this item.

Councilor Maietta felt he should not participate in this item because Maietta Construction was one of the bidders.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage 5-0 (Maietta abstaining)

15. ORDER #116- 01/02 – Accepting a portion of Whispering Pines Drive as a city street. Passage requires majority vote.

There was no public discussion.

Ed Reidman was present to answer questions.

Motion was made by Councilor Johnson and seconded by Councilor Boudreau for passage. Passage 6-0

16. ORDER #117-01/02 – Accepting a deed from Gary Smith and accepting Jessica Lane as a city street. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Baxter for passage. Passage 6-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 79**  
**JANUARY 23, 2002**

17. ORDER #118-01/02 – Authorizing the City Manager to execute a Use Agreement with Central Maine Power regarding the Arvin “Ge” Erskine Memorial Park. Passage requires majority vote.

There was no public discussion

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage 6-0

18. ORDER #119-01/02 – Authorizing the notice to abutters regarding the discontinuance of Central Avenue. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Boudreau for passage. Passage 6-0

19. ORDER #120-01/02 – Authorizing the notice to abutters regarding the discontinuance of a portion of Providence Avenue. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Boudreau for passage. Passage 6-0

20. ORDER #121-01/02 – Authorizing the purchase of two (2) transit buses. Passage requires majority vote.

There was no public discussion.

Tom Meyers was present to answer questions. Tom requested an amendment be made to the order to strike out the last three paragraphs and add “Section 5307.” to the end of the second paragraph.

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage. Motion for amendment was made by Councilor Baxter and seconded by Councilor Maietta. Passage of amendment 6-0. Passage of main motion 6-0

21. RESOLVE #4-01/02 – Regarding the Debt Avoidance Act. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Maietta to postpone this item to the February 20<sup>th</sup> Council meeting in order to gather more information from area businesses and from States that have passed similar acts. Postponed 6-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 80**  
**JANUARY 23, 2002**

A motion was made by Councilor Boudreau and seconded by Councilor Fickett to reconsider ORDER #105-01/02 – disposing of residential tax-acquired property at 95 Stanford St., passed 01/07/02. In light of additional information recently made known to the Council there may be good cause to cease this order. Passage 6-0

A motion to postpone ORDER #105-01/02 to the February 4th meeting was made by Councilor Boudreau and seconded by Councilor Maietta. Passage 6-0

**I Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Boudreau wanted to thank the people who contacted her and gave her additional information about the property at 95 Stanford Street. She also requested that a schedule of meetings of the School Building Committee be sent to Dave Bourke, President of the Willard Neighborhood Association.

Councilor Maietta said the meetings were listed in the Press Herald every Monday and that they were also posted on SPTV.

Councilor Baxter wanted to reconfirm that the meetings were well posted.

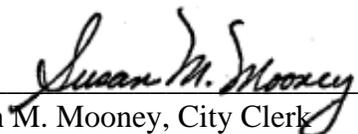
Councilor Johnson attended the Martin Luther King breakfast and would like to make sure more Councilors were aware of the event next year so that there could be full representation by City Officials at the breakfast.

**K. Executive Session**

Motion was made by Councilor Johnson and seconded by Councilor Boudreau to adjourn at 10:45 P.M. 6-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 81  
FEBRUARY 4, 2002**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to accept the minutes from the regular meeting of January 23, 2002. Passed 7-0.

**B. Communications from City Manager**

The City Manager read through a letter from Charlotte Spear at the South Portland Library commending Shawn Pennington on his wealth of knowledge and assistance with their computerized functions.

The City Manager made reference to the nine page list of accomplishments in the City of South Portland in 2001 included in the packets.

The City Manager recognized Jack (John) Bean, Public Safety Dispatch, for his twenty five years of service to the city.

**C. Petitions and Communications**

Planning Board report regarding the discontinuance of Central Avenue.

Planning Board report regarding the discontinuance of a portion of Providence Avenue.

Audited Financial Statements

**D. Appointment Calendar**

1. ORDER #97-01/02 – Library Advisory Board, District 4 (Bowring). To fill a term which expires 12/31/04. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett) To fill an unexpired term which expires on 11/20/04. Passage requires majority vote.

There was no public discussion.

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 82  
FEBRUARY 4, 2002**

**E. Consent Calendar**

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

Angela Griffiths, Davis Street, testified at the legislative session on General Purpose Aid. She is very concerned about the amount of money that the city may lose and that no one from the city was present to represent the city's position. Jeff Jordan responded to her concern saying that the superintendent attended the session and brought a six to eight page letter from the Manager's Office outlining the concerns of the City Officials.

Ray Lee, Henry Street, said that teacher salaries in Maine are huge compared to teachers in Florida. He wanted to know what happens to the money that Portland Water District returns to the city each year for the overestimation of sewer billing costs. Jeff Jordan said that the money is credited back to the Sewer User Fund.

The Mayor asked if there were any Councilors that had any comments they wished to bring up.

Councilor Bowring asked if there was a list of fees set in the city. He would like to know which fees are set by Council and if there are other fees that are not set by Council.

Councilor Maietta wanted to know if there is an ordinance defining a penalty for shoveling snow back into the street after a snow plow has passed. The ordinance says that the snow would be removed at the expense of the person causing the violation. The City Manager will look into the protocol of who would handle such complaints. Councilor Maietta also wanted to know whether the city has made payments to outside consultants for the Dispatch Center. The City Manager said that Bill O'Brian had been hired to institute teamwork building.

Councilor Baxter voiced concern about sidewalk cleanup after snowstorms, in particular, the walkway by Mahoney Jr. High. The matter was said to be a school department issue.

Councilor Johnson inquired about how often we change auditing services. The Manager said he thought it was every five years but he would check into it.

**G. Public Hearings and Action**

3. Capital Pizza Hut, Inc. d/b/a/ Pizza Hut, 415 Maine Mall Road and 190 Waterman Drive. Change in Corporate Holding Structure.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Boudreau for passage. Passage 7-0

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 83**  
**FEBRUARY 4, 2002**

4. ORDER #105-01/02 – Disposing of one residential tax-acquired property. Passed 01/07/02, reconsidered on 01/23/02 and postponed to 02/04/02. Passage requires

majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to postpone to the next regular council meeting. Postponed 7-0

5. ORDER #122-01/02 – Discontinuing Central Avenue. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage was made 7-0

6. ORDER #123-01/02 – Discontinuing a portion of Providence Avenue. Passage requires majority vote.

The following person spoke on this item;

John Hopkinson, Hopkinson, Abbondanza & Backer, presented the Council with a fourteen page packet with a map attached. He offered that the Cobbs would be willing to have conditions set limiting the division of the parcel to two lots. They would also agree to limiting structures to be built and that no trees would be removed if the city would be willing to discontinue Providence Ave.

Motion was made by Councilor Bowring and seconded by Councilor Maietta for passage.

Both Councilor's Bowring and Fickett said they were comfortable with the concessions the Cobbs are willing to make, however, Councilor Johnson was still concerned about the environmental impact to the area. He made reference to a letter from Jon Dore', South Portland Land Trust, which was also handed out at the meeting. He wanted to have more information from the Cumberland County Soil and Water for guidance on watershed. Councilor Baxter agreed with Councilor Johnson.

Councilor Maietta is still not convinced that the flag lot scenario won't work and will not support the discontinuance.

Mayor Dale said he was concerned that if the denial of discontinuance were tested in court, it may not hold up because the road has not been used for awhile. The city would then lose the ability to impose restrictions that the Cobbs are now willing to concede to.

Motion to postpone to March 4, 2002 was made by Councilor Boudreau and seconded by Councilor Baxter. A third motion to amend the order for guidance from the Cumberland County Soil & Water on watershed was made by Councilor Johnson and seconded by Councilor Baxter. Amendment passed 5-2 (Bowring, Fickett). Postponement passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 84  
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7. ORDER #124-01/02 – Accepting a \$25,000 Land and Water Conservation Grant from the Maine Department of Conservation. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, Henry Street said this was a clear example of wants and needs.

James Gailey, Site Planner, was present to answer questions. He stated that the match from the city was coming from the following;

Libra Foundation	\$3,000
In Kind	\$16,000
CIP	\$13,000

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

8. ORDER #125-01/02 – Authorizing the City Manager to sign an amendment to the lease agreement with Portland Pipe Line Corporation. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Boudreau for passage. Passage 7-0

9. ORDER #126-01/02 – Designating the City of South Portland as a HUD Revitalization Area. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, Henry Street

There was some discussion on whether Ferry Village was actually part of the HUD Revitalization area as stated on the position paper. A motion to postpone to the next meeting was made by Councilor Baxter and seconded by Councilor Bowring. Postponed 7-0

10. ORDER #127-01/02 – Amending Order #161-00/01 regarding the award of bid to Drummond, Woodsum and MacMahon for negotiation services. Passage requires majority vote.

The following people spoke on this item;

Angela Griffiths, Davis Street  
Ray Lee, Henry Street

A motion was made by Councilor Maietta and seconded by Councilor Baxter for passage.

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Questions about the spreadsheet attached to the order were raised, the total of which was more than the requested amendment. The City Manager said the spreadsheet outlined all payments made by the city to Drummond, Woodsum and MacMahon, which included work which was not part of the negotiation services and may include payments from the school department.

Councilor Bowring said Roger Kelly knows the city policy on contracts and should not have continued when he knew there was a cap.

Mayor Dale said he thought that staff had instituted an internal control system to ensure that a contract would not be overspent. He would like a memo explaining how we are going to fix this problem.

Councilor Boudreau also felt that Roger Kelly had an obligation to the city to be careful not to exceed his contracted amount.

Mr. Kelly was requested to give back to the city the amount that went over and he refused. It was decided that it was not enough to chase after and the mechanism for internal control needs to be addressed. Passage 7-0

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

Motion was made by Councilor Johnson and seconded by Councilor Maietta to allow Angela Griffiths to speak again at the second citizen discussion. Passage 6-1 (Baxter)

Angela Griffiths, Davis Street, said she has two children in the school system, soon to be three. She feels the City and the State should take a broader view and put more into education. It would cost less in the long run.

**J. Councilor's Round Robin**

Councilor Maietta made clarification to how Citizen Discussion, parts one and two, works.

Councilor Baxter wanted to know if it were proper to request information on the percentage that the unions are negotiating. He also stated that the citizens should be looking to their legislators with their concerns. He also recollected that the Council did not support a local sales tax option four years ago.

Councilor Bowring agreed that we should have more representation at legislative sessions, however, working full time jobs and other commitments do not permit it. He would like to see Councilor's email addresses posted on the web site.

Councilor Johnson said he is proud to be a New Englander, referring to the Patriots winning the Super Bowl.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 86  
FEBRUARY 4, 2002**

**K. Executive Session**

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

Motion was made by Councilor Bowring and seconded by Councilor Maietta to recess to executive session at 9:47 P.M. Passage 7-0

Motion to return from executive session was made at 10:41 P.M. by Councilor Bowring and seconded by Councilor Maietta. 5-0 (Fickett absent, Johnson out of room)

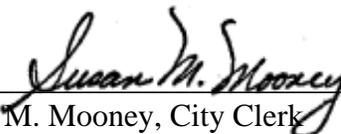
Motion to postpone case #01/02-04 to March 4, 2002 was made by Councilor Bowring and seconded by Councilor Boudreau. Postponed 5-0

Motion to deny case #01/02-05 was made by Councilor Bowring and seconded by Councilor Baxter. Denied 5-0

Motion to adjourn was made by Councilor Bowring and seconded by Councilor Baxter at 10:42 P.M. 5-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 87  
FEBRUARY 20, 2002**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Baxter to accept the minutes from the regular meeting of February 4, 2002. Passed 7-0.

