

IN COUNCIL REGULAR MEETING JULY 1, 1996 VOL. 58 PAGE 1

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Baxter and seconded by Councilor Avery to accept the minutes of the regular meeting of June 17, 1996 and the special meeting of June 24, 1996. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Jeffrey Jordan read a letter from the Mayor of Portland to Mayor Boudreau apologizing for the noise complaints generated by the noise from the Maine State Pier during the Gay Pride event recently.

C. PETITIONS AND COMMUNICATIONS

Communication from the Civil Service Commission regarding the Civil Service Ordinance.

D. APPOINTMENT CALENDAR

1. ORDER #1-96/97 - SPC-TV Advisory Committee. Term to expire 7/15/99.

There was no public discussion.

Motion was made by Mayor Boudreau and seconded by Councilor Avery to appoint Alan Gay to this position. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARINGS AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

2. ORDER #154-95/96 - accepting Dimar Drive as a City street. Postponed on 6/17/96.

Phil Notis, 6 Deake Street, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Passage 7-0.

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3. ORDER #2-96/97 - authorizing the Acting City Manager to sign a lease extension for Spurwink School.

The following people addressed this item:

John Cragin, Ocean View Avenue
Clarence Beckwith, Bonnybriar Road
Mr. Walden, representing Spurwink School

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Passage 6 - 1 (Glynn).

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4. ORDER #3-96/97 - submitting proposed amendments to Ch. 27, "Zoning," regarding tank farms to the voters November 5, 1996.

The following people addressed this item:

Ray Lee, Henry Street
Kay Loring, 37 Files Street
Roxanna Gray, 26 Beach Street
Susan Peabody, 37 Highland Road
Dave Cyr, Portland Pipeline
Steve Hasson, 799 Breakwater
John Cragin, Ocean View Avenue
William Laidley, 374 Sawyer Street
Frank Morong, 325 Evans Street Ext.
Bill Moustrophis, 376 Broadway
Peggy Fuller, Grand Street
Chris Bowring, Pepperbush Circle
Dolores Broberg, 38 Bellevue Avenue
Clarence Beckwith, Bonnybriar Road
Chris Keane, 148 Pickett Street
Janice Doctor, High Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by directing Corporation Counsel to develop language that would replace the existing language with wording that would allow for no new petroleum based tanks making additional gallonage on tank farms; such prohibition would not prohibit the replacement or upgrading of existing tanks, providing that such action does not increase the capacity or storage gallonage of the tanks involved. Failed, 1 - 6 (Boudreau, Avery, Baxter, Fickett, Dearborn, Larsen). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order to direct the City Clerk to include information in the newspaper summary regarding what kinds of properties and what kinds of tanks would be allowed, a list of properties where new tanks would be permitted and an estimated total capacity of new tanks that could be built. Failed 2 - 5 (Boudreau, Baxter,

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Fickett, Dearborn, Avery). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by directing the City Clerk to include only what kind of properties and what kind of tanks will be allowed. Passage 5 - 2 (Dearborn, Avery). Passage, as amended, 7-0.

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5. ORDER #4-96/97 - determining whether Councilor Fickett has a conflict of interest concerning the proposed amendment to Ch. 27, "Zoning," regarding agricultural farms.

The following people addressed this item:

Ray Lee, Henry Street
Chris Bowring, Pepperbush Circle
John Cragin, Ocean View Avenue
Clarence Beckwith, Bonnybriar Road
Roxanna Gray, 26 Beach Street

Motion was made by Councilor Avery and seconded by Mayor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to withdraw the item. Failed 2 - 4 (Boudreau, Dearborn, Baxter, Avery opposed, Fickett abstaining). Failed, 2 - 3 (Larsen, Baxter, Dearborn opposed, Fickett abstaining, Glynn not voting).

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6. ORDINANCE #1-96/97 - amending Ch. 23, "Streets and Sidewalks," regarding waiving fees for emergency street openings for owner occupied residences. First reading.

The following people addressed this item:

William Bovill, 50 Fairlawn Avenue
Ray Lee, Henry Street
Bill Laidley, 374 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance by making it apply only to residential uses. Motion was made by Councilor Dearborn and seconded by Councilor Avery to amend the amendment by allowing only owner-occupied dwellings. Passage 5 - 2 (Glynn, Larsen). Passage of amendment, as amended, 7-0. Passage of first reading 7-0.

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7. ORDER #5-96/97 - authorizing the Acting City Manager to sign an agreement with the Maine Department of Transportation for construction of the Greenbelt Walkway Phase IV.

The following people addressed this item:

Bill Laidley, 374 Sawyer Street
Ray Lee, Henry Street
Susan Peabody, 37 Highland Road

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

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8. ORDER #6-96/97 - accepting a sewer line in Maine Mall Road.

The following people addressed this item:

Peter Anastos, owner of property involved
Ed Reidman, City Engineer

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage.
Passage 7-0.

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9. ORDER #7-96/97 - authorizing the Acting City Manager to sign a sewer maintenance agreement with the property owners of 20 F Street.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage.
Passage 7-0.

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10. ORDINANCE #2-96/97 - amending Ch. 19, "Personnel Rules and Regulations," regarding the Civil Service Ordinance. First reading.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage of the first reading. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Chris Bowring, Pepperbush Circle, read a letter from Conservation Commission member Bill Dale regarding the pedestrian crossing at Broadway and Waterman. He said there is still a long way to go on zoning for farms, and he doesn't think that taking one farm out is the way to go. He reprimanded Councilor Glynn for his earlier behavior.

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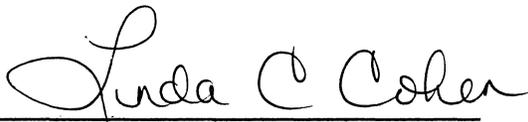
Ray Lee, Henry Street, said the Greenbelt is not accessible by wheelchairs in a few places. He said he understands that Mr. Jordan has been at every negotiation session, even though the City hired an expensive negotiator. He said that nepotism is running rampant in this city and he would like to see that clause negotiated into the union agreements.

J. COUNCILORS' ROUND ROBIN

Councilor Glynn said a salary survey was supposed to be done by 1/1/96, and it hasn't been completed. He said the Council order has not been carried out to the fullest.

Motion was made by Councilor Avery and seconded by Councilor Larsen to adjourn.
Passage 6 - 1 (Dearborn), 11:35 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING JULY 15, 1996 VOL. 58 PAGE 6

ROLL CALL: Mayor Boudreau called the meeting to order at 7:05 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 7/1/96 meeting. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the minutes in item five to reflect Councilors Fickett and Glynn as both abstaining. Failed 3 - 4 (Boudreau, Avery, Baxter, Dearborn). Minutes accepted 5 - 2 (Glynn, Fickett).

B. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Jeffrey Jordan read a memo from him to the Council regarding the FY96/97 tax rate.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of June.

Attendance Reports for the Month of June.

D. APPOINTMENT CALENDAR

1. ORDER #8-96/97 - Board of Appeals, District Three (Baxter). Term to expire 7/23/99.

Motion was made by Councilor Baxter and seconded by Councilor Avery to postpone this item to 8/5/96. Passage 7-0.

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2. ORDER #9-96/97 - Board of Appeals, District Four (Fickett). Term to expire 7/23/99.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Avery to appoint Brian Hanlon to this position. Passage 7-0.

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3. ORDER #10-96/97 - Board of Appeals, District Five (Dearborn). Term to expire 7/23/99.

Motion was made by Councilor Dearborn and seconded by Councilor Larsen to postpone this item to 8/5/96. Passage 7-0.

E. CONSENT CALENDAR

4. Northern Utilities, Inc. - installation of a gas main in Grand Street.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARINGS AND ACTION

5. ORDINANCE #1-96/97 - amending Ch. 23, "Streets and Sidewalks," regarding waiving fees for emergency street openings for owner occupied residences. Amended and given first reading on 7/1/96.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 6-1 (Boudreau).

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6. ORDINANCE #2-96/97 - amending Ch. 19, "Personnel Rules and Regulations," regarding the Civil Service Ordinance. Given first reading on 7/1/96.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Passage 7-0.

H. ACTION ON OLD AND NEW BUSINESS

7. ORDER #11-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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8. ORDER #12-96/97 - award of bid to White Bros. Inc. , of Westbrook, ME, for sewer/stormwater separation on School Street.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

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9. ORDER #13-96/97 - authorizing a request to the Maine Department of Transportation to lower the speed limit to 30 M.P.H. on Main Street from the Turnpike Spur to the Scarborough town line.

The following people addressed this item:

Charles Stofchick, 809 Main Street
Linnea Stofchick, 809 Main Street
Edward Googins, Police Chief

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

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10. ORDER #14-96/97 - authorizing the sale of city owned property on Highland Avenue to an abutter. Waiver of the bidding process requires six (6) affirmative votes.

The following people addressed this item:

Chris Bowring, Pepperbush Circle
Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage including the waiver. Passage 6-1 (Boudreau).

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11. ORDINANCE #3-96/97 - amending Ch. 27, "Zoning," regarding agricultural farms. First reading.

The following people addressed this item:

Stanley Cox, 460 Highland Avenue
Clarence Beckwith, Bonnybriar Road
Chris Bowring, Pepperbush Circle
Ray Lee, Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance with language proposed by Mr. Cox in the notebook. Passage 7-0. Passage of amended first reading 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Stanley Cox, 460 Highland Avenue, thanked the Council for its support of the last item. He said the street opening ordinance should have made exception only for single family residences.

Charles Hamlin, 3 Palmer Street, said he was discouraged to see water in the basement of City Hall for the second time recently. He said a few years ago, former City Manager Jerre Bryant said the City would not renew its lease with the Christian School, and there were plans to move City Hall to the former Lincoln School. He said that would make an excellent City Hall, and employees wouldn't be working in the basement, nor would records be ruined

from getting wet.

Tom Bakker, Peary Terrace, thanked the Council for giving rights back to the farmers and the Planning Board for working so diligently. He said he doesn't want City Hall in his back yard.

Ray Lee, Henry Street, said he asked for the cost of the Greenbelt Walkway at the last meeting, and he still hasn't received the information. He asked about the delay in negotiations for Public Works employees' labor contract. He told the Council it should eliminate the pickup of leaves in the fall and replace it with a heavy trash pickup. He said the Lions counted on the money raised from picking up leaves.

Clarence Beckwith, Bonnybriar Road, asked if the City was making any progress on getting land for the western end fire station. He said he's glad to see a tax cut for this year, but he's afraid that the increased valuation will hurt in future years, when the State gives the City less school funds.

J. COUNCILORS' ROUND ROBIN

Councilor Glynn said he would like to see how the TIF District agreement for National Semiconductor interfaces with the recent layoffs. He said he would like to have officials from National at a workshop and have them give a full accounting. He also said that truck traffic on certain streets in the city is causing major problems and damaging homes.

Councilor Larsen said she was thrilled to see the flags on people's lawns on the 4th of July and thanked Century 21.

Councilor Baxter said it was good to hear a citizen talk about putting City Hall in Lincoln School, because he has long been a supporter of that idea.

Motion was made by Councilor Dearborn and seconded by Councilor Fickett to adjourn.
Passage 7-0, 8:58 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



ROLL CALL: Mayor Boudreau called the meeting to order at 7:05 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 7/15/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Jeff Jordan read a letter from the Scarborough Police Chief to the South Portland Police Chief thanking South Portland for its help when Scarborough recently lost power from a lightning strike. Mr. Jordan read a memo from Police Chief Ed Googins which noted the appointment of Lt. Amy Berry to the Board of Trustees for the Maine Criminal Justice Academy and Lt. Jeffrey McCue's election as 4th Vice President of the F.B.I. National Academy, New England Chapter. Mr. Jordan noted that the Police Department DARE van had made the cover of Law and Order Magazine and was the 1996 vehicle design contest winner. Mr. Jordan said that sewer/storm line separation will be done on School Street from Kincaid to High Street, and this should help alleviate some of the problems in that area.

C. PETITIONS AND COMMUNICATIONS

Communication from the Board of Harbor Commissioners.

Councilor Glynn read a resolve regarding the proposed ash recycling facility proposed for Scarborough, and noted that this item would not be on this evening's agenda, but would go to workshop next Monday.

City Clerk Linda Cohen noted that nomination papers will be available in her office on 8/16/96 for City Council Districts 1, 2 and 5 and the two At Large Board of Education seats. Papers are due back to the Clerk no later than 9/23/96.

D. APPOINTMENT CALENDAR

1. ORDER #8-96/97 - Board of Appeals, District Three (Baxter). Term to expire 7/23/99. Postponed on 7/15/96.

Motion was made by Councilor Baxter and seconded by Councilor Avery to postpone this item to 8/19/96. Passage 7-0.

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2. ORDER #10-96/97 - Board of Appeals, District Five (Dearborn). Term to expire 7/23/99. Postponed on 7/15/96.

Motion was made by Councilor Dearborn and seconded by Councilor Larsen to postpone this item to 8/19/96. Passage 7-0.