**B. Communications from City Manager**

The manager recognized the following police department employees for perfect attendance in 2001;

Detective Reed Barker	Sgt. George Berry
Lt. Mark Clark	Sgt. Chris Cook
Office Matt Cyr	Officer Patricia Maynard
Lt. Jeffrey McCue	Officer John Sutton

He then went on to give an update on the issues raised at the last council meeting during the Round Robin regarding snow shoveled into the street, fees at Parks and Recreation, requirements for audit, availability of sand at Public Works for citizens and the plowing of sidewalks at Mahoney Jr. High.

**C. Petitions and Communications**

Department reports for the month of January, 2002.

Attendance reports for the month of January, 2002.

**D. Appointment Calendar**

1. ORDER #97-01/02 – Library Advisory Board, District 4 (Bowring). To fill a term which expires 12/31/04. Postponed since 12/17/01. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to appoint Joseph Bacica of 54 Fickett Street to this position. Passage 7-0.

2. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett) To fill an unexpired term which expires on 11/20/04. Postponed since 01/23/02. Passage requires majority vote.

There was no public discussion.

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

3. ORDER #128-01/02 – Civil Service Commission, District 1 (Dale) To fill an unexpired term which expires on 03/01/03. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 88**  
**FEBRUARY 20, 2002**

There was no public discussion.

Motion to postpone made by Mayor Dale and seconded by Councilor Bowring.  
Postponed 7-0

**E. Consent Calendar**

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

State Representative Kevin Glynn, 109 Huntress Ave., gave the Council a hand out and an update on school funding. He said that the school may also lose 50% of the state funding for State Agency Clients (special needs students). South Portland has 38 students and the cost to educate them is approximately 1,000,000.

Jim Fahey, Police Department, spoke about the success of the Father / Daughter Valentines Day Dance. He said Jen DeRice did a great job coordinating everything and hopes it becomes an annual event.

Ray Lee, Henry Street, said during the last snow storm the worse road in the city was the bridge. He wanted to know why the bridge had still not been plowed at 10:30 in the morning. He said dead wood should be cut out of the school and city budget to cover the school shortage. He also hopes that item #7 does not pass. He feels that teachers make enough money and that the HUD program should be made available to anyone within a certain income range.

**G. Public Hearings and Action**

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

Mayor Dale asked if any Councilors wish to bring up any issues.

Councilor Johnson said he would like to know if anything could be done about the sand and salt that sprays up onto lawns and kills grass.

Councilor Baxter reminded everyone that the time will soon be here when issues with dogs will have to be dealt with again.

4. PROCLAMATION #3-01/02 – Proclaiming Edward Knutson as Officer of the Year 2001. Passage requires majority vote.

There was no public discussion.

Chief Googins spoke on behalf of Officer Knutson and remarked what an asset he is to the Department and the City. Mayor Dale presented Officer Knutson with a framed copy of the Proclamation.

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**FEBRUARY 20, 2002**

Motion was made by Councilor Bowring and seconded by Councilor Boudreau for passage. Passage 7-0

5. RESOLVE #4-01/02 - Regarding the Debt Avoidance Act. Postponed from the January 23, 2002 meeting. Passage requires majority vote.

There was no public discussion

A motion to withdraw this item was made by Councilor Bowring and seconded by Councilor Boudreau. Passage 6-0 (Councilor Baxter was out of the room)

6. ORDER #105-01/02 - Disposing of one residential tax-acquired property. Passed 01/07/02, reconsidered and postponed on 01/23/02, postponed on 02/04/02. Passage requires majority vote.

There was no public discussion.

Mary Kahl said the City is trying to make arrangements with the owner of this property to resolve the delinquent taxes. If the arrangement does not work out, it will be brought back before the Council as a new order.

A motion to withdraw this item was made by Councilor Bowring and seconded by Councilor Maietta. Passage 6-0 (Councilor Baxter was out of the room)

7. ORDER #126-01/02 - Designating the City of South Portland as a HUD Revitalization Area. Postponed on 02/04/02. Passage requires majority vote.

The following people spoke on this item;

Clarence Beckwith, Bonnybriar Road, wanted to know if any properties would fall within the program guidelines. The City Manager said no and that it would most likely not happen.

Romey Brown, E Street, said that Knightville is a great neighborhood and they would welcome any new neighbors.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 4-3 (Maietta, Boudreau, Fickett)

8. ORDER #129-01/02 - Authorizing the City Manager to submit a Six Year Transportation Plan to the Maine Department of Transportation. Passage requires majority vote.

The following person spoke on this item;

Clarence Beckwith, Bonnybriar Road, wanted to know if the \$49,640,000 was all city money. The City Manager responded to Mr. Beckwith saying that the total project cost would be \$49,640,000 but the city would only have a local match of 10, 15 or 20% of any of the items that passed.

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A motion was made by Councilor Bowring and seconded by Councilor Maietta to amend Page 2, Full Access Intersection 703 and Philbrook Road from a priority level 4 to a 5, and the year on this same item from 2004 to 2003. Amendment 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage as amended. 6-1 (Fickett)

9. ORDER #130-01/02 - Amending the Traffic Schedule. Passage requires majority vote.

There was no public discussion

A motion was made by Councilor Boudreau and seconded by Councilor Bowring for passage. Passage 7-0

10. ORDER #131-01/02 - Award of bid to Daigle and Houghton, of Fort Kent, ME, for the purchase of two school buses for the School Department. Passage requires majority vote.

The following person spoke on this item;

Clarence Beckwith, Bonnybriar Road, wanted to know if the buses will be serviced locally. Polly Ward, the School Business Manager was present and responded to Mr. Beckwith saying that the buses would be serviced here at the school maintenance garage.

There are 20 buses in the fleet. The school department annually funds one bus in their operating budget. There was some discussion on whether the city should start committing to spend against the 2003 fiscal year budget. Councilor Maietta made a motion to amend the order charging both buses to the School Department Undesignated Fund Balance. It was seconded by Councilor Bowring and the amendment passed 7-0.

Motion to pass the order as amended by made by Councilor Boudreau and seconded by Councilor Baxter. Passage 7-0

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

**J. Councilor's Round Robin**

Councilor Dale said the Fire Chief is looking for a council member to be on a committee that will be reviewing the West End Fire Station proposals. Both Councilor's Maietta and Boudreau said they would be interested in helping with the reviews.

Councilor Bowring asked the Manager about the work place safety inspection. The Manager said that on February 11<sup>th</sup> Sam Knight from the Department of Labor showed up to do a city wide inspection in response to a complaint from an employee at the pool. The inspection was completed this morning and resulted in 125 to 130 issues that needed to be addressed. Many of the issues have already been addressed. A list complete will be prepared by the Department of Labor and the Manager will give a copy to the Council.

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Councilor Johnson congratulated the South Portland High School Track Team, the students, athletes and coaches.

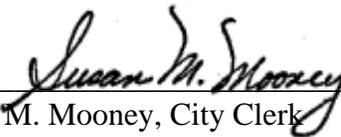
Councilor Fickett said he hopes the West End Fire Station doesn't end up looking like Buckingham Palace.

**K. Executive Session**

A motion to adjourn was made at 9:05 P.M. by councilor Bowring and seconded by Councilor Boudreau. 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 92  
MARCH 4, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:05 P.M. Councilor Johnson was absent.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of February 20, 2002. Passed 6-0.

**B. Communications from City Manager**

The Manager read a letter from James Ortiz, President of S.M.T.C. conveying appreciation for the excellent response from the South Portland Fire Department in the recent fire at Preble Hall.

Included in his communications was a list of Civil Service Board members from the last fifteen years as requested by Councilor Boudreau.

The Manager passed out correspondence from James Hopkinson, regarding Providence Ave., and from Waterfront Market Association and Ferry Village Neighborhood Conservation Association, regarding their support for the TIF as outlined in Order #136.

The Manager announced the retirement of Police Lieutenant Jeff McCue. Jeff has worked for the City for 25 years. The Mayor presented Jeff with a plaque and Chief Googins spoke on his behalf.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett). To fill an unexpired term which expires on 11/20/04. Postponed since 01/23/02. Passage requires majority vote.

There was no public discussion.

Motion to postpone made by Councilor Fickett and seconded by Councilor Maietta. Postponed 6-0

2. ORDER #128-01/02 – Civil Service Commission, District 1 (Dale). To fill an unexpired term which expires on 03/01/03. Postponed on 02/20/02. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to appoint Dennis O. Sisti, of 7 Fishermans Lane to this position. Passage 6-0.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 93  
MARCH 4, 2002**

3. ORDER #132-01/02 - Civil Service Commission, District 4 (Bowring). To fill a term which expires on 03/01/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Mayor Bowring and seconded by Councilor Boudreau to re-appoint Robert J. Mullen, 53 Crestview Drive to this position. Passage 6-0.

**E. Consent Calendar**

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

Edward Rowe, 2 Deake Street, spoke against Item #9, TIF. He stated that no jobs will be created from the TIF and is concerned about the burden the additional housing will put on the schools.

Katherine Latendresse, 199 High Street, also spoke against Item #9. She remarked that the city has already given a large portion of the land to the owner. She feels that if money is going to be further invested in this area, it should be to improve sidewalks, lights and crosswalks in the area.

**G. Public Hearings and Action**

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

4. ORDER #123-01/02 - Discontinuing a portion of Providence Avenue. Postponed on 02/04/02. Passage requires majority vote.

The Manager recommended this item be postponed to the March 18, 2002 meeting so that there can be further discussion at the March 11<sup>th</sup> workshop and a site visit of the area.

There following people addressed this item;

Michael Richard, 118 Boothby Ave., would like to see the city do something that would benefit of the people in the area.

Jim Boyle, Conservation Commission, asked on behalf of himself and not the committee that more time be given to the Conservation Commission and the Land Trust to do additional analysis of the area. He would like to see portions of Marsh Road removed to protect the brook.

Mary Cobb, 32 Marsh Road, said that Jon Dore, from the Land Trust no longer has issues with this item. She feels the Conservation Commission has had ample time to address whatever issues they may have.

Ralph Baxter said he would like to vote on this item tonight. Everyone agreed.

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**MARCH 4, 2002**

Motion to was made by Councilor Bowring and seconded by Councilor Boudreau for passage. Passage 6-0

5. RESOLVE #5-01/02 - Pursuant to §612 of the City Charter, determining details of issue of \$12,600,000 principal amount of bonds. Passage requires majority vote.

The City Manager gave the details of the resolve and noted that there was a mistake in both his position paper and the resolve that need to be corrected. The position paper said the estimated interest on the \$600,000 over the 10 year period is \$748,500. for a total of \$1,348,500. It should have read \$148,500. for a total of \$748,500. Page three of the Resolve should show Interest as 6,448,500. and the total as \$19,048,500.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road, said he would like the 600,000 for sidewalk projects and Public Works dump trucks and snow plows to be bought out of surplus instead of issuing debt.

Councilor Maietta asked Ralph St. Pierre, City Finance Director, to respond to Mr. Beckwith's question.

Ralph said that he thought interest rates would be higher next year and it would be in the city's best interest to issue the debt now when rates are lower and save the surplus for capital items next year.

Motion was made by Councilor Maietta and seconded by Councilor Boudreau for passage. Motion to amend the Resolve to show the fiscal note as Interest of \$6,448,500 and the total as \$19,048,500. was made by Councilor Bowring and seconded by Councilor Boudreau. Amendment passed 6-0. Main motion passed as amended 5-1 (Fickett)

6. ORDER #133-01/02 - Waiving the bid process and authorizing the sale of city-owned property on Calais Street to Mr. Ricky Dana. Passage of waiver requires six (6) affirmative votes.

The following people addressed this item;

Clarence Beckwith, Bonnybriar Road, wanted to know if this is a buildable lot. The Manager said it was not.