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3. ORDER #15-96/97 - Conservation Commission, Associate Member. Term to expire 11/20/98.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter to appoint Richard Taylor to this position. Passage 7-0.

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4. ORDER #16-96/97 - appointing a new City Manager.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Baxter to appoint Jeffrey K. Jordan to this position. Passage 5-2 (Glynn, Larsen).

E. CONSENT CALENDAR

5. Tappan Fitzgerald, 10 Elderberry Drive, request closing of Elderberry Drive on 8/17/96 from 4:30 P.M. to 11:00 P.M. to hold a neighborhood party. Rain date 8/18/96.

Motion was made by Councilor Avery and seconded by Councilor Larsen to grant the permit. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

Pauline Conley, 184 Sawyer Street, passed around pictures showing water and sewer backups on her property during storms.

Nadine Byram, 148 Sawyer Street, said there is raw sewage in the basements.

Jacqueline Durant Hawthorne, 134 Pennsylvania Avenue, said she went to the Department of Environmental Protection and she couldn't get answers to several of her questions regarding the ash recycling facility.

Herbert Wiles, 152 Sawyer Street, said something is definitely wrong because his cellar has been flooded three times.

Bill Thibodeau, Lane Avenue, Portland, said he is on the Board of Directors for the Lyric Theater, and there is a problem with the sewer on Sawyer Street. He said that raw sewage in a public place is not healthy, and asked the Council to look at the situation and do something.

Christine Marshall, 153 Sawyer Street, said she and her husband bought an old church and were renovating it. All of their belongings were in the basement, and everything was ruined on November 15. She said there is fecal matter in the water, and she won't go in the basement any more.

Rowanne Enright, 210 Sawyer Street, said she has spoken with the sewer and fire departments, because her basement was so badly flooded she lost power. She said it is not an

act of God when, at low tide, water comes gushing up out of the storm basin. She said the choices with which she is faced are not effective, even after spending a lot of money. She said she has already had to replace the motor on her furnace.

Ray Ballum, 32 Carignan Avenue, said he talked to Mr. Sullivan at the DEP today about American Ash. He said Mr. Sullivan signed the license, but the people under him were not doing their jobs. He said the people in that area want to open their windows to fresh air. He said that once the facility is opened, there won't be anything anyone can do about it.

Linwood Dyer, Lyric Theater, said the property has constantly faced water problems. He said there were souvenirs from Russian actors that got ruined by waters. He said they cannot store anything downstairs. He read a letter from Olive Jones, 170 Sawyer Street, in which she stated that the last repaving of the street has made the street and sidewalk about the same height.

Linda French, 160 Sawyer Street, said she has lived there for 17 years and is on her third furnace, due to water damage. She has gone through three sump pumps and is afraid the house will be condemned. She said her husband has lost 45 days from work to shovel sewage. After all kinds of work, the house was still flooded four times this year. She said that all of her supplies for her business were downstairs. She said the people in this neighborhood have had it, and this situation is outrageous.

Valerie Swiger, 77 School Street, said she had water gushing up through her cellar floor, and there is a definite difference between water and sewage. She said this is a flagrant disregard of the idea of promoting the health, safety and welfare of the people. She said that many more people could have been at the meeting tonight, but they're afraid. She noted that the last time underground work was done on School Street was 74 years ago. She also asked for a City truck to come haul away the things ruined by the water, because they can't haul them to the dump.

Harry Foote, 57 Concord Street, Portland, owner of the American Journal, commented on the lack of advertising by the City of South Portland in his paper. He said there has been an American Journal reporter at Council meetings for the last 30 years. With regard to the resolve on executive sessions on tonight's agenda, he said the law only says the public can't see certain records.

G. PUBLIC HEARINGS AND ACTION

6. ORDINANCE #3-96/97 - amending Ch. 27, "Zoning," regarding agricultural farms. Amended and given first reading on 7/15/96.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Motion was made by Councilor Glynn and seconded by Councilor Avery to amend the ordinance to add the word "trees" in §27-55(b) between "plants" and "and/or." Passage 7-0. Passage, as amended, 7-0.

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7. Pape Chevrolet, Inc. d/b/a 1st Choice Used Cars, 2125 Broadway, Used Car Lot. 8/5/96 to 12/31/96. New City License.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

H. ACTION ON OLD AND NEW BUSINESS

8. ORDER #17-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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9. ORDER #18-96/97 - award of bid to M.E. O'Brien & Sons, of Medfield, MA, for the purchase of a playscape at Small School.

Male Resident, Columbus Avenue, addressed this item.

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

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10. ORDER #19-96/97 - award of bid to Air Cleaning Specialists, of Hanover, MA, for vehicle exhaust ventilation equipment for the Fire Department.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Larsen and seconded by Councilor Avery for passage. Passage 7-0.

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11. ORDER #20-96/97 - award of bid to Industrial Communications, of South Portland, ME, for radio communication equipment for the Fire Department.

John True, Fire Chief, addressed this item.

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

12. ORDER #21-96/97 - authorizing the Civil Service Commission to retain legal services.

There was no public discussion.

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Motion was made by Councilor Larsen and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the order by capping legal expenses at \$5,000. Passage 4-3 (Avery, Baxter, Dearborn). Passage, as amended, 7-0.

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13. ORDER #22-96/97 - authorizing the City Manager to submit a Problem Solving Partnership Grant application to the U.S. Department of Justice COPS Office.

There was no public discussion.

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

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14. ORDER #23-96/97 - authorizing the City Manager to submit a Local Law Enforcement Block Grant Program Grant application to the Bureau of Justice Assistance.

Ed Googins, Police Chief, addressed this item.

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

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15. ORDINANCE #4-96/97 - amending Ch. 27, "Zoning," regarding extended stay hotels. First reading.

The following people addressed this item:

Ray Lee, Henry Street
Tex Haeuser, Planning Director

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by deleting the 186 day limit. Failed 3-4 (Boudreau, Baxter, Dearborn, Avery). Passage of first reading 7-0.

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16. ORDINANCE #5-96/97 - amending Ch. 27, "Zoning," for a map change from Light Industrial IL to Central and Regional Commercial CCR at 75 John Roberts Road. First Reading.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Baxter for passage of the first reading. Passage 7-0.

17. RESOLVE #1-96/97 - regarding confidentiality of Executive Sessions.

The following people addressed this item:

Ray Lee, Henry Street
Chris Bowring, Pepperbush Circle
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Baxter and seconded by Councilor Avery for passage. Failed 3-4 (Dearborn, Larsen, Glynn, Fickett).

I. CITIZENS DISCUSSION (SECOND PART)

Ray Lee, Henry Street, asked if the City is going to give money to the Ferry Village people for the damage. he said the City is always spending money on unimportant things, adding that an 8" pipe is not adequate to take care of their problems.

Clarence Beckwith, Bonnybriar Road, said he can sympathize with the Ferry Village residents, because he had the same problem once. He said the City has spent money for performing arts and parks, but needs to spend it on sewers.

Tim O'Neil, 81 Adelbert Street, congratulated Jeff Jordan and thanked the Council for passing the amendments to the Civil Service Ordinance last meeting. He thanked the Council for allowing the Commission to hire an attorney and said he appreciates Councilor Glynn's amendment. He told the Council it is the only body that can police itself, and it needs to follow-up the American Journal article to find out who leaked the information.

Chris Bowring, Pepperbush Circle, said he has put together a program on SPCTV for the 4th Tuesday of every month, which will include a call in portion. He said the first guests will be Jeff Jordan and Mayor Boudreau, and there will probably be something on schools and a candidates' night in the fall. He said there will always be someone from each side of an issue.

J. COUNCILORS' ROUND ROBIN

Councilor Larsen asked what the possibilities are for the Ferry Village problem and whether or not the City can provide pick-up of the damaged articles.

Mayor Boudreau explained that she attended the public hearing at Memorial Middle School on the ash recycling facility the night Ferry Village met to discuss sewer problems. She said she wasn't the one who called the American Journal or the other candidate for City Manager. She suggested that people should question information that is given by someone with no name and pointed out that she has received calls about *The Observer*, a local newspaper circulating with no source identified.

Councilor Avery said she wasn't the one who leaked the information, adding that she takes her Council seat seriously. She said she was at Memorial, but called the person who left a message to keep her in the loop. She said that no one should be harmed in this city. She noted that she has been asked to Chair the Waterfront Alliance Committee, and she accepted. She said this will give South Portland a bigger voice in issues regarding the Port of Portland.

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Councilor Baxter said he is a twelve season ticket holder at Lyric Theater and has seen the water problem. He said he went to the ash meeting and didn't hear about the Ferry Village meeting until late in the day. He promised to do whatever he can to help the residents there. He said it was never his intent to come up with the name of the person who leaked information to the American Journal, and that, if the person doesn't have the intestinal fortitude to give his/her name, that is his/her business. He said he took an oath and will stand by it. He said he was upset that a newspaper would print information from an unnamed source. He congratulated Jeff Jordan and said he's sure Jeff will be here for another twenty years.

Councilor Fickett said the British had a terrible time trying to find out who the Sons of Liberty were.

Councilor Dearborn said he was at Memorial Middle School also, but that doesn't show he favors one side of the City over the other. He said he would have a definite ear for the Ferry Village problems. He said it wasn't he who leaked the integrity of the executive session. He said the Council picks and chooses its definition of good government. He said it is a courtesy to give one's constituents a reason for voting in the negative. He said he would like to find out who did it, and that Councilors need to feel certain that ideas will stay inside.

Motion was made by Councilor Dearborn and seconded by Councilor Baxter to adjourn.
Passage 7-0, 10:25 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Boudreau called the meeting to order at 7:05 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 8/5/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read his Capital Improvement Program message to the Council. Mr. Jordan noted that Welfare Director Jack Roberts had won an award from the New York Institute of Photography.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of July.

Attendance Reports for the Month of July.

D. APPOINTMENT CALENDAR

1. ORDER #8-96/97 - Board of Appeals, District Three (Baxter). Term to expire 7/23/99. Postponed since 7/15/96.

Motion was made by Councilor Baxter and seconded by Councilor Avery to postpone this item to 9/4/96. Passage 7-0.

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2. ORDER #10-96/97 - Board of Appeals, District Five (Dearborn). Term to expire 7/23/99. Postponed since 7/15/96.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item to 9/4/96. Passage 7-0.

E. CONSENT CALENDAR

3. Portland Water District - installation of a water main in Highland Avenue.

Motion was made by Councilor Glynn and seconded by Councilor Baxter to grant the permit. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

Herbert Wiles, 152 Sawyer Street, said he would like to know how soon the mess in Ferry Village will be cleaned up. He said it is very dangerous, and the houses aren't fit to live in.

Dennis Delano, Sawyer Street, said it was the first time in 30 years that he has seen water come right up out of the storm drain. He said there is toilet paper and feces in the

cellar. He said a bigger sewer line should be put in on Sawyer Street.

Valerie Swiger, 77 School Street, asked how much two million dollars will take care of in the Village. She also asked if the bacteria found there had specific names. She noted that Black Beauty is still piling up in Ferry Village, and said, before this city tells another one what to do, it should clean up its own back yard.

Ray Lee, Henry Street, said it was awfully important that City Hall's water problems get on the workshop last week, but sewage wasn't important enough.

Colleen Coyne, 87 Berwick Street, said the Council has come very far in a short time regarding the ash plant. She said the Council was responsive and took the residents' needs seriously. She cited an article by Dr. Dennison against the use of ash in sidewalks, adding that there are unanswered questions regarding poisons in ash.

Linda French, 160 Sawyer Street, said she had a copy of the tests done on City Hall, and showed the Council all of the prescriptions she takes for allergies and asthma. She said she's allergic to mold and mildew, and so are her two sons. She said the Council put City Hall's problems before those of Ferry Village, adding that the latter needs an immediate solution.

Jacqueline Durant Hawthorn, Pennsylvania Avenue, said she talked with a man who caps dumps, and he said his biggest concern was the amount of wells in Maine and the possibility of this stuff leaching into the water. She asked about the roads around Sebago Lake, and what would happen if they were paved with this stuff. She said she's proud to be a South Portland citizen because the Council has put in a lot of time and listened to the residents.

Pauline Conley, 184 Sawyer Street, said the Lyric Theater has been professionally cleaned and will be painted to be ready for the open house on the 6th and 7th, unless there's another flood. She invited the Council to come.

City Clerk Linda Cohen read a letter from Lora E. Coffin, Lyric Theater member.

Burt Edwards, 138 Pennsylvania Avenue, thanked the Council for working together on the ash issue. He said he is happy with the revised resolve. He thanked Brian Dearborn for holding the public hearing a few weeks ago, because it allowed everyone to get more information. He said he hoped the Council would support the appeal.

Nadine Byram, 148 Sawyer Street, said she hopes the Council will be well aware of the severity of the health problems in the Village, adding that the situation has to be taken care of.