Ricky Dana, 31 Calais Street

Motion was made by Councilor Baxter and seconded by Councilor Maietta for passage. Passage 6-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 95**  
**MARCH 4, 2002**

7. ORDER #134-01/02 - Award of bid to New England Aerial, of Derry. NH, for the purchase of a bucket truck for the Code Enforcement Department. Passage requires majority vote.

The following people addressed this item;

Ray Lee, Henry Street, wanted to know why Code Enforcement needs a bucket truck. The City Manager said the bucket truck was for the Electrical Dept.

Clarence Beckwith, Bonnybriar Road, wanted to know why we are saying it is for Code Enforcement when its actually for the Electrical Department. The City Manager said the Electrical Department is a division of Code Enforcement.

Jim LaChapelle, City Electrician outlined the need for the vehicle for servicing the traffic equipment in the city; street lights, alarm boxes, traffic lights, etc.

Motion was made by Councilor Bowring and seconded by Councilor Boudreau for passage. Passage 6-0

8. ORDER #135-01/02 - Accepting Bremen Street as a city street. Passage requires majority vote.

The following people addressed this item;

Mike Paskewicz, said he was glad that the city was finally doing something about this area.

Mr. Pralicz, 90 Cash Street, said he agreed to having the whole length of street paved.

Motion was made by Councilor Maietta and seconded by Councilor Bowring for passage.

Councilor Maietta raised concerns over whether the city should be paying for the paving of the last 100 feet of road. He thought the developer should pay for it.

Joseph Thayer responded to Councilor Maietta saying that he was assured by the Engineering Department that he would only have to develop and pave the first 150 feet and that the road may be able to be ended at that point. That is what he financed his project for. He indicated that he would be willing to share in the cost of the last 100 feet but did not feel that he should have to pay it all.

Councilor Bowring made a motion to amend the order to correct 150 feet to 250 feet and to reflect that Joseph Thayer would pave the whole length of road and the city would share in the cost of the last 100 feet, not to exceed \$2,000.00. Councilor Baxter seconded the amendment.

Councilor Maietta said he wanted it to be clear as to who was going to construct the road. Mr Thayer assumed the city would utilize its contract for paving to have the

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 96  
MARCH 4, 2002**

work done and that he would be paying the city for the work in order to take advantage of the reduced rate the city pays.

Councilor Bowring made a second motion to amend the order to say that Mr. Thayer would be responsible to improve the road to city specification and the entire length of road would be paved using the city contract price and that the city's portion was not to exceed \$2,000.00. It was seconded by Councilor Baxter. The amendment passed 6-0. The main motion was passed as amended 6-0

9. ORDER #136-01/02 - Establishing a Ferry Village Environmental Remediation Tax Increment Financing District. Passage requires majority vote.

The City Manager did a presentation describing the TIF and its impact to the city. This was followed by a presentation by Howard Goldenfarb showing the current layout of the property and the proposed developed property. After the remediation of the property is complete they will build four, four story upscale units with a total of 136 apartments. The development will also have a club house, swimming pool and tennis court. The estimated rents will lease for \$1,000 to \$1,500 per month.

George Campbell, from Pierce Atwood Consulting, followed Mr. Goldenfarb's presentation. He has been consulting for Ram Management regarding the TIF legalities and gave additional details. He handed out a letter from Fantini & Gorga, the company that is arranging financing for the project.

The following people spoke in favor of this Order;

Larry Albert, Ferry Village Neighborhood Conservation Association  
Steven Sharp, Advocate for Affordable Housing  
Romey Brown, E Street

The following people spoke against the TIF;

Ray Lee, Henry Street  
Katherine Latendresse, 199 High Street  
Edward Rowe, 2 Deake Street  
Bruce Webber, Portland Tenants Union  
John Newton, Maine Peoples Alliance  
Clarence Beckwith, Bonnybriar Road

Councilor Maietta responded to the comments made during public discussion that the city should not be financing apartment complexes. He pointed out that the TIF is for an environmental cleanup and that it is in the city's best interest to approve it.

Councilor Fickett said he is concerned about inflation running at 50%. He said the TIF would work if you didn't have inflation.

Councilor Bowring clarified that no money would be reimbursed on the TIF before it was collected and proof of remediation was on file. He believes this is the only way we will see this area cleaned up.

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**MARCH 4, 2002**

Councilor Baxter did some investigation into Ram Management and found nothing negative. He can't see any reason why the city shouldn't pass the TIF.

Councilor Boudreau said she has waited a long time for improvement to this area. She feels it will be a boost to the Knightville, Mill Creek area and is in favor of the project.

Mayor Dale said he is supportive of the project but would like to bring this back to a workshop before it is passed. He would like to have the credit enhancement agreement amended to re-capture TIF monies if the apartments were to be converted to condominiums within the first 5 years. He would also like to have an outside accounting firm review the environmental draws and a review by the city's bond counsel.

Per the recommendation of Mayor Dale a motion was made by Councilor Maietta and seconded by Councilor Boudreau to make an amendment that passage be made to the pending order to provide and to approve the Credit Enhancement Agreement in substantially the form as attached. Amended 5-1 (Fickett) Passage as amended 4-2 (Fickett, Dale)

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

Janice Doctor, 199 High Street, read a letter she presented to the Manager. She does not support the TIF.

Clarence Beckwith, Bonnybriar Road, is not happy with the work being done behind his home. He also said there was a drainage pipe illegally installed on Taylor Lane.

**J. Councilor's Round Robin**

Councilor Baxter said the Master Building Committee was moving along well. He said that he attended the school budget workshop as well as Councilor Boudreau and that the Governor's Laptop program is going to cost the school department \$60,000.00.

Councilor Bowring wanted to again recognize Jeff McCue's 25 years of service to the City of South Portland.

Councilor Boudreau said it has been very beneficial to attend the school budget workshops and encouraged attendance for the next two to be held March 6<sup>th</sup> and 11<sup>th</sup> at the High School.

Councilor Fickett said that \$60,000.00 represents \$4,800.00 U.S. Dollars after inflation. He said there is going to be problems projecting into the future.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 98**  
**MARCH 4, 2002**

**K. Executive Session**

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

A motion to recess to executive session was made at 10:30 P.M. by Councilor Boudreau and seconded by Councilor Bowring. Passage 6-0

Motion to return from executive session was made at 11:32 P.M. by Councilor Bowring and seconded by Councilor Maietta. Passage 5-0 (Fickett absent)

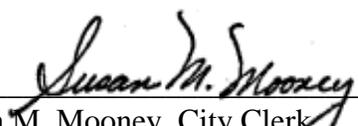
Motion to deny hardship abatement case #01/02-06 was made by Councilor Bowring and seconded by Mayor Dale. Denied 5-0

Motion to deny hardship abatement case #01/02-07 was made by Councilor Bowring and seconded by Mayor Dale. Denied 5-0

Motion to adjourn was made by Councilor Bowring and seconded by Councilor Baxter at 11:34 P.M. Passage 5-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 99**  
**MARCH 18, 2002**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes of the Regular Meeting of 03/04/02.

**B. Communications from City Manager**

The Manager gave a brief overview of the Proposed FY2003 Municipal Budget. He stated that \$1.35 of the \$1.75 anticipated increase directly ties back to decisions that have been made at the State. Also for the first time in the last eight years there will be an increase to the sewer rate.

**C. Petitions and Communications**

Department reports for the month of February, 2002.  
Attendance reports for the month of February, 2002.

**D. Appointment Calendar**

1. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett). To fill an unexpired term which expires on 11/20/04. Postponed since 01/23/02. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #137-01/02 – Board of Assessment Review District 4 (Bowring). To fill a term which expires 03/16/05. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Paul J. Cloutier was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 6-0

3. ORDER #138-01/02 – Planning Board, District 4 (Bowring). To fill a term which expires on 04/01/05. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Craig Babbidge was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 6-0

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 100  
MARCH 18, 2002**

4. ORDER #139-01/02 – Housing Authority, At-Large (Fickett). To fill a term which expires on 03/25/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Elizabeth Ross was made by Councilor Fickett and seconded by Councilor Boudreau for passage. Passage 6-0

**E. Consent Calendar**

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

Lori Bowring Michaud, 10 Hudson Road – Requests that the City and School assign a committee to set consistent policies for the use of facilities.

Ray Lee, 28 Henry Street – voiced concern over the increase in the Sewer User Rate.

**G. Public Hearings and Action**

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

5. PROCLAMATION #5-01/02 – Proclaiming the week of March 17-23, 2002 as Media Democracy Week. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau for passage. Passage 6-0

6. ORDER #140-01/02 - Award of bid to Rainmaker Irrigation, of Portland, ME, for irrigation at the Wainwright Farms Recreation Complex. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passage 6-0

7. ORDER #141-01/02 – Award of bid to Emergency Vehicles of Maine, of Auburn, ME, for the purchase of a foam engine for the Fire Department. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, 28 Henry Street – Mr. Lee didn't feel that 30 gallon foam tank would be adequate.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 101**  
**MARCH 18, 2002**

Chief True was present to answer questions. He said that there are actually two separate tanks, one 500 gallon and a 30 gallon. The 30 gallon tank was for structural fires and would be adequate.

The City Manager recommended postponement of this item citing that Chief True received positive responses from seven oil facilities regarding cost sharing the foam system at \$10,000 per company.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Bowring. Postponed 6-0

8. ORDER #142-01/02 - Award of bid to T. Buck Construction, of Auburn, ME, for a fine bubble aeration system upgrade at the treatment plant. Passage requires majority vote.

There was no public discussion.

Pat Cloutier was present with Paul Birkel to answer any questions the Council may have. Pat said that the system that is being replaced is 24 years old and marginally effective. There will be a savings of \$30,000 per year in operation costs by updating the system.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passage 6-0

9. ORDER #143-01/02 - Award of bid to Whited Truck Center, of Auburn, ME, for the purchase of three dump trucks for the Public Works Department. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, 28 Henry Street – Mr. Lee said vehicles do not get much wear and tear because of the amount of work the gets done through the time and materials bid.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter. Passage 6-0

10. ORDER #144-01/02 – Award of bid to Chadwick-BaRoss of Westbrook, ME for the purchase of a grader for the Public Works Department. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, 28 Henry Street – Mr. Lee wants to know why we are not taking low bidder on this item.

Brian Webber, R. C. Hazelton – Mr. Webber said that R. C. Hazelton met specifications on this bid and was low bidder, but was not being recommended for award of bid. He stated that the specifications called for a torque converter transmission and the Chadwick-BaRoss grader was a direct drive.

Motion was made by Councilor Bowring and seconded by Councilor Baxter for passage.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 102**  
**MARCH 18, 2002**

Steve Johnson, Public Works Director, said the difference between the two machines was \$13,642, after adding \$3,216 to the R.C. Hazelton bid price. The \$3,216 was to add moldboard accumulators and engine compartment side access doors which come standard on the Chadwick-BaRoss grader. It was Steve's opinion that the grader bid by Chadwick-BaRoss was a better investment citing better visibility and ergonomics which will return in safer plow operations.

Councilor's Bowring and Boudreau were not comfortable with not taking low bidder when low bidder met specifications. Councilor Johnson was more sympathetic with the human factor and the comfort and safety of the driver. Councilor Baxter asked Mary Kahl how the ordinance read. Mary said the ordinance says that award of bid be made to the low, responsible bidder.

Councilor Bowring made a motion to amend the order to award the bid to R.C. Hazelton. The motion was seconded by Councilor Boudreau. Amended 4-2 (Baxter, Johnson)

The main motion passed as amended 4-2 (Baxter, Johnson)

11. ORDER #145-01/02 - Award of bid to Hi-Way Safety Systems, Inc., of Hanover, MA, for line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passage 6-0

12. ORDER #146-01/02 - Appealing the denial of the Public Works Director for a curb cut on Thompson Street for Dora L. Small Elementary School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passage 6-0

13. ORDINANCE #11-01/02 - Amending Chapter 15, "Motor Vehicles and Traffic" regarding public parking and fines. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau.