G. PUBLIC HEARINGS AND ACTION

4. ORDINANCE #4-96/97 - amending Ch. 27, "Zoning," regarding extended stay hotels. Given first reading on 8/5/96.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 7-0.

5. ORDINANCE #5-96/97 - amending Ch. 27, "Zoning," for a map change from Light Industrial IL to Central and Regional Commercial CCR at 75 John Roberts Road. Given first reading on 8/5/96.

There was no public discussion.

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

H. ACTION ON OLD AND NEW BUSINESS

6. ORDER #24-96/97 - accepting a grant from NYNEX for the installation of a computer at the Branch Library.

William Alexander, Library Director, addressed this item.

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

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7. ORDER #25-96/97 - accepting a grant from the Federal Transit Administration for the Bus Service.

There was no public discussion.

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

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8. RESOLVE #2-96/97 - regarding a proposed ash recycling facility in Scarborough.

The following people addressed this item:

Linda French, 160 Sawyer Street
Dennis Delano, 150 Sawyer Street
Valerie Swiger, 77 School Street
Linnea Stofchick, 809 Main Street
Chris Bowring, Pepperbush Circle

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 7-0.

* * * * *

9. ORDER #26-96/97 - appealing the Department of Environmental Protection's granting of permits for an ash recycling facility in Scarborough.

Linda French, 160 Sawyer Street, addressed this item.

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

Passage 7-0.

* * * * *

10. ORDINANCE #6-96/97 - amending Ch. 23, "Streets and Sidewalks," regarding street acceptance standards. First reading.

The following people addressed this item:

Linda French, 160 Sawyer Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage of the first reading. Passage 6-0 (Larsen out).

* * * * *

11. ORDINANCE #7-96/97 - amending Ch. 24, "Subdivisions," regarding street acceptance standards. First reading.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage of the first reading. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Joy Keating, 152 Sawyer Street, said she has lived in her house for 26 years, and her cellar stinks. She said there needs to be a new drainage system, because her whole yard is sinking. She advised everyone in Ferry Village to withhold their taxes.

Clarence Beckwith, Bonnybriar Road, said he sympathizes with these problems. He said no one rides the buses, but the City keeps buying new ones and upgrading. He suggested the City do something to promote the service. He said the same thing will happen with the train service. He asked if land had been found for the Redbank recreation building.

Chris Bowring, Pepperbush Circle, asked if there was another way to fix the Ferry Village problem without going to the voters. He asked what would happen if the voters turned down the bond issue. He suggested informing the public better.

J. COUNCILORS' ROUND ROBIN

Mayor Boudreau said she has the same concerns the people in Ferry Village have, but she wants to meet with sewer and engineering staff to see what has been done in the last 10-12 years in that area. She said she wants to do everything she can.

Councilor Avery said she is very troubled to hear residents talk about toilet paper coming up through their drains and questioned what the City can do in the short term to address some of these problems.

Councilor Baxter said he would want to see something done immediately if he lived in Ferry Village.

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Councilor Fickett said it's necessary to get Ferry Village cleaned up. He said the water level is too high.

Councilor Dearborn said he hopes the same focus will be applied to Ferry Village as was to Irving Oil and the Compost Facility. He said he would like this to go to a workshop and have any conversations between the Mayor and City departments copied to the rest of the Council. He said it's very expensive to separate the lines, but the City should take a proactive stance.

Councilor Glynn asked to have the Ferry Village issue put on a workshop so there could be discussion regarding short term remedies. He said the City needs to look at the health concerns with the same level of testing as was done in City Hall. He also wants to see a plan for reimbursement for damage.

K. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 7-0, 9:20 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Avery to return to open session. Passage 6-0 (Dearborn gone), 9:42 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to grant abatement #96/97-01 in the amount of \$4,604.54 plus interest and costs. Passage 6-0.

Motion was made by Councilor Avery and seconded by Councilor Larsen to deny abatement #96/97-02. Passage 5-1 (Glynn).

Motion was made by Councilor Glynn and seconded by Mayor Boudreau to adjourn. Passage 6-0, 9:45 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING SEPT. 4, 1996 VOL. 58 PAGE 22

ROLL CALL: Mayor Boudreau called the meeting to order at 7:05 P.M. Councilor Baxter was absent due to the death of his mother.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Larsen to accept the minutes of the 8/19/96 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from the South Portland Lions Club to Parks and Recreation Director Dana Anderson, thanking him for allowing the Lions to use the park for a recent fundraising event. Mr. Jordan read a letter from Portland Welding Supply regarding the clean up schedule after the fire. He passed out a communication from the Department of Environmental Protection regarding the asbestos which had traveled to nearby neighborhoods. He read a letter to the Council recognizing the efforts of all those involved in fighting the Portland Welding Supply fire, handling traffic, the evacuation efforts, etc.

C. PETITIONS AND COMMUNICATIONS

Report from Finance Director on tax abatements.

D. APPOINTMENT CALENDAR

- 1. ORDER #8-96/97 - Board of Appeals, District Three (Baxter). Term to expire 7/23/99 Postponed since 7/15/96.

Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item to 9/16/96. Passage 6-0.

* * * * *

- 2. ORDER #10-96/97 - Board of Appeals, District Five (Dearborn). Term to expire 7/23/99. Postponed since 7/15/96.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item to 9/16/96. Passage 6-0.

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- 3. ORDER #27-96/97 - Warden, District Five (5), to fill an unexpired term.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to appoint Linda Johnson to this position. Passage 6-0.

E. CONSENT CALENDAR

4. Northern Utilities, Inc. - installation of a gas main in New York Avenue.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to grant the permit. Passage 6-0.

F. CITIZEN DISCUSSION (FIRST PART)

William Gagnon, 89 Ocean Street, said he wants to attract tourists with picnic tables at the end of the old bridge.

Dave MacDonald, Portland Welding Supply, said he was available for questions regarding the clean up operation.

Christine Marshall, 159 Sawyer Street, thanked the Council for its continued support.

Audrey Tanner, Portland, said she walks the bridge to Knightville and Hinckley Park and would appreciate a ramp that allows her to get off the bridge before the Armory.

Linda French, 160 Sawyer Street, urged voters to look at the Capital Improvement Plan being proposed, because many things could be taken out.

City Clerk Linda Cohen read a letter from R. J. Anderson, of Freeport, regarding the sewer backups into the Lyric Theater.

G. PUBLIC HEARINGS AND ACTION

5. ORDINANCE #6-96/97 - amending Ch. 23, "Streets and Sidewalks," regarding street acceptance standards. Given first reading on 8/19/96.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Passage 6-0.

* * * * *

6. ORDINANCE #7-96/97 - amending Ch. 24, "Subdivisions," regarding street acceptance standards. Given first reading on 8/19/96.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Dearborn for passage. Passage 6-0.

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IN COUNCIL REGULAR MEETING SEPT. 4, 1996 VOL. 58 PAGE 24

7. Weathervane Seafoods, Inc. d/b/a/ Weathervane Seafoods, 380 Gorham Road for an FSE/Class A Restaurant with Liquor License. 9/4/96 to 9/4/97. New City License.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to grant the license. Passage 6-0.

H. ACTION ON OLD AND NEW BUSINESS

8. RESOLVE #3-96/97 - extending sympathy to the family of Captain Robert E. Wallingford, Jr.

Valorie Swiger, 77 School Street, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Avery for passage. Passage 6-0.

* * * * *

9. ORDINANCE #8-96/97 - authorizing the appropriation of \$1,928,175.00 for capital projects for the fiscal year ending June 30, 1997. First reading.

The following people addressed this item:

Lee Allen, 195 Wescott Road
Ray Lee, Henry Street
Ralph St. Pierre, Finance Director
David Gooch, Snow Squall Restaurant
Phil Notis, 71 Ocean Street
Karen Douglass, 51 Harbor Place
Linda French, 160 Sawyer Street
Valorie Swiger, 77 School Street
Tom Ainsworth, 7 Ocean Street
Clarence Beckwith, Bonnybriar Road
Tex Haueser, Planning Director
Danny French, 160 Sawyer Street
Nadine Byram, 148 Sawyer Street
Mr. Wildes, 152 Sawyer Street
Joy Keating, 152 Sawyer Street
Mrs. Connolly, 184 Sawyer Street
Ed Reidman, City Engineer
Amy Cutting, 33 Carver Boulevard

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage of the first reading. Motion was made by Councilor Dearborn and seconded by Councilor Avery to amend the ordinance by deleting paragraphs 7 - 9, changing the appropriation to \$1,295,000 and the total outstanding debt to \$20,160,000. Passage 6-0. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend the ordinance by removing paragraphs 4-6. Failed 2-4 (Boudreau, Avery, Dearborn, Larsen). Passage of first reading, as amended,

4-2 (Fickett, Glynn).

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10. ORDER #28-96/97 - authorizing the purchase of property at MacArthur Circle West for the Redbank Community facility.

The following people addressed this item:

Larry Albert, MacArthur Circle
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage.
Passage 6-0.

I. CITIZENS DISCUSSION (SECOND PART)

Ray Lee, Henry Street, said he understood that one of the Call Firefighters was fired from his job at a South Portland business because he left to fight the Portland Welding Supply fire. He said the City could start sewer construction tomorrow by laying the pipe and connecting it later. He said it is a conflict of interest for the City to use Jensen Baird when Jeff Jordan's wife works there.

Clarence Beckwith, Bonnybriar Road, said it's too bad Councilor Dearborn didn't present his idea at the workshop instead of leaving before it was over. He asked if west end 911 calls will still go to Portland if the dispatches are combined. He said he is bothered by Councilors being elected and moving out of their districts then moving back before the election. He said it's too bad that the voters won't be allowed to vote on the Knightville improvements.

J. COUNCILORS' ROUND ROBIN

Mayor Boudreau said it's been a really tough couple of weeks because of the crisis at Portland Welding. She said she visited the site about 9 P.M. the night of the fire, and she saw a combination of grief, exhaustion and pride in the eyes of those who were working there.

Councilor Avery said she visited the site the next day, and she is grateful for the workers and all the help. She said she received a call from the Mayor of Portland that evening offering assistance. She said that everyone came together in the face of tragedy.

Councilor Dearborn said he left the workshop early because he had to be to work at 10 P.M., and he didn't have any idea that night what he was going to propose. He noted that the City has lost a very valuable member of its family. He announced that he will not be seeking re-election. He said he has done the best he could.

Councilor Glynn said he would be keeping the Council advised about RWS's money problems. He said the Council voted to keep Jensen Baird, and the Manager had nothing to do with the decision. He noted that the firm has done a good job for the city, and Mrs. Jordan is a family attorney in the Biddeford office. He extended his deepest sympathies to the Wallingford family, adding that Mr. Wallingford was a true South Portland hero.

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Motion was made by Councilor Dearborn and seconded by Councilor Avery to adjourn.
Passage, 10:55 P.M.

A TRUE COPY.

ATTEST Linda C Cohen
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING SEPT. 16, 1996 VOL. 58 PAGE 27

ROLL CALL: Mayor Boudreau called the meeting to order at 7:06 P.M. All Councilors were present.

Motion was made by Councilor Avery and seconded by Councilor Baxter to waive Council Rules 3e and 4 to add Item 11. Fails 4 - 3 (Fickett, Glynn, Larsen).

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 9/4/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from himself to the Council regarding employee benefits. He read a letter to the Ferry Village neighborhood regarding asbestos removal. He read letters from Herb Tyler, President of Portland Valve, and Linda Wallingford to the Mayor. Mr. Jordan corrected an earlier answer he had given to Ray lee regarding graters.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of August.

Attendance Reports for the Month of August.

D. APPOINTMENT CALENDAR

1. ORDER #8-96/97 - Board of Appeals, District Three (Baxter). Term to expire 7/23/99. Postponed since 7/15/96.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Avery to appoint William Pappas to this position. Passage 7-0.

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2. ORDER #10-96/97 - Board of Appeals, District Five (Dearborn). Term to expire 7/23/99. Postponed since 7/15/96.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Baxter to appoint Michael Nobile to this position. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

William Gagnon, 89 Ocean Street, said the lead law may not exist any more.

Bill Laidley, 374 Sawyer Street, said Mr. Lucarelli is forcing a fraud on the City and Meeting House Hill neighborhood. He said his project was scheduled for a Planning Board agenda as site plan, but it was withdrawn. He said he's saying the tower is for private use. He said that everyone has private property rights, adding that this structure cannot be buffered. He said this issue warrants a full public hearing from the Council.

Jean Heath, 80 Everett Avenue, said the City is being held hostage. She said she understands that Councilors Glynn, Fickett and Larsen have blocked passage in the past, and she holds them personally responsible. She said their actions are a disgrace, and they took an oath to protect the majority of citizens, not just one. She said she doesn't want to block progress or technology, but this tower is too close to homes.

Bob Blackwood, 16 Bluff Road read an article regarding Clifton Park in Schnectedy and a moratorium on towers. He asked why Skip Lucarelli would want such a large tower for personal use.

Gary Berlucchi, 67 Vincent Street, said this tower has caused a lot of anxiety, and he is very disappointed that Item 11 was rejected. He said he was hoping all Councilors would keep an open mind. He posed several questions that should be considered before a tower is allowed in South Portland and asked the Council to reconsider.

Eric Howard, 98 Summit Street, said he hopes the Council will reconsider. He said Councilor Larsen had a sign in his yard the last time she campaigned, but she won't the next time.

Andrew Berglund, 76 Vincent Street, said he has two young children, and this item needs to be discussed. He said it's no secret that Mr. Lucarelli is trying to manipulate the system.

Susan Avery, High Street, said the Council owes it to the citizens to address this issue, adding that some of these people have never come to a Council meeting.

Ann Swasey, 75 5th Street, said she used to play where the tower is proposed to go, and she can't imagine anything more ludicrous.

Colleen Macklin, 52 Bellevue, said her back yard is the piggery. She said that people will see this tower when they look at South Portland. She asked the Councilors to think about how they would feel if it was in their back yard.

G. PUBLIC HEARINGS AND ACTION

3. ORDINANCE #8-96/97-authorizing the appropriation of \$1,295,000.00 for capital projects for the fiscal year ending June 30, 1997. Amended and given first reading on 9/4/96.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
John Cragin, Ocean View Avenue

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

* * * * *

4. Brinker Restaurant Corporation, d/b/a Romano's Macaroni Grill, 415 Philbrook Avenue, for an FSE/Class A Restaurant with Liquor License. 9/16/96 to 9/16/97. New City License.

There was no public discussion.

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

H. ACTION ON OLD AND NEW BUSINESS

5. ORDER #29-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Mayor Boudreau for passage. Passage 6-0 (Larsen out).

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6. ORDER #30-96/97 - award of bid to L. P. Murray & Sons, of Cape Elizabeth, ME for Kaler Road/Norman Street sewer project.

There was no public discussion.

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

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7. ORDER #31-96/97 - authorizing the City Manager to implement the 1996 Capital Improvement Program.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by removing the snowplowing equipment and dispatch center. Passage 5-2 (Baxter, Dearborn). Passage, as amended, 7-0.

IN COUNCIL REGULAR MEETING SEPT. 16, 1996 VOL. 58 PAGE 30

8. ORDER #32-96/97 - award of bid to Weir's Motor Sales, of Arundel, ME, and Classic of Westbrook, of Westbrook, ME, for the purchase of four (4) vehicles.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

* * * * *

9. ORDINANCE #9-96/97 - amending Ch. 14, "Licenses, Permits and Business Regulations Generally," Article XII "Massage Establishment and Therapists". First reading.

There was no public discussion.

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

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10. ORDER #33-96/97 - authorizing the City Manager to sign an agreement with the Department of Mental Health, Office of Substance Abuse, for a D.A.R.E. Alternatives Program.

The following people addressed this item:

Ed Googins, Police Chief
Clarence Beckwith, Bonnybriar Road
Eric Howard, 98 Summit Street

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Clarence Beckwith, Bonnybriar Road, said he would rather not get into the steel spans of the bridge.

Chris Heath, 80 Everett Avenue, asked the Council to please reconsider putting Item 11 on. He asked Councilors Glynn and Larsen what benefit they see from this tower.

Tex Haeuser, Planning Director, said he doesn't want to be negative, but a moratorium would give the City time to take stock of its ordinances. He said the Council might need to do that tonight, because Mr. Lucarelli has changed his mind so many times, there is no way of knowing what he will bring in tomorrow. He said towers used to go into rural settings, but technology is rapidly changing, and now people are asking to put them into urban areas. He said the city's ordinances deal with buildings, and they are not prepared to deal with other kinds of structures.

James Sullivan, 37 Jordan Avenue, said he can't understand why Councilors are against the

moratorium. He said it would give all sides a chance to hear the issue. He asked who those councilors are representing, because it's not everyone.

Candace Kingsley, 10 Bower Street, said it is heartbreaking that three councilors won't give the public a chance. She said it is so sad to live in this city.

Tim O'Neil, 81 Adelbert Street, said the most troubling thing is that there is a history on this issue; in March of 1995, a tower item was on the agenda and failed. He said there was no discussion on the tapes, but he assumes Councilor Glynn did his homework then. He said that people expect the council to lead them, but this is obstructionist's form of government.

J. COUNCILORS' ROUND ROBIN

Councilor Dearborn said he sat in the Mayor's seat two years ago and listened to residents plead for a tank moratorium. He said he wasn't for it then, but changed his vote. He said he doesn't like the direction the city is going in, adding that people have legitimate concerns and want the council to reconsider. He suggested councilors show people respect and consideration.

Mayor Boudreau said she was disappointed that the tower proposal didn't go forward. She thanked Tex Haeuser for coming forward, noting that he will receive criticism for doing so. She noted that, had the item been given first reading this evening, people would have had two weeks to think about it. She said the people on Vincent Street who called about bulldozers didn't get any time to think about it. She said she talked with Sprint, and they don't want to alienate citizens of the City.

Motion was made by Councilor Avery and seconded by Councilor Baxter to adjourn. Passage 6-1 (Dearborn), 9:26 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Boudreau called the meeting to order at 7:00 P.M. Councilor Dearborn arrived after the first item.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 9/16/96 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

Acting City Manager Ralph St. Pierre noted that the Harbor Commission will be holding a public hearing on mooring rates. He cited an achievement award to Police Chief Ed Googins from the Family Crisis Shelter. He announced that curbside leaf and clipping pickup will occur between 10/28 and 12/6/96, and special bags will be required.

City Clerk Linda Cohen announced that a forum for candidates running for State Legislature and State Senate will be held on 10/9/96 at 7:00 P.M. in Council Chambers. Councilors from South Portland and Cape Elizabeth have been invited and are encouraged to attend. The public is also welcome. Ms. Cohen noted that the South Portland High School Band had been invited to play for President Clinton in Portland this evening.

C. PETITIONS AND COMMUNICATIONS

Mayor Boudreau presented a plaque to former Board of Appeals member Ed Bogdanovich.

D. APPOINTMENT CALENDAR

1. ORDER #34-96/97 - Warden, Pro-Tempore, District Five (5), 11/5/96 Election only.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter to appoint Lois Matthews to this position. Passage 7-0.

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2. ORDER #35-96/97 - appointing the voting delegate to the Maine Municipal Association's 1996 convention.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter to appoint Raphael St. Pierre as the delegate and Linda Cohen as the alternate. Passage 7-0.

E. CONSENT CALENDAR

3. Northern Utilities, Inc. - installation of a gas main in Western Avenue.
4. Portland Water District - water main in Clemons Street.

5. Portland Water District - water main in Wallace Avenue.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage of the consent calendar. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARINGS AND ACTION

6. ORDINANCE #9-96/97 - amending Ch. 14, "Licenses, Permits and Business Regulations Generally," Article XII "Massage Establishment and Therapists". Given first reading on 9/16/96.

There was no public discussion.

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

H. ACTION ON OLD AND NEW BUSINESS

7. ORDER #36-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 7-0.

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8. ORDER #37-96/97 - accepting the warrants announcing the General State and Municipal Election and the Special Municipal Referendum Election of November 5, 1996.

There was no public discussion.

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

* * * * *

9. ORDER #38-96/97 - award of bid to Physio Control Corporation, of Redmond, WA, for the purchase of a Lifepak 11 Defibrillator for the Fire Department.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING OCT. 7, 1996 VOL. 58 PAGE 34

10. ORDER #39-96/97 - award of bid to O'Connor GMC, of Augusta, ME, for the purchase of a City Hall pool car.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Baxter and seconded by Councilor Avery for passage. Passage 5-2 (Fickett, Glynn).

* * * * *

Before the Council could proceed with the following agenda item, two proclaimed conflicts of interest were voted upon.

Motion was made by Councilor Fickett and seconded by Councilor Baxter to accept Councilor Glynn's stated conflict of interest and excuse him from voting. Passage 5-1 (Dearborn).

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept Councilor Fickett's stated conflict of interest and excuse him from voting. Passage 3-2 (Boudreau, Dearborn).

11. ORDINANCE #10-96/97 - amending Ch. 27, "Zoning," declaring a six (6) month moratorium on communication towers. First reading.

The following people addressed this item:

Scott Secord, 22 Angell Terrace
Ray Lee, Henry Street
Jean Heath, 80 Everett Avenue
Jeff Willis, Time Warner Cable
Chris Bowring, Pepperbush Circle
Jim Kriznaski, Time Warner Cable
Delores Broberg, 38 Bellevue Avenue
Clarence Beckwith, Bonnybriar Road
Frank Leeman, 61 Summit Street
Gary Berlucchi, 67 Vincent Street
William Gagnon, 425 Broadway
Tex Haeuser, Planning Director

Motion was made by Councilor Avery and seconded by Mayor Boudreau for passage of the first reading. Passage 4-0 (Councilors Fickett and Glynn excused, Councilor Larsen not voting - violating Council Rule #29, City Ordinance §2-51, and the oath of office).

I. CITIZENS DISCUSSION (SECOND PART)

Ray Lee, Henry Street, asked how many tower applications were in. He said that not all city purchases go through bids. He said the leaf change is a major loss of revenue for the Thornton Heights Lions Club.

Gary Berlucci, 67 Vincent Street, asked if the conflicts of interest would have to be re-voted at the next meeting. He said he thinks the three Councilors who abstained were doing it because of Skip Lucarelli, but this is a city-wide issue, and it's inexcusable for the three of them not to vote. He told the three Councilors to be objective and responsive to the public as they were elected to do.

Chris Bowring, Pepperbush Circle, announced another candidates' night for the 15th at 6:30 P.M. in Council Chambers and said call-in questions will be taken. The candidates will also be allowed to question each other. This event will involve local candidates as well as those running for State office.

Justin LaBerge, 488 Cottage Road, said he attended this evening's meeting partly out of interest and partly for extra credit at school. He said his fellow classmates are not interested in city government. He said he respects Councilors Fickett and Glynn for announcing ahead of the meeting that they had a conflict, but not Councilor Larsen. He said people are turned off by city government, and after attending this evening, he understands why.

Andrew Bergund, 76 Vincent Street, said the Council must do what is right for the City by protecting the rights of citizens and property rights. He asked Councilor Larsen to do what's right.

J. COUNCILORS' ROUND ROBIN

Councilor Baxter said he had tried, unsuccessfully, to get Ed Bogdanovich to stay on the Board of Appeals.

Councilor Fickett said Mrs. Larsen was subjected to the most severe arguments he had ever heard, adding that she really had some problems with this issue.

Councilor Dearborn commended Justin for saying he's interested in politics and questioned the perception the Council is sending to the younger generation. He told Councilors that, when they come to Council Chambers, they should come with the idea of doing what's best for the City.

Councilor Glynn said the City's fleet of vehicles is immense. He said he has a 1986 vehicle which he is required to use for work. He said it makes no sense to buy a new car and not add a teacher aide.

Councilor Larsen welcomed her mother to South Portland.

Mayor Boudreau reminded Councilors that Round Robin was re-established with the understanding that it would not be used to bash employees, Councilors or policies. She congratulated all the people who worked to clean up the harbor after the Julie N hit the bridge. She said she met the owner of the Julie N, and he is a nice man concerned about the effect on the environment. She said it was good to see the community pull together. She also commended the workers for re-opening the bridge so quickly.

Councilor Avery said she attended the opening of the South Portland/Cape Elizabeth Historical Society site, and urged the public to go to its new location at the Sawyer School.

IN COUNCIL REGULAR MEETING OCT. 7, 1996 VOL. 58 PAGE 36

She commended the police and fire officials for their efforts during the harbor cleanup and bridge closing. She said this accident woke people up to the need for double-hulled ships and dredging the harbor.

Motion was made by Councilor Avery and seconded by Councilor Baxter to adjourn. Passage 7-0, 9:30 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING OCT. 21, 1996* VOL. 58 PAGE 37

* ROLL CALL: Due to severe weather conditions on 10/21/96, this meeting was postponed to 10/23/96. Mayor Boudreau called the meeting to order at 7 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Baxter and seconded by Councilor Avery to accept the minutes of the 10/7/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeff Jordan gave an overview of the recent weather emergency and how the City has reacted. He noted that the Transfer Facility will be open 8 - 5 P. M. 7 days a week while the City assesses the need for further service/pickup for residents. He cited a letter from Captain Blake regarding the Julie N oil spill and cleanup.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of September.

Attendance Reports for the Month of September.

D. APPOINTMENT CALENDAR

1. ORDER #40-96/97 - Conservation Commission, District Five (Dearborn). To fill an unexpired term which expires 11/20/98.

Motion was made by Councilor Dearborn and seconded by Councilor Baxter to postpone this item to 11/4/96. Passage 7-0.

E. CONSENT CALENDAR

2. Northern Utilities, Inc. - installation of a gas main in QStreet.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage of the consent calendar. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

Gary Berlucchi, Vincent Street, spoke to the issue of Councilor conflict of interest.