Councilor Boudreau made a motion to amend the Ordinance to bring the fees for Fire hydrants and Fire lanes up to \$50.00 to be inline with the Handicapped space fine and to correct "court law" to "court of law" in Sec. 15-25. It was seconded by Councilor Bowring. Amendment passed 6-0. First reading passed as amended 6-0.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 103**  
**MARCH 18, 2002**

14. ORDER #147-01/02 - Setting April 3, 2002, as the date for Public Hearing in City Council Chambers for the Proposed Fiscal Year 2003 Municipal Budget. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passage 6-0

15. ORDER #148-01/02 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Boudreau. Passage 5-1 (Bowring)

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

Eric Mayo, 140 Clifford Street – Voiced concerns over increasing taxes. He said the school department had the 3<sup>rd</sup> largest budget among schools in the state, however it was the 10<sup>th</sup> largest school system.

**J. Councilor's Round Robin**

Councilor Baxter noted that South Portland is the special education leader and that it is very costly. He also noted that the posting of meetings is not making it into the paper.

**K. Executive Session**

A motion may be made to go into executive session to discuss, pursuant to 1 M.R.S.A., § (6)(D), labor negotiations with the South Portland Police Patrol Association, South Portland Police Command and Supervisory Unit and South Portland Firefighters IAFF Local #1476.

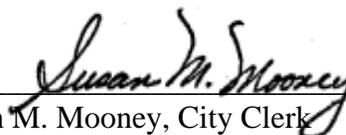
Councilor Boudreau seconded a motion by Councilor Bowring to recess to executive session at 9:23 P.M. Passed 6-0.

A motion to return to from executive session was made by Councilor Baxter and seconded by Councilor Bowring. 6-0

A motion to adjourn was made by Councilor Baxter and seconded by Councilor Boudreau at 10:17 P.M. 6-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 104**  
**MARCH 25, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:05 P.M. Councilor Maietta and Councilor Fickett were absent.

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

ORDER #149-01/02 – Authorizing the City Manager to sign energy service agreements with AES New Energy, Inc., for medium and large general service electrical accounts. Passage requires majority vote.

There was no public discussion.

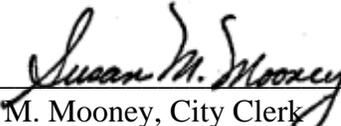
The City Manager said the city is paying 7.81 kWh in its current contract. A new standard offer rate has just been approved by the PUC that will be available 4/1/02 with an average annual rate of 4.2 cents per kWh. With the buy out provisions there would still be an anticipated savings of \$75,000. We will have to respond by March 26<sup>th</sup> in order to take advantage of this offer.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passage 5-0.

Motion to adjourn was made by Councilor Bowring and seconded by Councilor Boudreau. 5-0  
The meeting adjourned at 7:14 PM.

A TRUE COPY

ATTEST \_\_\_\_\_

  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 105**  
**APRIL 1, 2002**

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

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Baxter to accept the minutes of the Regular Meeting of 03/18/02. 7-0

**B. Communications from City Manager**

Manager read the letter from Mr. Darling commending the Library Staff for their friendly and helpful nature. He then outlined his press release noting the City's Aa1 Bond rating. He acknowledged a letter from the Friends of Casco Bay thanking the City for its contribution of \$12,500 in support of the Endowment for the BayKeeper position. He then acknowledged a letter of thanks from Project Harmony for the City's continued support of Project Harmony's training programs in Russia. Detective Linda Barker will be returning to Russia for the fourth phase of a training session on Juvenile Drug Enforcement and Prevention Program.

He invited the public to Budget Hearing Wednesday night.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #106-01/02 – Conservation Commission, At-Large (Fickett). To fill an unexpired term which expires on 11/20/04. Postponed since 01/23/02. Passage requires majority vote.

There was no public discussion.

Motion to appoint Barbara H. Dee, of 71 Hillside Ave. was made by Councilor Fickett and seconded by Councilor Boudreau. Passage 7-0

2. ORDER #150-01/02 – Planning Board, District 5 (Johnson). To fill a term which expires on 04/01/05. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Carol G. Thorne, of 96 Hillside Ave. was made by Councilor Johnson and seconded by Councilor Bowring. Passage 7-0

3. ORDER #151-01/02 – Planning Board, At-Large (Boudreau). To fill an unexpired term which expires on 04/01/04. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 106**  
**APRIL 1, 2002**

Motion to appoint Paul R. Nixon, of 158 Preble Street was made by Councilor Boudreau and seconded by Councilor Maietta. Passage 7-0

4. ORDER #152-01/02 – Nomination to the Governor for an appointment to the Greater Portland Public Development Commission to fill an unexpired term which expires 08/08/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Timothy O’Neil, of 81 Adelbert Street was made by Councilor Boudreau and seconded by Councilor Johnson. Passage 7-0

**E. Consent Calendar**

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

Barry Gerstein, attorney for Longhorn Steak House wanted to bring to the attention of the Council that a Longhorn Steak House was going to be constructed in Macy’s parking lot. He will be coming forward for a liquor license in the future and wanted to make sure the City did not have any up front concerns that he should be aware of.

**The Mayor asked if anyone would like to make a motion to take Item #7 out of order. Motion was made by Councilor Maietta and seconded by Councilor Bowring. Passage 7-0**  
**Item #7 was passed and the meeting continued as scheduled.**

**G. Public Hearings and Action**

5. ORDINANCE #11-01/02 – Amending Chapter 15, "Motor Vehicles and Traffic" regarding public parking and fines. Amended and passed first reading on 03/18/02. ROLL CALL VOTE. Passage requires majority vote.

The following person spoke on this item;

Ray Lee, Henry Street – Mr. Lee felt doubling parking fines not paid within the time frame allowed would hurt people who could least afford it. He suggested that a warning be given for the first parking violation.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Johnson. Councilor Boudreau made a motion to amend the order to increase the handicapped parking violation from \$50.00 to \$100.00. There was significant discussion on this item. Councilor Maietta felt that if we pass an order to double fines if they were not paid within a certain amount of time, there would be a request a year from now to either hire more staff to collect the mounting unpaid fines or a request to out source the

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 107**  
**APRIL 1, 2002**

collection. Mayor Dale suggested that each agreement for private property owners to issue parking tickets be reviewed by Council before acceptance.

Councilor Fickett made a motion to postpone this item and bring it back to a workshop to allow Chief Googins and Mary Kahl to draw up a sample agreement. The motion was seconded by Councilor Bowring. Postponed 7-0

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

6. ORDER #141-01/02 – Award of bid to Emergency Vehicles of Maine, of Auburn, ME, for the purchase of a foam engine for the Fire Department. Postponed on 03/18/02. Passage requires majority vote.

The following person addressed this item;

Ray Lee, Henry Street – Mr. Lee suggested that it would be prudent to postpone this item until it is determined whether there may be some outside contributions.

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

7. ORDER #153-01/02 – Naming the street between the intersection of Lincoln Street and Carver Boulevard and U.S. Route One Billy Vachon Drive. Passage requires majority vote. **This item was taken out of order – before Item #5**

There was no public discussion.

Several members of the Vachon family were present. Mayor Dale called for the passage of this item and then presented Paul Vachon, brother of Billy Vachon, with a framed copy of the order.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Passage 7-0

8. ORDER #154-01/02 – Award of bid to Masonry Tech Waterproofing-Restoration Inc., of Westbrook, ME, for concrete waterproofing at the Main Library. Passage requires majority vote.

The following person addressed this item;

Ray Lee, Henry Street – Mr. Lee said he thought the price was too high for a building that size.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passage 7-0

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 108**  
**APRIL 1, 2002**

9. ORDER #155-01/02 – Waiving the bid process and authorizing the transfer of city-owned property on Burwell Avenue to Mr. John Hayworth. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Bowring. Passage 7-0

10. PROCLAMATION #6-01/02 –Recognizing Regional Waste Systems for attaining ISO 14001 designation for excellence in Environmental Management. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Passage 7-0

11. ORDER #156-01/02 – Award of bid to Curtis Walter Stewart Architects, of Portland, ME, for architectural/engineering services for the West End Fire Station. Passage requires majority vote.

The following person addressed this item;

Ray Lee, Henry Street – Wanted to know why we did not take low bidder. The Manager explained that the contracts were reviewed and weighted in detail. The low bid doesn't necessarily mean that all items have been addressed adequately and could ultimately result in much higher expenditures to cover things that were not addressed.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter. Passage 7-0

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

Ray Lee, Henry Street – Mr. Lee said that plow trucks went down his street twice after a recent snow. He said there wasn't an inch of snow on the road and it was a waste. He also said he thought it unconstitutional to require employees to have direct deposit of their paychecks.

**J. Councilor's Round Robin**

**K. Executive Session**

A motion may be made to go into executive session, pursuant to 1 M.R.S.A. §405(6)(e), for discussing with Corporation Counsel of Legal rights and duties of the City Council.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 109**  
**APRIL 1, 2002**

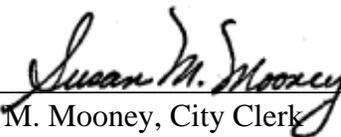
Councilor Maietta seconded a motion by Councilor Bowring to recess to executive session at 9:01 P.M. Passed 7-0.

A motion to return to from executive session was made by Councilor Bowring and seconded by Councilor Baxter at 9:45 P.M. Passage 4-0 (Dale, Maietta and Boudreau were out of the room)

A motion to adjourn was made by Councilor Bowring and seconded by Councilor Fickett at 9:46 P.M. 7-0

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 110**  
**APRIL 17, 2002**

**Roll Call:** Councilor Bowring stood in for Mayor Dale and called the meeting to order at 7:02 P.M. Mayor Dale and Councilors Maietta and Johnson were absent.

**A. Acceptance of Minutes**

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to accept the minutes from the March 25<sup>th</sup> special meeting and the April 1<sup>st</sup> regular meeting.

**B. Communications from City Manager**

City Manager Jordan read a press release from Library Director Marion Peterson regarding a membership drive. He then read a thank you card from Laurie Farmer thanking the Rescue team that responded to her call on 02/08/02.

**C. Petitions and Communications**

Assistant City Clerk Morrill announced the Clerk's office will be submitting the list of election workers to the Council and stated that applications were available at the Clerk's office and on the City's web site.

**D. Appointment Calendar**

**E. Consent Calendar**

1. Sign Permit

The Skillins School PTA has requested a permit to erect three signs at the following locations; in front of Skillins School, at the intersection of Westbrook and Main Street (Dunkin Doughnut side), and Broadway and Westbrook Street (golf course side) to announce the Spring Fair. It will be displayed from May 20, 2002 to June 2, 2002. Motion was made by Councilor Baxter and seconded by Councilor Boudreau to approve the application. Passage 4-0 (Dale, Maietta and Johnson absent).

**F. Citizens Discussion**

Ray Lee, 28 Henry Street was concerned with the fact that taxes will be doubling for some people.

Cassie Moon, 101 Brigham Street requested the City do something about 109 Brigham Street, she was concerned with safety issues with the property.

Sandra Pingree, 15 Cross Street was also concerned with the property at 109 Brigham Street. She stated that she had been in touch with the City numerous times and wanted something done immediately.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 111**  
**APRIL 17, 2002**

Steven Holbrook, 118 Brigham Street was worried about children in the neighborhood, he stated that there was a problem with people speeding in the area also.

Geralyn Jerome, 111 Brigham Street also was concerned with the property at 109 Brigham, she said it had been neglected since 1991.

Clarence Beckwith, Bonnybriar Road stated he attended the joint City Council/School Board workshop and was afraid that taxes would skyrocket.

Kim Dolbow, 115 Brigham Street stated that the debris at 109 Brigham Street needed to be removed as soon as possible. He was also concerned with the speed limit being ignored.