John Cragin (by letter), 26 Ocean View Avenue, addressed issues still remaining to be resolved at Bug Light.

G. PUBLIC HEARINGS AND ACTION

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept Councilor Glynn's abstention on this item. Passage 3-2 (Dearborn, Larsen opposed, Fickett not

voting). Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept Councilor Fickett's abstention. Failed 0 - 5 (Boudreau, Avery, Baxter, Dearborn, Larsen).

3. ORDINANCE #10-96/97 - amending Ch. 27, "Zoning," declaring a six (6) month moratorium on communication towers. Given first reading 10/2/96.

The following people addressed this item:

Jean Heath, 80 Everett Avenue
Clarence Beckwith, Bonnybriar Road
Frank Leeman,
Dolores Broberg, 38 Bellevue Avenue
Ray Lee, 28 Henry Street
Chris Bowring, Pepperbush Circle
Tex Haeuser, Planning Director

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Failed 4-2 (Larsen, Fickett).

H. ACTION ON OLD AND NEW BUSINESS

4. ORDER #41-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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Motion was made by Councilor Avery and seconded by Mayor Boudreau to accept Councilor Larsen's abstention on this item. Passage 4-2 (Dearborn, Fickett).

5. ORDER #42-96/97 - supporting increased compensation for Portland Water District Trustees effective January 1, 1997.

The following people addressed this item:

Linda French, 160 Sawyer Street
Mark Duval, 115 Chase Street, Portland Water District Trustee
Ray Lee, 28 Henry Street
Chris Bowring, Pepperbush Circle
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett to deny. Passage 6-0.

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IN COUNCIL REGULAR MEETING OCT. 21, 1996 VOL. 58 PAGE 39

6. ORDER #43-96/97 - accepting the dedication of public improvements in Highland Meadows Phase II.

The following people addressed this item:

Vincent Maietta, Walnut Street
Ed Reidman, City Engineer

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

* * * * *

7. ORDER #44-96/97 - accepting the dedication of public improvements in Mast Lane.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

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8. ORDER #45-96/97 - award of bid to Howard Fairfield, Inc., of Skowhegan, ME, for a multi-purpose tractor for the Public Works Department.

The following people addressed this item:

Ray Lee, Henry Street
Arvin Erskine, Public Works Director

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

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9. PROCLAMATION #1-96/97 - recognizing the 25th Anniversary of the Maine Mall.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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10. ORDER #46-96/97 - authorizing a three (3) percent cost of living adjustment for non-union municipal employees.

The following people addressed this item:

Linda French, 160 Sawyer Street

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road.

Motion was made by Mayor Boudreau and seconded by Councilor Avery for passage. Passage 6-1 (Glynn).

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- 11. ORDER #47-96/97 - abating personal property taxes deemed uncollectible.

Motion was made by Councilor Glynn and seconded by Councilor Baxter to withdraw this item. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Linda French, 160 Sawyer Street, addressed the back-up in her basement from this storm and several back-ups from prior storms. She said her taxes have tripled since she's owned her home, but the City Council keeps voting for pay raises for the employees.

Ray Lee, Henry Street, said the sewer system in Ferry Village is obsolete, and the City isn't doing anything. He criticized the requirement for special bags for leaf pickup.

Mrs. Connolly, 184 Sawyer Street, criticized the special leaf bags and the extra cost. She also spoke to the issue of sewer back-ups and the City's liability.

Clarence Beckwith, Bonnybriar Road, said he was upset about the article in the paper regarding an interview with Superintendent of Schools Reg MacDonald. He said we need to get School Department spending under control.

J. COUNCILORS' ROUND ROBIN

Councilor Glynn said he received calls regarding the flooding and noted that the City's policy used to be to lend a hand in the home. He wants the Council to discuss this in workshop. He asked for information about Ferry Village sewer claims and said he supports neighborhood schools.

Councilor Larsen asked if claimants can bring appeals to City Council. She also wants this issue on a workshop.

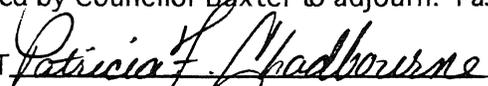
Mayor Boudreau noted that she had received an invitation to the 10/30/96 grand opening of the Family Dollar Store in Mill Creek.

Councilor Avery said the Harbor Dredging Committee is meeting at non on 10/24/96.

Councilor Baxter said he would be glad to provide a report any time the Council wants to know about the activities of the Schools Facility Committee.

Motion was made by Councilor Avery and seconded by Councilor Baxter to adjourn. Passage 7-0 11:35 P.M.

ATTEST


Patricia Chadbourne, Legal Secretary

IN COUNCIL REGULAR MEETING NOV. 4, 1996 VOL. 58 PAGE 41

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 10/21/96 which was held on 10/23/96. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan noted that the Harbor Commission will be increasing mooring fees. He said the Fire Department conducted a successful hazardous waste disposal program on 11/2/96. He read a letter commending the Fire Department for the way it handled a recent incident. Mr. Jordan read a memo from Police Chief Ed Googins regarding the schedule for district meetings regarding street name changes. He pointed out that Cumberland County Manager Carol Granfield had sent notice of the public hearing of the County budget on 11/14/96 at 7 P.M. in Scarborough.

C. PETITIONS AND COMMUNICATIONS

City Clerk Linda Cohen went over last minute suggestions to voters for the next day's busy Presidential election and explained how to vote on the Optech IIIIP ballots.

D. APPOINTMENT CALENDAR

1. ORDER #40-96/97 - Conservation Commission, District Five (Dearborn). To fill an unexpired term which expires 11/20/98. Postponed on 10/23/96.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item to 11/18/96. Passage 7-0.

E. CONSENT CALENDAR

2. NYNEX - installation of a pole in Thompson Street.

There was no public discussion.

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

F. CITIZEN DISCUSSION (FIRST PART)

Peter Cloutier, 126 Fickett Street, asked voters to vote in favor of the combined dispatch facility on the local ballot.

Robert Howard, 83 Bonnybank Road, said that sewers backing up into people's houses is unsanitary. He said the sewer main is too small.

Edgar McCloud, 35 Walker Street, said his next door neighbor's yard should be declared a

nuisance under the ordinance.

G. PUBLIC HEARING AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

3. ORDER #48-96/97 -award of bid to Northeast Fire Apparatus, Inc., of Lancaster, PA, for the sale of a fire truck.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

* * * * *

4. ORDER #49-96/97- authorizing the City Manager to submit an application to the U.S. Department of Justice for a COPS More Grant.

There was no public discussion.

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

* * * * *

5. PROCLAMATION #2-96/97 - recognizing public safety employees at the fire on August 27, 1996.

There was no public discussion.

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

* * * * *

6. ORDER #50-96/97 - authorizing the City Manager to retain outside legal counsel to advise the City on the Bug Light acquisition project.

The following people addressed this item:

Ray Lee, 28 Henry Street
John Howard, Highland Road

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Motion was made by Councilor Glynn and seconded by Mayor Boudreau to amend the order by capping the legal costs at \$5,000. Passage 7-0. Passage, as amended, 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Ray Lee, 28 Henry Street, said there are sewer problems all over the City, and it's a health issue. He said he's been up to his chest in sewage. He said the City finds money to do other things but not help people with sewer problems.

J. COUNCILORS' ROUND ROBIN

Councilor Larsen urged voters to get out and vote and commended all the candidates.

Mayor Boudreau thanked the Police and Fire Departments for coming tonight, adding that it has been a long and hard three months. She encouraged everyone to vote, especially in favor of the consolidated dispatch and Question #8 on the State ballot which would give the municipal clerks and registrars three more days to verify petition signatures.

Councilor Avery said the Dredging Committee and the Waterfront Alliance will be meeting and talking about the different types of studies and assessments available for the harbor. She cautioned that, if the barges can't get through, it will mean more trucks on the streets.

Councilor Baxter told people to go vote.

Councilor Fickett made reference to historical events.

Councilor Glynn said the South Portland sewerage system is a horrible problem, adding that he has had lots of calls about it. He said he met this morning with the City Manager to discuss the situation, and short term relief. He said that people are required to hook up, so if they get raw sewage, it's the Council's problem. He said he attended a School Facilities Committee meeting, and the plan is to move the 5th grade to the middle schools. He said many residents don't approve of that.

Motion was made by Councilor Avery and seconded by Councilor Baxter to adjourn. Passage 7-0, 8:25 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Boudreau called the meeting to order at 7 P.M.

Motion was made by Councilor Avery and seconded by Councilor Baxter to waive Council Rule # 4 to add Items 9 and 10. Passage 6 - 1 (Glynn).

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 11/4/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a memo from Deputy School Superintendent Cheryl Jensen in which she commends SPCTV Manager Tony Vigue. He also noted that National Semiconductor and Fairchild Semiconductor had run a large ad in the newspaper thanking the municipalities for their help during the recent flooding.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of October.

Attendance Reports for the Month of October.

Report from the Finance Director regarding tax abatements.

Communication from the City Clerk regarding the November 5, 1996 election.

D. APPOINTMENT CALENDAR

1. ORDER #40-96/97 - Conservation Commission, District Five (Dearborn). To fill an unexpired term which expires 11/20/98. Postponed since 10/23/96.

Motion was made by Councilor Dearborn and seconded by Councilor Baxter to postpone this item to 12/2/96. Passage 7-0.

* * * * *

2. ORDER #55-96/97 - Conservation Commission, District One (Boudreau). Term to expire 11/20/99.

There was no public discussion.

Motion was made by Mayor Boudreau and seconded by Councilor Avery to appoint William Dale to this position. Passage 7-0.

* * * * *

3. ORDER #56-96/97 - Conservation Commission, District Two (Avery). Term to expire 11/20/99.

Motion was made by Councilor Avery and seconded by Councilor Baxter to postpone this item to 12/2/96. Passage 7-0.

E. CONSENT CALENDAR

4. NYNEX - placement of a pole on High Street.

There was no public discussion.

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

F. CITIZEN DISCUSSION (FIRST PART)

Robert Howard, 83 Bonnybank, complained about the sewer system and asked the Council what it had done about the situation since the last meeting.

Harvey Oest, Chairman of the Community Affairs Committee Chairman for the South Portland/Cape Elizabeth Chamber of Commerce, said the Chamber will continue to monitor the City Council meetings.

G. PUBLIC HEARING AND ACTION

5. Springpoint Food & Beverage, Inc. d/b/a Springpoint Cafe, 175 Pickett Street, for an FSE/Class A Restaurant with Liquor License. 11/18/96 to 11/18/97. New owner of existing business.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

H. ACTION ON OLD AND NEW BUSINESS

6. ORDER #57-96/97 - award of bid to Yankee Ford Sales, of South Portland, ME, for the purchase of a police cruiser for the Police Department.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

* * * * *

Motion was made by Councilor Avery and seconded by Councilor Baxter to take Item 9 out of order. Passage 6-1 (Glynn).

9. ORDER #53-96/97 - Council discussion of proposed mooring fee schedule adopted by the Harbor Commission on October 15, 1996.

The following people addressed this item:

Elmer Farley, RR3, Gorham
Richard Ingalls, 301 Front Street, Harbor Commission Chairman
Mark Fuller, 29 Adelbert Street
Steve Williams, Windham
Tom Perron, 94 Hillside Avenue
Lucie Couture, 6 Fayette Street, Portland
Steve Purdy, Ship Channel Road
Commander Burt Russell, USCG
Guy Gledhill, 6 Ironclad, Scarborough
Mr. Angier, 69 Brentwood Road, Cape Elizabeth
Clarence Beckwith, Bonnybriar Road
Richard Holt, 21 Willard Street
Peter Manning, Portland
John Stuart, 231 Front Street
Ray Lee, 28 Henry Street
Paul Ferguson, 15 Bay Road, by letter.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Failed 2-5 (Boudreau, Avery, Baxter, Dearborn, Larsen).

* * * * *

7. ORDER #51-96/97 - award of bid to IBM Corporation, of Waltham, MA, for the cabling of computer network equipment for the School Department.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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8. ORDER #52-96/97 - accepting a Local Law Enforcement Block Grant from the Bureau of Justice Assistance for the Police Department.

There was no public discussion.

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

* * * * *

10. ORDER #54-96/97 - award of bid to Curtis Walter Stewart Architects, of Portland, ME, for architectural and engineering services for the Redbank Multi-Purpose Facility.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Passage

7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Tony Vigue, SPCTV Manager, said he has had a lot of help in his efforts to get the City hooked up with communication equipment. Roland Labelle and Curtis Sweet have helped him, and there has been tremendous cooperation between the City and School Department.

Peter Feeney, 25 Cleveland Circle, introduced himself to the Council as the newest County Commissioner. He said that more input is needed from the City Councils, and told Councilors to contact him with any of their concerns.

Ed Googins, Police Chief, thanked South Portland voters for supporting the consolidated dispatch. He said it will enhance every resident and visitor's public safety.