**G. Public Hearings and Action**

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

2. ORDER #141-01/02 – Award of bid to Emergency Vehicles of Maine, of Auburn, ME, for the purchase of a foam engine for the Fire Department.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Boudreau to postpone this item to the May 6, 2002 meeting. 4-0 (Dale, Maietta and Johnson absent).

3. ORDER #157-01/02 – Accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passed 4-0 (Dale, Maietta and Johnson absent).

4. ORDER #158-01/02 – Setting May 6, 2002 as the date for a nuisance hearing for property located at 109 Brigham Street.

Clarence Beckwith, Bonnybriar Road addressed this item. He stated how well the Dawson Street property was dealt with.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage 4-0 (Dale, Maietta and Johnson absent).

5. ORDER #159-01/02 – Amending the Traffic Schedule regarding a four-way stop at Harriet and Third Streets.

Bob Hannigan, 120 Harriet Street addressed this item.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 112**  
**APRIL 17, 2002**

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage. Passage 4-0 (Dale, Maietta and Johnson absent).

6. ORDER #160-01/02 – Award of bid to Forest City Chevrolet, of Portland, ME, for the purchase of a cargo van for the School Department.

The following people addressed this issue:

Dave Brochu, School Department Maintenance Director answered questions from the Council.

Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Baxter and seconded by Councilor Boudreau for passage.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to amend a typographical error. Passed 4-0 (Dale, Maietta and Johnson absent).

Main motion passed as amended 4-0 (Dale, Maietta and Johnson absent).

7. ORDER #161-01/02 - Award of bid to Scammon Tractor, of Saco, ME, for the purchase of a soil renovating machine for the Parks Department.

The following people addressed this issue:

John Switzer, Parks Department

Rick Perruzzi, Parks Department

Motion was made by Councilor Bowring to postpone this item. There was no second.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passed 3-1 (Fickett) (Dale, Maietta and Johnson absent).

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

Casimara McIntire, 72 Skillings Street, had questions regarding zoning, new sewer lines and paper streets. City Manager Jordan addressed her questions.

**J. Round Robin**

Councilor Baxter announced Brush days at the Transfer Facility on Highland Avenue.

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 113**  
**APRIL 17, 2002**

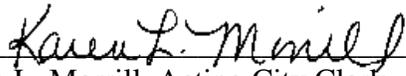
Councilor Bowring announced that the Revaluation notices will be sent to certain parts of the city on Friday, April 19, 2002.

Councilor Boudreau thanked City Assessor Liz Sawyer for her work on the revaluation, she stated what a great presentation she had made to the Council at the workshop. She also commended Ms. Sawyer for her positive attitude regarding the revaluation process.

Councilor Fickett spoke on the definition of intrinsic and how it related to inflation.

Motion was made by Councilor Baxter and seconded by Councilor Boudreau to adjourn at 9:10 P.M. Passed 4-0 (Dale, Maietta and Johnson absent).

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ATTEST   
Karen L. Morrill, Acting City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 114**  
**MAY 6, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:05 P.M. All were present. Mayor Dale suggested that perhaps a motion could be made to change the procedure to cut Citizen Discussion Part 1 from the meeting and open Citizen Discussion Part 2 to non budget related issues in order to get through the meeting timely and move into the Public Hearing on the Budget. Motion was made by Councilor Boudreau and seconded by Councilor Baxter. Motion passed 7-0.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes of the Regular Meeting of April 17, 2002. Passage 7-0.

**B. Communications from City Manager**

The Manager read through a letter from Elaine Neelon at the South Portland Housing Authority regarding the updating of cabinets, sinks and disposals at 425 Broadway. He also referred to a letter from Portland Water District outlining the recently enacted proposal to reapportion the eleven trustees among member communities. He then announced that the Planning Board would be holding a meeting to address noise control on August 7<sup>th</sup>.

**C. Petitions and Communications**

**D. Appointment Calendar**

**E. Consent Calendar**

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

**G. Public Hearings and Action**

1. ORDINANCE #11-01/02 – Amending Chapter 15, "Motor Vehicles and Traffic" regarding public parking and fines. Amended and passed first reading on 03/18/02. Postponed on 4/1/02. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

A motion to postpone this item to the next council meeting was made by Councilor Bowring and seconded by Councilor Baxter. Passage 7-0

2. ORDER #162-01/02 – Declaring 109 Brigham Street a nuisance. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 115**  
**MAY 6, 2002**

A motion to read the order by title only was made by Councilor Bowring. Councilor Boudreau was the only one in opposition. Councilor Boudreau moved to postpone this item to a special meeting on Monday night because Mrs. Rumo and her son Perry were both unavailable to attend the meeting due to illness. Councilor Bowring seconded the motion for discussion purposes. Councilor's Bowring and Maietta both said that they would like to have this item, which calls for the demolition of 109 Brigham Street by May 31<sup>st</sup>, addressed this evening.

The following people spoke on this item;

Evelyn Clark, 63 Brigham Street – Feels that there are health concerns at this property. She said there are animals living in the house.

Kim Dolbow, 115 Brigham Street – Said that the health of his animals was being affected by the property.

Geralyn Jerome, 111 Brigham Street – Worried about her children. They live next door and she fears that if there were another fire at the property, her children could be harmed.

Karen Chute, 105 Brigham Street – Found a couple of dead cats in her yard. She said they were the Rumo's cats.

Tony Ciriello, 141 Brigham Street – Wants to know if the Council is willing to take responsibility for the safety of the children on Brigham Street.

Tammie Mayo, 121 Brigham Street – Also worried about the children.

Sandra Pingree, 15 Cross Street – Said she was willing to wait an extra week to ensure that the Rumo's were given due process in the issue. She convinced the neighbors who all spoke previously that it would be in everyone's best interest to wait the extra week so as not to create a legal issue that may take several months to resolve.

The motion to postpone to a special meeting May 13<sup>th</sup> passed 6-1 with councilor Maietta in opposition.

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

3. ORDER #141-01/02 – Award of bid to Emergency Vehicles of Maine, of Auburn, ME, for the purchase of a foam engine for the Fire Department. Postponed since 03/18/02. Passage requires majority vote.

There was no public discussion.

Motion to postpone to Monday night was made by Councilor Boudreau and seconded by Councilor Bowring. Postponed 6-1 (Maietta)

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 116**  
**MAY 6, 2002**

4. ORDER #163-01/02 – Appointment of Democratic, Republican and Unenrolled election Clerks. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passage 7-0.

5. ORDER #164-01/02 - Appealing the denial of the Public Works Director for a curb cut at 609 Main Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passage 7-0.

6. ORDER #165-01/02 - Appealing the denial of the Public Works Director for a curb cut at 4 Daytona Street. Passage requires majority vote.

The following person spoke on this item;

Mark Palmer, 4 Daytona Street – This request is being made in order to be able to store his boat at his residence. The current configuration of his driveway does not allow him to store the boat and he has to pay for winter storage.

Motion for discussion was made by Councilor Maietta and seconded by Councilor Fickett. Councilor's Maietta, Boudreau and Bowring would like to help with this problem in some way but do not feel that the requested curb cut is safe. Denied 6-1 (Fickett)

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

Ray Lee, Henry Street – Wants the Brigham Street property moved to his neighborhood to bring down the property values there.

Clarence Beckwith, Bonnybriar Road – He went with Elaine Neelon, South Portland Housing Authority, to 425 Broadway. He said the Housing Authority is doing a great job. He would like to see ground rules set for the Public Hearing.

Mark Palmer, 4 Daytona Street – He was concerned that the Council did not have all of the paper work and property maps needed to make a good decision on Item #6. Mayor Dale assured him that the Council packets contained property maps, aerial maps and all the detail information regarding the curb cut.

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 117**  
**MAY 6, 2002**

Councilor Bowring is concerned that South Portland may not be represented on the Portland Water District's Board of Trustees with the recent legislation signed by the Governor.

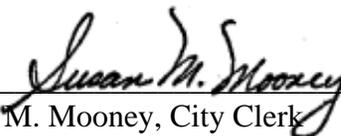
**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(e), legal rights and duties of the City Council regarding Charlotte Street and Edgewood Road.

At 8:25 P.M. a motion to postpone the scheduled executive session was made by Councilor Boudreau and seconded by Councilor Bowring in order to start the Public Hearing on the budget. Passage 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 118**  
**MAY 13, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:03 P.M. All members were present

**G. Public Hearings and Action**

1. ORDER #162-01/02 – Declaring 109 Brigham Street a nuisance. Postponed on 5/6/02. Passage requires majority vote.

Councilor Bowring moved to have the order read by title only. Councilor Maietta seconded and the motion passed 7-0. A motion to pass the order was made by Councilor Bowring and seconded by Councilor Johnson.

Pat Doucette, Ed Reidman and Helen Watts were present to answer questions.

The following people addressed this item;

Cassie Moon, 101 Brigham Street – Was not present but submitted some photos and a letter which was read by the City Manager addressing her concerns about the state of disrepair to the property.

Sandra Pingree, 15 Cross Street  
Mark McLaughlin, 128 Brigham Street  
Karen Chute, 105 Brigham Street  
Geraldyn Jerome, 111 Brigham Street

All voiced concerns about the state of the property and the safety of the children on the street.

An amendment to change the deadline to demolish the structure from 05/31/02 to 05/28/02 was made by Councilor Maietta and seconded by Councilor Bowring. This first amendment passed unanimously. A second amendment was offered by Councilor Maietta and seconded by Councilor Johnson to provide fire watch at the property between 8:00 P.M. and 8 A.M. and to have the watch staffed by city personnel. The second amendment failed 3-4 (Boudreau, Baxter, Dale, Fickett). Another amendment was made by Councilor Boudreau and seconded by Councilor Baxter to staff the fire watch between 8:00 P.M. and 8:00 A.M. with an outside security firm in an effort to keep the city police and fire departments adequately staffed and to limit the cost impact of the watch. This amendment passed 6-1 (Johnson). The main motion passed as amended 7-0.

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

2. ORDER #141-01/02 – Award of bid to Emergency Vehicles of Maine, of Auburn, ME, for the purchase of a foam engine for the Fire Department. Postponed since 03/18/02. Passage requires majority vote.



**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 120**  
**MAY 20, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:05 P.M. Councilor Johnson was late, arriving at 7:10 P.M. and Councilor Boudreau at 7:30 P.M.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Baxter to accept the minutes of the Regular Meeting of May 6, 2002 and the Special Meeting of May 13, 2002. Passage 5-0.

**B. Communications from City Manager**

The Manager welcomed Helen Hemminger for Habitat for Humanity along with Aweis Abdallah and his two boys, Kamil and Osnan. Mr. Abdallah will soon be moving into a home built by Habitat for Humanity on land that was donated by the city.

The Manager also talked about the Cumberland County Snow Plow Rodeo and congratulated Mark Montefesco, Mike Ricci, Brian Foley, Jamie Dunbar, Kevin Kimball and Dale Cole in their placement in the rodeo.

**C. Petitions and Communications**

Department Reports for the month of April, 2002.

Attendance Reports for the month of April, 2002.

**D. Appointment Calendar**

**E. Consent Calendar**

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

Angela Griffiths, Davis Street - Remarked that the Homestead Exemption and Rent and Tax Forms are available to the public for tax relief. She stated that she feels Portland is doing a better job funding education than South Portland.

Janet Luther, 43 Mildred Street – Feels the city should spend more money on education.

Gerri Bissonnette, 15 Belaire Road – Said South Portland is spending too much per pupil. She feels the budget is outrageous and gave statistics on MEA scores.

Stanley Cox, 460 Highland Ave. – Does not like a pay per bag program for trash pick up. He feels costs savings should be gained by picking up trash every other week.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 121**  
**MAY 20, 2002**

Ray Lee, 28 Henry Street – Said the Circuit Breaker Program is a welfare program. He stated that he gave up his health and life insurance. He feels more should be cut from the city and school budget to create relief for senior citizens.

John LaPointe, 47 Oceanview Ave. – Mr. LaPointe said programs mandated by the State must be paid for and sometimes the programs must be paid locally. He stated that the increase is due to a shift from commercial to residential and not an increase in expenditures.

Andy Snyder, 13 Crestview Drive – Encourage the Council not to accept Item #12 on the agenda to accept the remainder of Crestview Drive. He said he doesn't consider the subdivision complete and more work needs to be done.

Glenn Ekholm, 89 Simmons Road – Felt the process for gathering information at the budget hearing at the school auditorium was not handled well and that the school board did a better job. He also said he felt that tying the revaluation in with the budget process was a mistake.

Joni Altshuler, 42 Oceanview Ave. – Has lived in South Portland for three years and purchased a home here in February. Would like to see the city invest in the schools to keep the community thriving.

Tom Bradford, 12 Crestview Drive – Would like the city to do an accounting of Crestview Drive. Issues there have not been resolved.

**G. Public Hearings and Action**

1. ORDINANCE #11-01/02 – Amending Chapter 15, "Motor Vehicles and Traffic" regarding public parking and fines. Amended and passed first reading on 03/18/02. Postponed on 4/1/02. ROLL CALL VOTE. Passage requires majority vote.

This item was read by title only as the result of a motion made by Councilor Bowring and seconded by Councilor Fickett. 6-1 (Maietta) Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter.

The following person addressed this item;

John LaPointe, 47 Oceanview Ave. – Asked for clarification on this ordinance amendment.

A motion was made by Councilor Boudreau and seconded by Councilor Bowring to amend Sec. 15-25 (8) Handicapped space from \$50.00 to \$100.00. Passage 6-1 (Fickett)

A second motion was made by Councilor Boudreau and seconded by Councilor Bowring to amend Sec. 15-25 first paragraph, to change the fine of not more than \$100.00 to \$300.00. Passage 5-2 (Fickett, Maietta)

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 122**  
**MAY 20, 2002**

A third motion was made by Councilor Bowring and seconded by Councilor Boudreau to amend Sec. 15-222 second paragraph, to change the references from administrative acts to the issuance of summonses for parking violations. Passage 6-1 (Maietta)

The ordinance was passed as amended 5-2. (Fickett, Maietta)

2. Nara Corporation, d/b/a/ Nara, 50 Maine Mall Road. For an application of FSE/Class A Restaurant with Liquor License. New owner of an existing business. Passage requires majority vote.

The following person addressed this item;

Mark Riley, Nara Corporation – Announced his presence and willingness to answer any questions the Council may have.

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passage 7-0

3. ORDER #166-01/02 – Authorizing the City Manager to sign a contract with the Maine Department of Community Development regarding Durastone, Inc. Passage requires majority vote.

Mayor Dale stepped down and Councilor Bowring sat in as Mayor Dale's law firm represents Jensen, Baird, Gardner and Henry. The Manager asked that this item be postponed.

There was no public discussion.

Councilor Maietta made a motion to postpone, seconded by Councilor Baxter. Postponed 6-0 (Dale abstaining)

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

4. ORDER #167-01/02 – Accepting miscellaneous donations. Passage requires a majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passage 7-0.

5. PROCLAMATION #7-01/02 – Proclaiming May 24, 2002 as Arbor Day within the City of South Portland. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 123**  
**MAY 20, 2002**

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passage 7-0

6. ORDER #168-01/02 – Waiving the bid process and authorizing the City Manager to enter into a Purchase and Sale Agreement with Greater Portland Christian School. Passage of waiver requires six (6) affirmative votes.

Dr. Russ Keanan, Vice President of Greater Portland Christian School and Mr. Bamford, President were present to answer any questions.

The following person spoke on this item;

Glenn Ekholm, 89 Simmons Road – Asked if city will be maintaining ball fields. He was told yes. He then said he hopes the Council passes this order.

Councilor Bowring made a motion to amend the Contract for Sale of Real Estate Agreement – 14 (B.) to change nonexclusive license to permission. Councilor Maietta seconded the motion. Passed as amended 7-0

7. ORDER #169-01/02 - Amending the FY 2002 CIP to add \$1,300,000 for CSO Abatement in Acton, Bremen, Calais, Cash, Skillings Streets and Robert Mills Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor Maietta. Passage 7-0

8. ORDER #170-01/02 - Award of bid to CBE Technologies, of Westbrook, ME, for the purchase of a data network file server for the School Department. Passage requires majority vote.

The following people spoke on this item;

Ray Lee, 28 Henry Street – Did not feel the school department should be spending money at this time.

Glenn Ekholm, 89 Simmons Road – Wanted to know if this was replacing a file server or adding new equipment.

Ed Gomes, from the South Portland School Department gave background information on this item. He said the addition of this server will create more efficiency. Currently there are three servers, one serving High School teachers and students, one serving Middle School teachers and students and the third serving the Elementary Schools. This will allow restructuring to put the teachers, K through 12 separate from students, K through 12, enhancing productivity and securing the integrity of the data.

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**MAY 20, 2002**

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter.  
Passage 6-1 (Fickett)

9. ORDER #171-01/02 – Award of bid to Offtech Inc., of South Portland, ME, for the purchase of four copiers for the School Department. Passage requires majority vote.

The following people spoke on this item;

Ray Lee, 28 Henry Street – Said this was a waste of money.

Glenn Ekholm, 89 Simmons Road – Inquired about maintenance agreement and if the copies are replacements or new.

Ed Gomes said that the school copiers are set up on a replacement schedule and each of the copiers being replaced have over 1.5 million copies on them.

Motion for passage was made by Councilor Bowring and seconded by Councilor Johnson for passage. Passage 6-1 (Fickett)

10. ORDER #172-01/02 - Award of bid to Hardypond Construction, of Westbrook, ME, for repairs to the City Hall portico. Passage requires majority vote.

The following people spoke on this item;

Ray Lee, 28 Henry Street – Wanted to know if this was an emergency repair. We should not be spending this money in a budget crunch.

Glenn Ekholm, 89 Simmons Road – Wanted to know if we had the capability of completing this work in house. The Manager responded saying that the city has one carpenter and this work was beyond the range of ability to complete in house.

Motion for passage was made by Councilor Maietta and seconded by Councilor Boudreau. Passage 7-0

11. ORDER #173-01/02 – Waiving the bid process and authorizing the transfer of city-owned property on Broadway to the Boys and Girls Club of Greater Portland. Passage of waiver requires six (6) affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Passage 7-0

12. ORDER #174-01/02 – Accepting a portion of Crestview Drive; deeds for Juniper Circle, Vista Drive and Crestview Drive; pump station lot and 30 foot sewer easement located in Phases II, III and IV of the Grandview Subdivision. Passage requires majority vote.

Mayor Dale stepped down from this item as his law firm represents Mr. Wainwright. Councilor Bowring sat in for the Mayor.

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**MAY 20, 2002**

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor Boudreau.

Tex Haeuser and Ed Reidman were both present to answer questions. Tex raised the issue that if the city did not accept the street and continued to provide services, would there be a legal liability should someone get hurt while providing a city service. There was a significant amount of discussion about whether the city should accept the deed, sewer easement and acceptance of the city street and what its liabilities would be on the ensuing drainage issues.

A motion to amend the order to accept the utility easement but not the drainage easement was made by Councilor Boudreau and seconded by Councilor Johnson. Amendment failed 3-3 (Baxter, Maietta, Bowring) (Dale abstaining) The main motion failed 3-3 (Baxter, Maietta, Bowring) (Dale abstaining)

13. ORDINANCE #12-01/02 – Amending Chapter 18, “Parks and Recreation” regarding parks. First reading. Passage requires majority vote.

The following people spoke on this item;

Ray Lee, 28 Henry Street – Doesn’t like the amendment. If people are minding their business, leave them alone.

Glenn Ekholm, 89 Simmons Road – Doesn’t agree with prohibiting people the opportunity to walk the beach on a moon lit night.

Lt. Mark Clark from the Police Department explained that the amendments were no more restrictive than they are currently written for. The amendment clarifies the ambiguous notion of when sunrise and sunset actually occur and creates uniformity in regards to parks and recreation facilities. The ordinance already prohibits people from public parks after dark.

Councilor Maietta made a motion to withdraw the item and have it brought to a workshop. Councilor Bowring seconded the motion. Withdrawn 7-0.

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

**J. Councilor’s Round Robin**

Councilor Baxter said that having Department Heads sit up in the front row works much better than when they previously sat in the back. He voiced his regret that Lincoln School will no longer belong to the City. He also referred to an incident at Hinkley Park, where a child was bitten by a dog that was not on a leash. He does not agree with dogs being able to wander under voice control.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 126**  
**MAY 20, 2002**

Councilor Maietta said the School Master Building Committee has quotes coming in for Kaler School \$1,000,000.00 under budget. Ge Erskine Park is taking off. Deputy Haskell has asked Councilor Maietta to be on the West End Fire Station Committee.

A motion to adjourn to executive session was made at 11:00 P.M. by Councilor Bowring and seconded by Councilor Maietta.

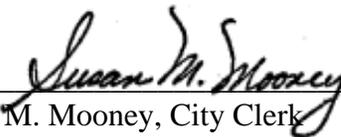
**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(e), legal rights and duties of the City Council regarding Charlotte Street and Edgewood Road; and pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with the South Portland Firefighters IAFF Local #1476, South Portland Police Command and Supervisory Unit, and the South Portland Police Patrol Association.

Councilor Bowring made a motion to come out of executive session at 12:20 P.M. The motion was seconded by Councilor Maietta.

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Bowring at 12:21.

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ATTEST  \_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 127**  
**JUNE 3, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 6:05 P.M. Councilor Boudreau arrived late.

**K. Executive Session**

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

Motion to adjourn to executive session was made by Councilor Baxter and seconded by Councilor Bowring. 6-0

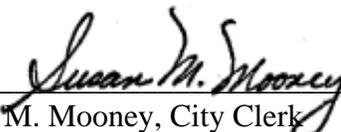
Motion to return to regular session was made at 6:35 P.M. by Mayor Dale and seconded by Councilor Boudreau. 7-0

Motion to deny hardship abatement case #01/02-08 was made by Councilor Fickett and seconded by Councilor Boudreau. Denied 7-0

Motion to adjourn was made at 6:36 P.M. by Mayor Dale and seconded by Councilor Boudreau.

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 128**  
**JUNE 3, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:02 P.M. All members were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Maietta and seconded by Councilor Bowring to accept the minutes from the regular meeting of May 20, 2002. Passed 7-0.

**B. Communications from City Manager**

The Manager recognized Doug Howard, Public Works Foreman, on achieving the "Roads Scholar Award". Doug had to complete attendance at various workshops to obtain the award.

The Manager also announced that cable payments will no longer be collected at City Hall effective June 28<sup>th</sup>. He then mentioned the upcoming election and asked the City Clerk to provide some information on it.

The Clerk said that a list of candidates was on the city web site along with additional information on the State referendum questions, registered voter data base and polling locations. She also said absentee voting process was available in the Clerk's office. Copies of the State of Maine Notice of Primary/Referendum Election, along with the times and locations of posting, were submitted for recording into the City records in accordance with Title 21A Section 621-A.

**C. Petitions and Communications**

**D. Appointment Calendar**

**E. Consent Calendar**

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

Stan Cox, 460 Highland Ave. – Mr. Cox submitted a petition with 476 signatures along with a statement outlining information imparted to the citizens who signed the petition. Mr. Cox does not want pay per bag and feels that every person he spoke with is opposed to it also. He requested that the proposed tax rate be increased by .23 and the pay per bag be eliminated from the proposed budget.