Clarence Beckwith, Bonnybriar Road, thanked Deputy Chief Sanborn for giving him a tour of the Police Department. He said it convinced him to support the bond question. He asked where the soils study is on the Bug Light property. He said he hopes that all the studies aren't dumped on Councilors on a Friday for action the following Monday.

Ray Lee, 28 Henry Street, thanked all of his supporters during his campaign. He said he agrees with Mr. Beckwith about Bug Light. He also said he doesn't want to sell off 40% of it and lease out another 40%.

Chris Bowring, Pepperbush Circle, congratulated all the winners from the election and thanked Councilor Dearborn for his service. He said he knows it takes a toll.

Cass McIntyre, 72 Skillings Street, said she was at a loss as to what to do with 30 - 35 plastic bags of leaves she has. She asked what created the change from having the Lions pick up the leaves. She also asked about heavy trash pickup. She said that, if the City ever offered computer classes for adults, she would love to take one.

J. COUNCILORS' ROUND ROBIN

Mayor Boudreau said that many environmental studies are being completed on Bug Light, and they're looking good. She said that 13 sites were tested, and most came out clean. Two tanks were removed, and there was no damage or seepage.

Councilor Baxter said he has also been quite concerned about the environmental studies, and he would be quite uncomfortable if he received the studies and had to act quickly. He said Councilor Dearborn has been very helpful in the last two years and wished him luck.

Councilor Fickett said he hopes the schools don't abandon books for computers, especially history books.

Councilor Dearborn said he would like a dispensation on the consolidation of schools from Mr. Jordan and Mr. MacDonald. He said he would be before the Council to speak on Bug Light. He said he appreciates the favorable comments made about him tonight and thanked the residents for allowing him to sit on the Council.

IN COUNCIL REGULAR MEETING NOVEMBER 18, 1996 VOL. 58 PAGE 48

Councilor Glynn said the Council needs to do something about the sewer situation. He said that raw sewage in a house means the sewer system failed. He said he is working on a proposal and urged residents with problems to contact him.

Motion was made by Councilor Avery and seconded by Councilor Fickett to adjourn. Passage 7-0, 10:00.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

MAYORAL CAUCUS

Councilor Avery said she would nominate Councilor Baxter for Mayor, and Mayor Boudreau, Councilor Baxter and Councilor-elect Johnson indicated they would vote that way at inauguration. Councilor Fickett said he would nominate Councilor Larsen, and she and Councilor Glynn indicated they would vote that way at inauguration. Councilors selected roles in the inaugural procedure.



IN COUNCIL INAUGURAL MEETING DEC. 2, 1996 VOL. 58 PAGE 49

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

Mayor Boudreau invited the Reverend McCall to offer the invocation.

City Clerk Cohen administered the Oath of office to Councilors-elect Avery, Boudreau and Johnson.

City Clerk Cohen declared Councilors Avery, Boudreau and Johnson duly qualified Councilors.

Councilor Avery nominated Councilor Baxter for Mayor for year 1996/97. Mayor Boudreau seconded the motion.

Councilor Fickett nominated Councilor Larsen. Councilor Glynn seconded the motion.

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

City Clerk Cohen called the Roll.

Mayor Boudreau announced Councilor Baxter as Mayor for 1996/97 with four votes.

Mayor Baxter presented the Official Portrait and Gavel to out-going Mayor Boudreau.

Mayor Baxter then presented the Inaugural Address.

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

Councilor Boudreau read and moved for passage of RESOLUTION # 4 -96/97 establishing time and place of meetings. Councilor Avery seconded the motion. Mayor Baxter took the vote and declared the Resolution duly passed.

Councilor Boudreau moved that the Rules of City Council as enumerated in Chapter 2 of the Code of Ordinances, City of South Portland, which said codification became effective January 1, 1973 and was amended thereafter, shall remain in effect as therein set forth until further amended. Councilor Avery seconded the motion. Councilor Glynn moved this item be postponed to the next meeting. Councilor Larsen seconded the motion. Passage 4-3 (Avery, Boudreau, Baxter).

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

ROLL CALL: Mayor Baxter reconvened the meeting at 7:00 P.M.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 11/18/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Laurenz Schmidt, of National Semiconductor, presented the Mayor with a framed copy of the recent advertisement in the Portland Newspapers, thanking the City for all it did during the recent flooding.

City Manager Jeffrey Jordan cited several letters that Councilors had received in their packets.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

1. ORDER #40-96/97 - Conservation Commission, District Five (Johnson). To fill an unexpired term which expires 11/20/98. Postponed since 10/23/96.

Motion was made by Councilor Johnson and seconded by Councilor Glynn to postpone this item to 12/16/96. Passage 7-0.

* * * * *

2. ORDER #56-96/97 - Conservation Commission, District Two (Avery). Term to expire 11/20/99. Postponed on 11/18/96.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen to appoint Anna Marie Thron to this position. Passage 7-0.

* * * * *

3. ORDER #58-96/97 - Board of Appeals, District One (Boudreau). To fill an unexpired term which expires 7/23/97.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to postpone this item to 12/16/96. Passage 7-0.

* * * * *

4. ORDER #59-96/97 - Board of Assessment Review, District Three (Baxter). To fill an unexpired term which expires 3/16/97.

Motion was made by Mayor Baxter and seconded by Councilor Boudreau to postpone

this item to 12/16/96. Passage 7-0.

* * * * *

5. ORDER #60-96/97 - Civil Service, District Five (Johnson). To fill an unexpired term which expires 3/1/2001.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Larsen to appoint Paul Small to this position. Passage 7-0.

E. CONSENT CALENDAR

6. NYNEX - placement of pole in Terminal Way.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the Consent Calendar. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARING AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

7. ORDER #61-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *

8. PROCLAMATION #3-96/97 - recognizing December 10, 1996 as the 30th birthday of the South Portland Public Library.

Cheryl Beeman, Library Advisory Board Chairman, addressed this item.

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

* * * * *

9. PROCLAMATION #4-96/97 - recognizing the South Portland High School Football Team.

John Wolfgram, Football Coach, addressed this item.

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

* * * * *

10. PROCLAMATION #5-96/97 - recognizing the South Portland High School Field Hockey Team.

Thor Nilsen, Athletic Director, addressed this item.

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

* * * * *

11. ORDER #62-96/97 - award of bid to DeLuca-Hoffman, of South Portland, ME, for engineering services for the Knightville/Mill Creek Traffic Improvement Program.

There was no public discussion.

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

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12. ORDER #63-96/97 - award of bid to O'Connor GMC, of Portland, ME, and Hews Company, of South Portland, ME, for the purchase of a service truck for the Bus Service.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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13. ORDER #64-96/97 - award of bid to Portland North Truck Center, of Falmouth, ME, for the purchase of a dump truck for the Public Works Department.

There was no public discussion.

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

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14. ORDER #65-96/97 - award of bid to Metco, of Westbrook, ME, W. A. Messer Co., of Westbrook, ME, and N.A. Burkitt, Inc., of Scarborough, ME, for the purchase of two loaders, two snowblower attachments and one grader for the Public Works Department.

The following people addressed this item:

Dana Molere, Beauregarde Equipment
Frank Emerson, METCO
Ge Erskine, Public Works Director

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

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15. RESOLVE #5-96/97 - authorizing the sale of bond anticipation notes in the amount of \$495,000 for the purchase of snow plowing equipment for the Public Works Department.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

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16. ORDER #66-96/97 - authorizing:
- the City Manager to enter into a purchase and sale agreement with Spring Point Associates;
 - the City Manager to sign a lease with Portland Pipeline;
 - the dedication and acceptance of a portion of Madison Street; and
 - the acceptance of a grant from Greater Portland Public Development Commission
- for the acquisition of the Bug Light parcel.

The following people addressed this item:

Mike Crawford, EER Inc.
Jeff Thaler, Attorney, Berman & Simmons
Roderick Rovzar, Attorney, Norman, Hanson & DeTroy
Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street
Al Glickman, Partner, Spring Point Associates
Henrietta LaRou, Simmons Road
Kay Loring, 37 Files Street

Motion was made by Councilor Boudreau and seconded by Councilor Glynn for passage.
Motion was made by Councilor Fickett and seconded by Councilor Glynn to divide the question and vote on the lease with Portland Pipeline separately. Motion was made by Councilor Glynn and seconded by Councilor Larsen to go into executive session to consult with the City's attorney regarding the Portland Pipeline lease. Failed 2-5 (Baxter, Avery, Boudreau, Fickett, Johnson). Motion to separate failed 1-6 (Baxter, Boudreau, Johnson,

Glynn, Larsen, Avery). Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the order to include the gift from Sping Point Associates of 20% of the approximate 8 acres deeded to the City and \$20,000 in cash for asbestos removal. Passage 7-0. Passage, as amended, 6-1 (Larsen).

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17. RESOLVE #6-96/97 - authorizing the sale of bond anticipation notes in the amount of \$996,000 for the acquisition of the Bug Light parcel.

There was no public discussion.

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

I. CITIZENS DISCUSSION (SECOND PART)

Mark Eyerman, Planning Decisions, said there has been a dramatic decrease in the number of motorists stopping for pedestrians in crosswalks, and he hopes something can be done about it.

Al Glickman, 888 Shore Road, said he will call the other person who has been wanting to buy the Bug Light property and tell him he's out of luck. He said he was offering one million dollars more than the City offered. He said he's an excited seller.

David Cyr, Portland Pipeline, said he is beginning to understand the company's 50th Anniversary motto about pride. He said he is absolutely delighted that the project has worked so well.

Kay Loring, 37 Files Street, said she couldn't tell the Council what it has been like to work with Dave Cyr, Ted Metzger, and Jerre Bryant. She thanked Councilor Boudreau and said she is very happy.

Peggy Fuller, 9 Grand Street, said she attended this evening's meeting on behalf of the Chamber of Commerce. She thanked the Council for its work on the Bug Light project, adding that it was a wonderful process to watch. She thanked Portland Pipeline, Greater Portland Public Development Commission, Kay Loring, Spring Point Associates and Al Glickman.

Ray Lee, Henry Street, said this package is not what he voted for, and he will never vote for another bond question in this city again. He questioned the Council about using a facilitator to help it get along with the School Board. He said it's a waste of taxpayers' money. He said he was sorry to see Nancy Larsen not get Mayor.

Eileen Conley, 105 Summit Terrace, thanked everyone for the Bug Light project and said it's a good thing for the City of South Portland that everyone isn't as negative as Mr. Lee.

Henrietta LaRou, Simmons Road, said this is a great present for the City's 100th birthday in two years.

J. COUNCILORS' ROUND ROBIN

IN COUNCIL INAUGURAL MEETING DEC. 2, 1996 VOL. 58 PAGE 55

Mayor Baxter said the Council is not trying to get along with the School Board; it's trying to do the budget properly and is committing only \$300 toward the effort. If the facilitator can't establish guidelines, he'll quit.

Councilor Fickett said he had an ancestor on the 1898 Council.

Councilor Johnson said it was an interesting meeting and said thank you.

Councilor Glynn said his proposal and the discussion about sewers are coming up at a December workshop.

Councilor Larsen welcomed Councilor Johnson and congratulated the new Mayor.

Councilor Boudreau said she can't express her excitement over the Bug Light project. She said she doesn't think she ever wanted anything more, and it has been a roller coaster ride.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Passage 7-0, 11:09 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Larsen to accept the minutes of the 12/2/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan referenced a memo in the Council packets regarding SPICY.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of November.

Attendance Reports for the Month of November.

D. APPOINTMENT CALENDAR

1. ORDER #40-96/97 - Conservation Commission, District Five (Johnson). To fill an unexpired term which expires 11/20/98. Postponed since 10/23/96.

There was no public discussion.

Motion was made by Councilor Johnson and seconded by Councilor Avery to appoint Beverly Cunnane to this position. Passage 7-0.

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2. ORDER #58-96/97 - Board of Appeals, District One (Boudreau). To fill an unexpired term which expires 7/23/97. Postponed on 12/2/96.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Nancy Senger to this position. Passage 7-0.

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3. ORDER #59-96/97 - Board of Assessment Review, District Three (Baxter). To fill an unexpired term which expires 3/16/97. Postponed on 12/2/96.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Avery to appoint Jane Eberle to this position. Passage 7-0.

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IN COUNCIL REGULAR MEETING DEC. 16, 1996 VOL. 58 PAGE 57

4. ORDER #67-96/97 - Library Advisory Board, District Three (Baxter). Term to expire 12/31/99.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Boudreau to appoint Julia McCue to this position. Passage 7-0.

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5. ORDER #68-96/97 - Library Advisory Board, At- Large (Glynn). Term to expire 12/31/99.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to appoint Phyllis Fortin to this position. Passage 7-0.

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6. ORDER #69-96/97 - Library Advisory Board, At- Large (Larsen). Term to expire 12/31/99.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Boudreau to appoint Cheryl Beeman to this position. Passage 7-0.

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7. ORDER #70-96/97 - Conservation Commission, Associate Member, At-Large (Pratt). Term to expire 11/20/98.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Johnson to appoint Hannah Edmunds to this position. Passage 7-0.

E. CONSENT CALENDAR

8. NYNEX - placement of two (2) poles in Terminal Way.

There was no public discussion.

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

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARING AND ACTION

9. Jerrerd and Edward Benjamin, d/b/a Benjamin Building and Wrecking Co., Jackson Street, Automobile Graveyard and/or Junkyard Permit. 12/31/96 to 12/31/97. Renewal.

There was no public discussion.

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

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10. Used Car Lot renewals with increase in total number of cars on lot: Maine Mall Motors, 255 Maine Mall Road (from 577 cars on lot to 711) and Performance Autobody, 380 Main Street (from 25 cars on lot to 40). 12/31/96 to 12/31/97.

There was no public discussion.

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

H. ACTION ON OLD AND NEW BUSINESS

11. ORDER #71-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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12. ORDER #72-96/97 - authorizing a collective bargaining agreement with AFSCME Local 481, representing the Parks and Public Works employees.

Roger Kelley, Labor Negotiator, addressed this item.

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

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13. ORDER #73-96/97 - authorizing the City Manager to sign a collective bargaining agreement with the Fire Command Officers' Association.

Roger Kelley, Labor Negotiator, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage.
Passage 6-1 (Glynn).

14. ORDER #74-96/97 - authorizing the City Manager to sign a cooperative agreement with the U. S. Department of Agriculture to repair flood damage.

Ray Lee, 28 Henry Street, addressed this item.

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

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15. ORDER #75-96/97 - award of bid to Systems Engineering, of Portland, ME, for network file servers for the School Department.

Roland LaBelle, Network Administrator, addressed this item.

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

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16. ORDER #76-96/97 - authorizing the City Manager to sign a contract with Maine Associates for police services.

The following people addressed this item:

Ray Lee, 28 Henry Street
Jerre Bryant, Maine Mall Manager
Edward Googins, Police Chief

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

I. CITIZENS DISCUSSION (SECOND PART)

Pauline Connolly, 184 Sawyer Street, said the Sawyer Street residents received denials today for their sewer back-up claims. She said the denial said the back-ups were caused by rain, and there was nothing the City could have done to prevent them. She said that Councilors told them to bring them to the Council for a decision about what would be done.

Ray Lee, 28 Henry Street, told Mrs. Connolly that she and her neighbors should call their At Large Councilors. He said the City has had years to rectify the problem and is at fault because it knows the lines can't handle the water and sewer. He said Miami, Florida just went bankrupt because of bonded indebtedness.

Linda French, 160 Sawyer Street, said she is sick because she has been working around the molds, etc. in her house. She said that no one had more damage than the Lyric Theater. She said the law is set up to cover the government for its own acts. She said it may be legal, but it's not right. Her house is still flooding with two back water valves, and she needs to repair the furnace. She gave copies of her bills to Councilor Glynn and Corporation Counsel Mary Kahl.

J. COUNCILORS' ROUND ROBIN

Mayor Baxter said the Council has discussed the sewer issue several times lately, and Councilor Glynn has a proposal. He said the problem is not being ignored and that people with the proper knowledge are studying the problem. He thanked Councilor Larsen for the gift she had brought and wished everyone a Merry Christmas.

Councilor Johnson referenced the SPICY agreement Councilors had read about in their packets and said he would like to help in any way he can. He said that IMPACT is starting at the Maine Youth Center, and it helps to have young people see the results of their behavior.

Councilor Glynn said he is extremely sympathetic to the sewer situation, and it isn't right to get raw sewage in basements. He said the City needs a policy in place and added that the policy under the previous Finance Director was to take care of these situations in-house. He said he wants this item on the next workshop for the Council to consider paying the bills. He said the City charges a heck of a tax and sewer rate, and it needs to protect the residents.

Councilor Larsen asked Corporation Counsel how many Ferry Village claims have been filed and denied since July. She said the citizens have followed proper procedure, and the Council needs to sit down with the claims and see what can be done. She wished everyone Happy Holidays.

Councilor Boudreau said that, in mid November, she had asked the Council to submit names of people to serve on a bridge naming committee. She said the committee had its first meeting, and Lee Urban, of Portland, was elected chair. She referenced notes Councilors had received on their desks before tonight's meeting. She said there would be a meeting on December 18th in South Portland, and everyone is invited. She wished everyone Happy Holidays.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to adjourn.
Passage 7-0, 8:46 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING JAN. 6, 1997 VOL. 58 PAGE 61

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the 12/16/96 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from the Internal Revenue Service that the Councilors received in their packets. He noted the receipt of a thank you note from the Sam Romano family. Former Councilor Romano passed away recently. David Cyr, from Portland Pipeline, presented Councilors with a framed souvenir of the recent Bug Light Purchase. Mr. Jordan read a letter from Maine Medical Center to Delcia Hutchinson regarding the City's participation in the Employment Demonstration Project. He also passed out a communication from the Harbor Commission regarding new alcohol and drug testing.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

1. ORDER #77-96/97 - Conservation Commission, Associate Member, District Two (Thron). Term to expire 11/20/99.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to appoint Jeffrey Tarling to this position. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Veronica Carter, 379 Sawyer Street, informed the Council that the Southern Maine Soap Box Derby Association has selected South Portland as the site of the next event. It will be held on Surfsite Road and includes children aged 9 to 16. There will be an exhibit at the Maine Mall for 10 days, starting Thursday, and applications will be available there.

Christopher Muse, 35 Mildred Street, congratulated City Clerk Linda Cohen on her recent appointment to the Cumberland County Civic Center Board of Trustees. He lamented the demise of Summerfest as a consequence of the financial failure of Citrine Resources. He said that, as family finances get tighter, people need to vacation closer to home. He offered his assistance to anyone who might try to continue the event, and even suggested the City Council or Chamber of Commerce might want to consider sponsoring the festival.

G. PUBLIC HEARING AND ACTION

IN COUNCIL REGULAR MEETING JAN. 6, 1997 VOL. 58 PAGE 62

H. ACTION ON OLD AND NEW BUSINESS

2. ORDER #78-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

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3. ORDER #79-96/97 - giving notice that the City Council will hold a public hearing on a proposed TIF for Cummings Road Business Park.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

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

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4. ORDER #80-96/97 giving written notice of proposed changes to the Standing Rules to be considered at the January 22, 1997 City Council meeting.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Motion was made by Councilor Johnson and seconded by Councilor Boudreau to move the question. Failed 4-3 (Larsen, Glynn, Fickett). Failed 3-4 (Baxter, Avery, Boudreau, Johnson).

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5. ORDER #81-96/97 - authorizing final payment of \$1,430.82 to Berman & Simmons, of Lewiston, ME, for legal services regarding the Bug Light purchase.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road

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

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6. ORDER #82-96/97 - award of bid to Riverside Garage, of Portland, ME, for the sale of a used sedan.

There was no public discussion.

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

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7. ORDER #83-96/97 - award of bid to Gorham Micro, of Saco, ME, for 35 computers and to Higgins Office Products, of South Portland, ME, for 27 printers for the School Department.

The following people addressed this item:

Ray Lee, Henry Street
Lee Akerley, School Business Manager
Roland LaBelle, Network Administrator

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

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8. ORDINANCE #11-96/97 - amending Ch. 2, "Administration and Legislation", regarding Citizens discussion. First reading.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Larsen and seconded by Councilor Glynn for passage of the first reading. Failed 3-4 (Baxter, Boudreau, Johnson, Avery).

I. CITIZENS DISCUSSION (SECOND PART)

Clarence Beckwith, Bonnybriar Road, said that public input at workshops should be allowed, because that is where the decisions are made. He said that it is a public meeting, adding that Councilor Boudreau also represents the minority.

Ray Lee, Henry Street, said a neighbor of his called Councilor Boudreau and was told she wouldn't help him because he didn't support her. He said it is a shame about the family festival but, when he tried to get the City interested in a festival a few years ago, there was no interest.

J. COUNCILORS' ROUND ROBIN

Councilor Johnson urged everyone to bring old items, up to 1968, to the Spring Point Museum auction. All money will go to support the museum.

Councilor Larsen asked Corporation Counsel Mary Kahl where the list she requested of claims for sewer backups in Ferry Village is.

Councilor Avery said she is keeping up with the development behind Goudy Street, and that Ms. Kahl will be attending a workshop in Cape Elizabeth tomorrow evening. She also encouraged Councilors to visit and support the Zero Gravity Dive Shop and Narcosis Cafe in Knightville. It is nationally known for its work with disabled people, and the owners are looking for ways to keep it going.

Mayor Baxter said he spoke with the Planning Board Chairman in Cape Elizabeth about the Goudy Street development, and he might, also, go to the meeting.

K. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty, and to discuss with Legal Counsel the City's appeal of licenses to American Ash Recycling of New England. Passage 7-0, 9:07 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to return to open session. Passage 7-0, 10:18 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to grant abatement #3-96/97 in the amount of \$2,054.08 plus interest and costs. Passage 6-1 (Avery).

Motion was made by Councilor Glynn and seconded by Councilor Larsen to grant abatement #4-96/97 in the amount of \$4,466.06 plus interest and costs. Passage 4-3 (Baxter, Avery, Boudreau).

Motion was made by Councilor Glynn and seconded by Councilor Larsen to grant abatement #5-96/97 in the amount of \$3,031.82 plus interest and costs. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0, 10:21 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Larsen to accept the minutes of the 1/6/97 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter written to Tony Vigue and Annette Parks from Leslie Nickerson thanking them for the use of the cameras for the field hockey games and telling them how great they were to work with.

Mr. Jordan read a letter from Herb Tyler to Deputy Fire Chief Miles Haskell regarding an incident on New Year's Day that the Fire Department handled very well.

Mr. Jordan read a letter written to City Clerk Linda Cohen from Jack Copland, President of the International Institute of Municipal Clerks, in which he notified and congratulated her for obtaining the status of Certified Municipal Clerk.

Mr. Jordan read a letter written to Welfare Director Jack Roberts from the Department of Human Resources noting that the South Portland department is in compliance with State statutes and Department policy.

Mr. Jordan read a list of commendations given by the Police Chief at a ceremony last Friday.

Mr. Jordan noted the retirement of Larry Adams from the Public Works Department after thirty-eight years with the City.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of December.

Attendance Reports for the Month of December.

D. APPOINTMENT CALENDAR

1. ORDER #84-96/97 - Registrar of Voters.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Elizabeth Willwerth to this position. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Chris Bowring, Pepperbush Circle, asked about the fate of the transfer facility. He said he received a card from Councilor Larsen regarding this issue, and he thought it was a great idea, but it needed more information. He said he doesn't understand how the City can adopt the amendment for sewers, because it is open-ended. He said something has to be done, though. He noted that his call-in show will air on February 6, and the City Manager will be his guest to talk about the transfer facility and other issues.

Linda French, 160 Sawyer Street, showed the Council feces in a plastic bag which she took out of a wrapped gift box. She said that people are important to a city, and raw sewage in people's homes is a hazard. She said that laws are written to protect the citizens, not punish them. She asked the Council to please pass the sewer ordinance.

Robert Ferrante, 815 Main Street, asked who hires the sewer manager. He said the City created the sewer problem at his house by filling in a sewer line with concrete after it had collapsed. He said the valve does no good. He said it cost \$5,000 to rebuild his free-standing wall.

A letter was read from Cheryl Beeman, 4 Edwards Street, in which she stated that she grew up in Ferry Village, and they were acutely aware of the water problems there. She said there is insurance available to homeowners for sewer and water backups, and it ranges in cost from free to \$100 per year. She said the City shouldn't offer to reimburse citizens for things that insurance would cover.

G. PUBLIC HEARING AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

2. ORDER #85-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *

3. ORDER #86-96/97 - award of bid to PDT Architects, of Portland, ME, for building engineering services for the School Department.

The following people addressed this item:

Linda French, 160 Sawyer Street
Lee Akerley, School Business Manager

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 4-3 (Fickett, Glynn, Larsen).

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IN COUNCIL REGULAR MEETING JANUARY 22, 1997 PAGE 67

4. ORDER #87-96/97 - award of bid to Bernhard Co., LTD, of Warwickshire, England, for the purchase of a spin reel grinder for the Parks and Recreation Department.

The following people addressed this item:

Linda French, 160 Sawyer Street
Ray Lee, 28 Henry Street
John Switzer, Parks Supervisor
Valorie Swiger, School Street

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

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5. ORDER #88-96/97 - authorizing the City Manager to sign a collective bargaining agreement with IAFF Local #1476 representing the South Portland Firefighters.

There was no public discussion.

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

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6. ORDER #89-96/97 - approving a proposed plan for expansion at the Portland Jetport in South Portland.

The following people addressed this item:

Tom Valleau, Transportation Director for the City of Portland
Greg Goforth, Manager of the Best Western and SP/CE Chamber President
Clarence Beckwith, Bonnybriar Road
Linda French, 160 Sawyer Street
Ray Lee, Henry Street

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

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7. ORDER #90-96/97 - establishing the new Cummings Road Business Park Tax Increment Financing (TIF) District and approving the associated Development Program.