Ronald Strout, 921 Highland Ave. – Mr. Strout said that people didn't realized they would have to pay for the bags. He is opposed to the pay per bag program.

Don Hood, 104 Winding Way – Mr. Hood said revaluation is coming at a bad time and he recommended that the administration should put off implementing it until the market shifts. He also helped collect signatures for the pay per bag opposition petition. He said

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 129**  
**JUNE 3, 2002**

no one turned down signing the petition. He would like to see more emphasis being put on recycling.

The Manager responded to his recommendation at the request of Councilor Maietta. The Manager indicated that the city has a legal obligation to conduct and implement a revaluation when values become inconsistent. If the Council decided not to implement the revaluation, the commercial property owners would be within their rights to apply for an abatement of taxes because of their over assessments and quickly drain the relatively small appropriation dedicated for abatements. He also said the Council has attempted to mitigate the impact of the revaluation.

Robert Schwartz, 35 Scammon Street – Mr. Schwartz is also opposed to pay per bag and said it is one of the few benefits seniors in the community get and use. He feels that people will take their trash and dump it in commercial dumpsters if the program is implemented.

Andy Snyder, 13 Crestview Drive – Mr. Snyder would like to have the Council, Manager and Mr. Wainwright meet with the property owners in Grandview Estates to address the unresolved issues in the development. He feels that since houses were supposed to be built to city code standards and the city issued occupancy permits, the city has a responsibility to enforce the codes.

Ray Lee, 28 Henry Street – Mr. Lee does not want pay per bag. He doesn't feel the budget has been cut enough and that it is a bad time to put a revaluation into effect. He thinks the tax rate should be somewhere between 10.00 and 12.00 per thousand.

Roger Nadeau, 28 McKinley Street – Mr. Nadeau wanted to know if a committee of citizens has been formed to brain storm ideas to reduce the budget. He feels they could come up with ways to cut the budget without layoffs.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith is also opposed to pay per bag. He doesn't think that we can recycle much more than is currently being done.

**G. Public Hearings and Action**

**Councilor Baxter motioned to take Item #14 out of order. Councilor Boudreau seconded the motion and it passed 7-0. Please see Item #14 for action.**

1. ORDER #166-01/02 – Authorizing the City Manager to sign a contract with the Maine Department of Community Development regarding Durastone, Inc. Postponed on 5/20/02. Passage requires majority vote.

Mayor Dale stepped down and Councilor Bowring sat in on this item, as Mayor Dale's law firm represents Durastone, Inc.

The following people addressed this item;

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**JUNE 3, 2002**

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith thinks the city should not be willing to take a risk on Durastone if the banks don't feel they are credit worthy.

Ray Lee, 28 Henry Street – Mr. Lee stated that he thought Durastone was supposed to create new jobs when they were given the TIF agreement.

Karen Martin, from Greater Portland Council of Governments and Jim Duhamel, President of Durastone, were both present to answer questions that the Council had. There was some discussion on how much liability the city would be bound to if Durastone did not create the total number of jobs required by the grant. Mr. Duhamel stated that 10 out of the 20 jobs needed to fill the grant requirement have already been filled. Karen Martin indicated that, even if they did not complete the fulfillment of the remaining 10 positions, it would be questionable as to whether the State of Maine would actually hold the City liable.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Fickett. Passed 4-2 (Maietta, Bowring) (Dale abstaining)

2. RESOLVE #6-01/02 – Approving the Appropriation Resolve for the Fiscal Year 2003  
Passage requires majority vote.

A motion to read the resolve by title only was made by Councilor Maietta and seconded by Councilor Bowring. Passed 7-0

The following people addressed this item;

Stan Cox, 460 Highland Ave. – Restated his position against pay per bag. He wants the Council to increase to proposed appropriation resolve by twenty three cents and take pay per bag out of the proposed 2002/2003 fiscal year budget.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith agreed with Mr. Cox and said citizens will appeal pay per bag if it is enacted. He said businesses modernize to eliminate increases. He stated that the city has added a lot of computer technology but has not cut staffing.

Ray Lee, 28 Henry Street – Mr. Lee said he doesn't mind paying for a basic education but people should have to pay an impact fee for their children in the school system.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter. A motion for amendment to eliminate the pay per bag system and increase the tax rate from \$16.83 to \$17.06 was made by Councilor Boudreau and seconded by Councilor Fickett.

Councilor Baxter said that pay per bag does increase recycling based on figures from every community that has enacted the program. He feels the program will eventually come to South Portland because he doesn't feel citizen's will recycle highly on their own.

Councilor Johnson said we are currently recycling at about 21%. He would like to see us increase recycling without pay per bag but doesn't think it will happen.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 131**  
**JUNE 3, 2002**

Mayor Dale did not support the amendment stating that it was not appropriate in four areas; environmental, financial, equality, and practicality.

The amendment passed 5-2 (Dale, Johnson) however, the main motion failed 3-4 (Dale, Johnson, Boudreau and Fickett)

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

3. ORDER #175-01/02 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion on this item.

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

4. ORDER #176-01/02 – Setting the sewer user fees for Fiscal Year 2003. Passage requires majority vote.

There was no public discussion on this item. The Manager requested this item be postponed due to the fact the Appropriation Resolve did not pass.

Councilor Boudreau made a motion to postpone Items #4, #8 and #12 for the reason stated above. Councilor Maietta seconded the motion. Postponed 7-0

5. ORDER #177-01/02 – Award of bid to O'Brien & Sons, of Medfield, MA, for the purchase of a playscape for Willard Beach. Passage requires majority vote.

The following person addressed this item;

Ray Lee, Henry Street – Mr. Lee said this item should not be passed and the money should be reallocated to offset the tax increase.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passed 6-0 (Baxter out of room)

6. ORDER #178-01/02 – Award of bid to Valcom, of South Portland, ME; CBE Technologies, of Westbrook, ME; and JPK Micro Supply, Inc., of City of Industry, CA for the purchase of a financial file server. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Wanted to know if this was a replacement and if not why do we need it.

Shawn Pennington from the IT Department answered this question saying that the server is necessary for email purposes. The School Department will be utilizing

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 132**  
**JUNE 3, 2002**

email through an educational organization and the city cannot continue to share the email system we currently have in place.

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

7. ORDER #179-01/02 – Authorizing the appropriation of \$406,175 for the repair and renovation of Memorial Middle School Library. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said this was another incident where a roof leak was left unattended long enough to do costly damage.

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

8. ORDER #180-01/02 – Setting fees for ambulance services. Passage requires majority vote.

There was no public discussion on this item.

Postponed – See Item #4

9. ORDER #181-01/02 - Authorizing the City Manager to sign a License Agreement with Turners Island LLC for the Pleasantdale section of the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion on this item.

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

10. ORDER #182-01/02 – Authorizing the City Manager to sign a Federal Equitable Sharing Agreement with the U. S. Department of Justice for participation in the equitable sharing program. Passage requires majority vote.

There was no public discussion on this item.

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

11. ORDER #183-01/02 – Accepting forfeited property consisting of \$350.00, Sony camcorder and computer equipment to be used by the police department. Passage requires majority vote.

There was no public discussion on this item.

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

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 133**  
**JUNE 3, 2002**

12. ORDINANCE #13-01/02 – Amending Chapter 3, “Animals and Fowl” regarding impoundment fees. First reading. Passage requires majority vote.

There was no public discussion on this item.

Postponed – See Item #4

13. ORDER #184-01/02 – Amending the *Traffic Schedule* regarding speed limits for Cummings Road; Wainwright Circle East and West; Wermuth Street; Bulkeley Road; Cannon Road; Colin Kelley Road; Devereaux Circle; O’Hare Road; Powers Road and MacArthur Circle East, West and North. Passage requires majority vote.

There was no public discussion on this item.

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

14. ORDER #174-01/02 – Reconsideration - Accepting a portion of Crestview Drive; deeds for Juniper Circle, Vista Drive and Crestview Drive; pump station lot and 30 foot sewer easement located in Phases II, III and IV of the Grandview Subdivision. Passage requires majority vote.

There was no public discussion on this item.

A motion was made by Councilor Baxter for reconsideration and postponement for two weeks. The motion was seconded by Councilor Boudreau and passed 6-0. (Dale abstained) The Council will be looking to the Manager and Councilor Baxter to come up with a game plan to deal with this issue by the Monday night workshop meeting.

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

**J. Councilor’s Round Robin**

Councilor Maietta said the Patrolman’s Association held a very successful comedy night at the Eagles raising \$10,000.00. The Association donated \$4,000.00 of the amount raised to the Ge Erskine Memorial Park.

Councilor Baxter said that the Master Building Committee would be meeting at the High School Library on June 4, 2002.

**K. Executive Session**

Motion to adjourn was made at 10:30 P.M. by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

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ATTEST \_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 63 PAGE 134**  
**JUNE 17, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 6:07 P.M. Councilor Boudreau and Councilor Baxter arrived late.

**K. Executive Session**

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty, and pursuant to 1 M.R.S.A §405 (6)(e), legal rights and duties of the City Council regarding the status of Charlotte Street and Edgewood Road and regarding a contemplated sewer extension.

Motion to adjourn to executive session was made by Councilor Bowring and seconded by Councilor Maietta. 5-0

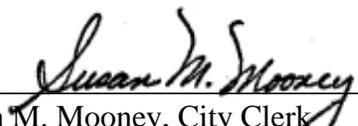
Motion to return to regular session was made at 7:05 P.M. by Councilor Bowring and seconded by Councilor Maietta. 6-0 (Baxter out of room)

Motion to pass hardship abatement case #01/02-09 was made by Councilor Bowring and seconded by Councilor Maietta. Passed 6-0 (Baxter out of room)

Motion to adjourn was made at 7:07 P.M. by Councilor Bowring and seconded by Councilor Maietta. 7-0

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 135**  
**JUNE 17, 2002**

**Roll Call:** Mayor Dale called the meeting to order at 7:08 P.M. All members were present.

**A. Acceptance of Minutes**

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the special meeting and regular meeting of June 3, 2002. Passed 7-0.

**B. Communications from City Manager**

The Manager deferred to the City Clerk to give an update on the June 11<sup>th</sup> election. The Clerk said the election went very smooth thanks to the help of the following Parks Department employees who set all the polling places up, tore them down and delivered ballots and other election materials on election night;

Ed Rombalski, Scott Macleod, T.J. Hubbard, Nick Cooke, Mary Lou Fathke, John "Linky" Erskine, Jamie McPherson, Rick Perruzzi and Kim Chesterfield.

She also thanked the Wardens, Ward Clerks, election workers, Sarah Neuts and the employees in the Clerks Office, Karen Morrill, Jennifer Scholz and Mike Layton for all their help with the process.

The Manager referred to a letter from The Friends of Casco Bay thanking the City of South Portland for its generous contribution of \$9,000.00 for the Vessel Pumpout Program.

He also acknowledged Lynn Bromley, who was present, and asked her to say a few words about the Forum for Quality Education and Sensible Taxation, with herself, Mayor Dale and School Board Chair Ralph Baxter, Jr. The community conversation was scheduled for June 26, 2002 at the Community Center and was to discuss tax reform and gather input from concerned citizens.

The Manager announced that training for city staff in response to the Department of Labor inspection was scheduled for July 11, 2002.

He also stated that there was low level contamination in the compost at the transfer station. The contamination is not a health hazard and is directly related to the fertilizers in the grass clippings brought to the transfer station. It really only impacts citizens using the compost around new plantings which may be too fragile to withstand the higher level of fertilizer.

**C. Petitions and Communications**

Department Reports for the month of May, 2002.

Attendance Reports for the month of May, 2002.

**D. Appointment Calendar**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 136**  
**JUNE 17, 2002**

**E. Consent Calendar**

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

Senator Lynn Bromley, - As a tax payer, she wished to extend her personal appreciation to the Council for balancing the needs of the schools and the city services. She said the school funding formula needs to be changed and invites all to be a part in the process.

David Bourke, President of Willard Beach Association – Announced that there would be a special meeting at 7:00 P.M. on the 20<sup>th</sup> at the Betsy Ross House. The meeting will focus on taxation and learning how to help change the process

John LaPointe, 47 Oceanview Ave. – Wanted to know if the public can go in and see the construction being done at the Wainwright Ballfields. The Manager responded that the access road has been blocked to keep the fields from being vandalized. There is no security in place down there. Anyone can walk down and see what has been done.

Angela Griffiths, Davis Street – Feels that the schools did not get adequately funded in the next budget year. She said the children have been short changed by cuts to the budget. She has a daughter with special needs who will be affected by the cuts.

Ray Lee, Henry Street – Mr. Lee said that there is plenty of money in the budget for a good basic education. He feels the tax rate should be \$14.00 per thousand.

Glen Ekholm, 89 Simmons Road – Mr. Ekholm said trying to get to \$14.00 per thousand is short sighted. He would like to see the community care as much about education as pay per bag.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said homeowners would pay double if pay per bag were implemented. He feels there should a tax cut with all the new value.

Councilor Maietta asked to have the Manager provide clarity on the approved tax rate.

The Manager explained that there was a tax cut of .24 cents per thousand because of new value. If the revaluation had not been completed this year, the tax rate for the 2002/2003 fiscal year would have been \$23.06. As properties are brought to current market value, the average homeowner will experience a tax increase because commercial properties have not increased in value to the extent that residential properties have, causing a shift. In the last fiscal year, commercial properties have covered .66 cents of every tax dollar and residential property owners .34 cents. With the completed revaluation, the breakdown changes to .60 cents out of every dollar being paid by commercial properties and .40 cents by residential properties.

School Superintendent, Reginald McDonald said that 20.5 positions will not be in the budget next year that were in this past year. He has laid off 9 ½ positions so far.

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 137**  
**JUNE 17, 2002**

**G. Public Hearings and Action**

1. RESOLVE #6-01/02 – Reconsideration - Approving the Appropriation Resolve for the Fiscal Year 2003. Passage requires majority vote.

Councilor Maietta made a motion to have the resolve read by title only. Councilor Boudreau seconded the motion. Passed 7-0

A motion was made by Councilor Johnson and seconded by Councilor Bowring to reconsider the resolve. Passed 7-0

The following people addressed this item;

David Bourke, 26 Henry Street – Mr. Bourke volunteers at Small School. He stated that there were 12 students in 2 fourth grade classes. He said there were probably many classes below the 20 student maximum if it were looked into. He feels that a child, who doesn't have the right to vote, should not have the right to speak in front of the Council. Regular citizens were not heard the way they should have been because of it. He said overhead should be cut when things get tight.

Angela Griffiths, Davis Street – She supported the size of the fourth grade class at Small school saying that there were extenuating circumstances.

John LaPointe, 47 Oceanview Ave. – Mr. LaPointe thanked the Councilors for their time spent in dealing with the budget. He feels that we should be teaching our children to get involved in the community and encourage them to speak at meetings. He is disappointed with the cuts and upset that educators ranked 11<sup>th</sup> in salary for teachers.

Ray Lee, Henry Street – Mr. Lee agrees with Mr. Bourke in that children should be seen and not heard. He said the Council is taxing people out of their houses.

Glen Ekholm, 89 Simmons Road – Mr. Ekholm referred to the 9 positions that the school cut, comparing it to the ½ position that the city cut. He said he doesn't think the Council values education. The pay per bag savings could have funded those positions.

The Manager clarified that the city actually cut 2 ½ positions out of the budget.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said he couldn't believe the Council was approving a 14% increase to residential property owners. He said many people will be taxed out of their homes. He also said the Council caved in and gave the school what they wanted.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Passed 4-3 (Dale, Boudreau, Fickett)

**Councilor Bowring motioned to take Items #4 and #5 out of order. Councilor Baxter seconded the motion and it passed 7-0.**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 138**  
**JUNE 17, 2002**

2. ORDER #185-01/02 – Extending public sewer into Evans Street from Romano Road. Passage requires majority vote.  
The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith wanted to know what would happen if ledge is hit? Does the city have to pay for it? It would cost a considerable amount of money.

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

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

3. ORDER #174-01/02 – Accepting a portion of Crestview Drive; deeds for Juniper Circle, Vista Drive and Crestview Drive; pump station lot and 30 foot sewer easement located in Phases II, III and IV of the Grandview Subdivision. Reconsidered and postponed on 6/3/02. Passage requires majority vote.

The Manager asked to have this item postponed.

Motion to postpone was made by Councilor Bowring and seconded by Councilor Baxter.  
Postponed 5-0 (Maietta out of room, Dale abstained) **(Final passage occurred 4/7/03)**

4. ORDER #176-01/02 – Setting the sewer user fees for Fiscal Year 2003. Postponed on 6/3/02. Passage requires majority vote.

A motion to read by title only was made by Councilor Bowring and seconded by Councilor Maietta. Passed 5-1 (Boudreau) (Johnson out of room)

The following person address this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith inquired as to how much was being shifted from the General Fund to the Sewer User Fund. The Manager said that \$288,000 for sewer maintenance was being transferred out of the General Fund.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter.  
Passage 7-0

5. ORDER #180-01/02 – Setting fees for ambulance services. Postponed on 6/3/02. Passage requires majority vote.

The following people addressed this item;

Ray Lee, Henry Street – Mr. Lee thinks the city should privatize this service.

Glen Ekholm, 89 Simmons Road – Mr. Ekholm asked if the fees meet medicare / medicade standards or exceed them. The Manager said they meet the standard.

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

6. ORDINANCE #13-01/02 – Amending Chapter 3, “Animals and Fowl” regarding impoundment fees. First reading. Postponed on 6/3/02. Passage requires majority vote.

The following people addressed this item;

David Bourke, Henry Street – Mr. Bourke felt the fees should be increased even higher to cover the city’s expenses.

Ray Lee, Henry Street – Mr. Lee wanted to know what happens if someone doesn’t claim their animal. He is concerned that the city will have to pay if people just let their animals run loose.

Chief Googins said that unclaimed animals are put up for adoption. If no one adopts them, eventually they will be euthanised. Anyone can surrender their animals to the refuge league if they are unable to keep them.

Glen Ekholm, Simmons Road – Mr. Ekholm is concerned about animals running loose.

David Bourke, Henry Street – Mr. Bourke said the ordinance does not specifically refer to animals under voice control.

Motion to pass first reading was made by Councilor Boudreau and seconded by Councilor Bowring. Passed first reading 6-0 (Baxter out of room)

7. ORDER #186-01/02 – Award of bid to MHQ Municipal Supply of Marlborough, MA, and Tri-State Police & Fire Equipment, Inc., of Winthrop, ME, for the purchase of body armor for the police department. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #187-01/02 – Amending the Traffic Schedule creating a four-way stop at Myrtle Avenue and Beach Street. Passage requires majority vote.

The following people addressed this item;

Ray Lee, Henry Street – Mr. Lee want to know why a four way stop sign is being put there. He feels the money would be better spent putting bigger stop signs at Willard Square.

David Bourke, Henry Street – The request for a stop sign here does not necessarily reflect the wish or the neighborhood association.

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**JUNE 17, 2002**

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 6-1 (Baxter out of room)

9. ORDER #188-01/02 – Naming the roadway known as the Waterman Connector “Erskine Drive”. Passage requires majority vote.

The following people addressed this item;

Sam Simonson, South Portland Fireman – Mr. Simonson said Waterman Drive was named after a previous public works director. He feels naming the connector after Ge Erksine would be fitting.

Pamela St. John, 40 Kelley Street – Mrs. St. John said she hopes the Council supports this order.

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

10. ORDINANCE #14–01/02 – Amending Chapter 18, “Parks and Recreation” regarding parks. First reading. Passage requires majority vote.

The following people addressed this item;

David Bourke, Henry Street – Mr. Bourke said people drink at the beach every night. He supports this order.

Ray Lee, Henry Street – Mr. Lee feels there should be an amendment to this order that says if someone is minding their own business, they should be left alone.

Motion to pass first reading was made by Councilor Bowring and seconded by Councilor Boudreau. Passed first reading 7-0

11. ORDER #189-01/02 – Setting Transfer Facility Fees for FY 2003. Passage requires majority vote.

The following person addressed this item;

Glen Ekholm, Simmons Road – Mr. Ekholm questioned whether people would be discouraged from bringing things to the transfer station if the fees were raised.

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

12. ORDINANCE #15–01/02 – Amending Chapter 9, “Garbage and Refuse” §9-707, “Fee Schedule” regarding commercial hauling of yard waste. First reading. Passage requires majority vote.

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Motion to amend the ordinance to add “in South Portland” to “clippings derived from residential properties” was made by Councilor Dale and seconded by Councilor Baxter. Amendment passed 7-0

Motion for passage was made by Councilor Maietta and seconded by Councilor Boudreau. Passed as amended 7-0

13. ORDER #190-01/02 - Accepting a deed from Arlen Davis for property located at the end of Lowell Street. Passage requires majority vote.

The following person spoke on this item;

David Bourke, Henry Street – Mr. Bourke wanted to know if this would allow access to and area referred to as the piggery.

Motion for passage was made by Councilor Maietta and seconded by Councilor Bowring. After some discussion it was decided that additional information needed to be gathered. Motion to postpone was made by Councilor Boudreau and seconded by Councilor Fickett. Postponed 5-2 (Maietta, Bowring)

14. ORDER #191-01/02 – Authorizing the establishment of a property tax stabilization reserve. Passage requires majority vote.

The following person spoke on this item;

David Bourke, Henry Street – Mr. Bourke wanted to know how much would be left in reserve. The Manager said 5.3 million, which is equal to one months worth of expenditures.

Glen Ekholm, Simmons Road – Thanked the Manager and the Council for their hard work on the budget. He feels that ground rules need to be set to address personal slanders being made.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter. Passed 7-0

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

Chief Googins, Police Chief – The Chief said the status of heroin use in New England is at an epidemic level and South Portland is not exempt from it. Since fiscal year 1996 there has been an increase of addiction by 152%.

David Bourke, Henry Street – Mr. Bourke said he appreciates the amount of work put in to pass the budget, however he does not agree with the final outcome.

**J. Councilor’s Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 63 PAGE 142**  
**JUNE 17, 2002**

Councilor Boudreau attended the graduation and is very proud of our graduates and the quality of the speakers. People need to recognize that we have many talented children in this community.

Councilor Fickett said the financial dilemma we are in can not be cured. It must be fixed at the top.

Mayor Dale offered condolences to the families of former Councilors Gary Farrell and Harold Macomber. Both passed away very recently.

Councilor Maietta also attended the graduation and was very proud of Gary Farrell's son, who spoke at the graduation, which was one day after Gary's funeral. He also noted that the grass was over grown at Cash Corner, the corner of Perry Terrace and Broadway, and the Armory.

Councilor Baxter is looking forward to having a discussion on next years budget. This needs to be addressed at a workshop soon. The Master Building Committee is working on Small School. Kaler should be underway soon, if not already.

Councilor Bowring also wants to see the budget re-addressed soon, as well as recycling. He attended a seminar at the Police Department for Landlord Training and was very impressed with the program.

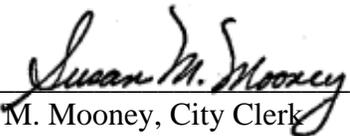
Councilor Johnson expressed his gratitude to Harold Macomber. He said Mr. Macomber was deeply respected, honorable and a gentle person. He said his wife, Linda, also had a tremendous amount of respect for him.

**K. Executive Session**

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

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Susan M. Mooney, City Clerk