The following people addressed this item:

Jim Saffian, Pierce Atwood
Richard Sahakian, Bank of Boston
Robert Ferrante, 815 Main Street
Clarence Beckwith, Bonnybriar Road

Linda French, 160 Sawyer Street
Mark Lawler, People's Bank
Ray Lee, 28 Henry Street
Joe Malone, Broker marketing Cummings Road Business Park
Bob Howard, Bonnybriar Road
Greg Goforth, Best Western
Tim O'Neil, 81 Adelbert Street
Don Legere, 149 Walnut Street

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage.
Passage 4-3 (Glynn, Larsen, Fickett).

* * * * *

8. RESOLVE #7-96/97 - approving the PACTS Policy Committee's Transportation Improvement Plan for South Portland.

The following people addressed this item:

Linda French, 160 Sawyer Street
Christopher Muse, 35 Mildred Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Passage 4-3 (Larsen, Fickett, Glynn).

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Motion was made by Councilor Glynn and seconded by Councilor Larsen to waive the reading of the ordinance in its entirety and have the City Manager do a summary. Passage 7-0.

9. ORDINANCE #12-96/97 - amending Ch. 8, "Fire Protection and Prevention" regarding marine oil terminals. First reading.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage of the first reading. Passage 6-0 (Boudreau out).

* * * * *

10. ORDINANCE #13-96/97 - amending Ch. 22, "Sewers and Drains" regarding assumption of liability for sewer back-ups. First reading.

The following people addressed this item:

Linda French, 160 Sawyer Street
Valorie Swiger, School Street
Ray Lee, 28 Henry Street
Clarence Beckwith, Bonnybriar Road

Bob Howard, Bonnybriar Road
Robert Ferrante, 815 Main Street
Pat Cloutier, Director of Pollution Abatement
Pauline Connolly, Sawyer Street, by letter
Pat Chadbourne, Legal Secretary
Bob Baines, Great American Insurance

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance by deleting it in its entirety and substituting Order #93-96/97. Passage 7-0. After withdrawing the original motion, motion was made by Councilor Glynn and seconded by Councilor Larsen for passage of the order. Passage 7-0.

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11. ORDER #91-96/97 - authorizing the Mayor to sign annual Excessive Use of Force Reports to the Maine Criminal Justice Academy.

There was no public discussion.

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

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12. ORDER #92-96/97 - accepting a drainage easement deed from JNJ Investment Corp., 116 Wallace, for Southgate Subdivision.

The following people addressed this item:

Robert Ferrante, 815 Main Street
Bob Howard, Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Larsen to postpone this item until 2/3/97. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Robert Ferrante, 815 Main Street, asked why we have to move the dump. He said the Federal Government came up with four million dollars for Cape Elizabeth; why not South Portland?

Christopher Muse, 35 Mildred Street, District 26 Representative, congratulated Ray Lee on his election as Chairman of the Republican City Committee. He suggested a raffle for the first person to cross the new bridge. He noted that the City is due to lose \$154,000 in school funding under the Governor's budget, adding that there are nine bills addressing this issue. He said the north has always bussed people in for hearings, and he strongly urges the south to do the same. He bade good morning to those people still watching who don't think their representatives stay in touch with the City Council.

Ray Lee, 28 Henry Street, said the best thing this city could do to celebrate 100 years is to cut the taxes back to where they were 100 years ago. He said there shouldn't be any taxpayer's investment in this celebration unless they vote on it. He said there are people who work for the City who can't afford to live here. He said the City already has a site for the transfer facility, and it's pretty - inside the GE building by the water. He said he heard that someone came forward and offered to pay for everything needed for the transfer facility.

Bob Howard, Bonnybriar Road, complained that there are bricks under the tar in front of City Hall, and that doesn't make sense. He said it wasn't even done right.

J. COUNCILORS' ROUND ROBIN

Councilor Fickett said he worked at Cape Elizabeth when they did the transfer facility, and we could do it even better here.

Motion was made by Councilor Avery and seconded by Councilor Glynn to adjourn. Passage 7-0, 1:00 A.M. (1/23/97).

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. Councilor Boudreau was absent. Councilor Avery arrived after the minutes.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Larsen to accept the minutes of the 1/22/97 meeting. Passage 5-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from Coralie Stewart, a new resident, in which she states how happy she is with the staff and her neighbors.

Mr. Jordan cited a letter from the National Transportation Safety Board commending the Harbor Commission for its proactive action on drug testing.

C. PETITIONS AND COMMUNICATIONS

Report from the Bridge Committee.

D. APPOINTMENT CALENDAR

1. ORDER #94-96/97 - Conservation Commission, Associate Member (Commission). Term to expire 11/20/99.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen to appoint Rhonda Lichtenstein to this position. Passage 6-0.

E. CONSENT CALENDAR

2. NYNEX - placement of a pole in Dartmouth Street.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 6-0.

F. CITIZEN DISCUSSION (FIRST PART)

John Cragin, Ocean View Avenue, sketched the new bridge and points in Casco Bay on the blackboard, noting that Casco Bay is not the body of water that flows under the bridge. He said the name will be an inaccurate description for tourists, because the boundary of Casco Bay is two and a half miles away.

Arthur Tordoff, 225 Richland Street, said he was a member of the bridge naming committee. He said that Mr. Cragin is correct, but Cape Elizabeth was also involved in naming the bridge. The committee felt that any estuary or harbor emptying into Casco Bay is part of Casco Bay. He said that people will see more of

Casco Bay from the top of the new bridge than what they ever saw from the old one.

Linda French, 160 Sawyer Street, said that the back-up claims are overinflated. She said that the tests at City Hall were not done correctly. She said they should have been done three times to be accurate. She said the City Manager said the company told him to evacuate the basement. She said the date of loss and the amount listed for their claim is not correct. She said that David MacDonald will be speaking at the Ferry Village meeting on March 13, 1997 at 7 P.M.

G. PUBLIC HEARINGS AND ACTION

3. ORDINANCE #12-96/97 - amending Ch. 8, "Fire Protection and Prevention" regarding marine oil terminals. Given first reading on 1/22/97.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 6-0.

H. ACTION ON OLD AND NEW BUSINESS

4. ORDER #92-96/97 - accepting a drainage easement deed from JNJ Investment Corp., 116 Wallace Avenue, for Southgate Subdivision. Postponed on 1/22/97.

Ed Reidman, City Engineer, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Passage 6-0.

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5. ORDER #95-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Avery for passage. Passage 6-0.

* * * * *

6. ORDER #96-96/97 - changing the locations of the District 3 and District 4 polling places and authorizing a lease agreement with the Fraternal Order of Eagles.

The following people addressed this item:

Herb Haase, Winding Way
Maxine Beecher, 1359 Highland Avenue, District 4 Warden
Clarence Beckwith, Bonnybriar Road
Tim O'Neil, 81 Adelbert Street

Linwood Leland, 1695 Broadway
Chris Bowring, Pepperbush Circle
Linda French, 160 Sawyer Street
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 5-1 (Glynn).

* * * * *

7. ORDER #97-96/97 - award of bid to Weirs Motor Sales, of Arundel, ME, for the purchase of a pick-up truck for the Fire Department.

John True, Fire Chief, addressed this item.

Motion was made by Councilor Larsen and seconded by Councilor Avery for passage. Passage 6-0.

* * * * *

8. ORDINANCE #14-96/97 - amending Ch. 27, "Zoning," to permit covered passageways in the Light Industrial IL District. First reading.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage of the first reading. Passage 6-0.

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9. ORDER #98-96/97 - authorizing the City Manager to sign an administrative agreement with National Semiconductor and Fairchild Semiconductor regarding an existing covered passageway.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Johnson for passage. Passage 6-0.

* * * * *

10. ORDER #99-96/97 - accepting equivalent value service funding from NYNEX under the Maine School and Library Project.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Passage 6-0.

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IN COUNCIL REGULAR MEETING FEB. 3, 1997 VOL. 58 PAGE 74

- 11. ORDER #100-96/97 - continuing participation in the Coalition for Equitable School Funding.

The following people addressed this item:

Ray Lee, Henry Street
Bob Blackwood, 16 Bluff Road

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Passage 6-0.

* * * * *

- 12. ORDINANCE #15-96/97 - amending Ch. 5, "Buildings," adopting the 1996 edition of the BOCA National Building Code. First reading.

The following people addressed this item:

Linda French, 160 Sawyer Street
Patricia Doucette, Code Enforcement Officer

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage of the first reading. Passage 6-0.

* * * * *

- 13. RESOLVE #8-96/97 - supporting "Casco Bay Bridge" as the recommended name of the new bridge between Portland and South Portland.

The following people addressed this item:

Herb Haase, Winding Way
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 4-2 (Fickett, Glynn).

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- 14. ORDER #101-96/97 - authorizing the City Manager to submit a settlement offer to the Maine Department of Environmental Protection regarding the transfer facility.

The following people addressed this item:

Herb Haase, Winding Way
Chris Bowring, Pepperbush Circle
Mel Montpelier, 36 Smokehouse Circle
Eileen Arsenault, 4 Barnstable Road
Ray Lee, 28 Henry Street

Reesa Garland, 52 Barnstable Road
Laurette Haase, 71 Winding Way
Lolita Dodd, 61 Barnstable Road
Scott Garland, 52 Barnstable Road
Stanley Cox, 460 Highland Avenue
Jeff Bartlett, 136 Brindle Circle
Bob Blackwood, 16 Bluff Road
Gerry DiMillo, 134 Barnstable Road
Linda French, 160 Sawyer Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the order by attaching the agreement regarding the site of the current transfer facility and changing the fiscal note to \$370,500. Motion was made by Councilor Avery and seconded by Mayor Baxter to recognize Councilor Fickett's stated conflict of interest and excuse him from voting on this item. Passage 4-1 (Glynn). Passage of amendment 4-1(Avery). Passage, as amended, 4-1 (Avery).

* * * * *

15. ORDINANCE #16-96/97 - amending Ch. 27, "Zoning," regarding telecommunication towers. First reading.

Motion was made by Councilor Avery and seconded by Councilor Johnson to waive reading the ordinance in its entirety. Passage 5-0 (Larsen out).

The following people addressed this item:

Linda French, 160 Sawyer Street
Tex Haeuser, Planning Director
Ray Lee, Henry Street
Jean Heath, 84 Everett Avenue
Stanley Cox, 460 Highland Avenue
Dolores Broberg, 38 Bellevue Avenue
Ralph Pundt, 87 Vincent Street
Richard Twitchell, SPRINT

Motion was made by Councilor Avery and seconded by Mayor Baxter for passage of the first reading. Passage 4-2 (Fickett, Glynn).

I. CITIZENS DISCUSSION (SECOND PART)

Ray Lee, Henry Street, said Cape Elizabeth is not touched by the bridge and shouldn't have a say in its name. He said he is concerned about tons of waste going to the transfer facility from outside the City. He suggested a \$200 per load fine if the waste isn't from South Portland.

Stanley Cox, Highland Avenue, said breaking down the proposal would make it more palatable. He said there is too much waste going in.

J. COUNCILORS' ROUND ROBIN

Motion was made by Councilor Glynn and seconded by Mayor Baxter to adjourn. Passage 6-0, 12:22 A. M. (2/4/97).

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING FEB. 19, 1997 VOL. 58 PAGE 77

ROLL CALL: Mayor Baxter called the meeting to order at 7:05 P.M. Councilors Fickett and Glynn arrived after the minutes were accepted.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Johnson to accept the minutes of the 2/3/97 meeting. Passage 5-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter written to Police Chief Ed Googins from South Portland Citizens Against Substance Abuse.

Mr. Jordan read a letter he had sent to Lt. John Foster of the Air National Guard thanking him for the Guard's assistance in wiring Memorial Middle School, and he commended SPCTV Manager Tony Vigue.

C. PETITIONS AND COMMUNICATIONS

Report regarding creation of committee to consider reuse of the former compost facility.

Department Reports for the Month of January.

Attendance Reports for the Month of January.

D. APPOINTMENT CALENDAR

1. ORDER #102-96/97 - Civil Service, District Four (Fickett). Term to expire 3/1/02.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to the 3/3/97 meeting. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Mayor Baxter took Item 7 out of order.

7. PROCLAMATION #6-96/97 - proclaiming Patrol Officer Todd Bernard as Police Officer of the Year for 1996.

There was no public discussion.

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

G. PUBLIC HEARINGS AND ACTION

2. ORDINANCE #14-96/97 - amending Ch. 27, "Zoning," to permit covered passageways in the Light Industrial IL District. Given first reading on 2/3/97.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

* * * * *

3. ORDINANCE #15-96/97 - amending Ch. 5, "Buildings," adopting the 1996 edition of the BOCA National Building Code. Given first reading on 2/3/97.

The following people addressed this item:

Linda French, 160 Sawyer Street
Ed Reidman, City Engineer

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

* * * * *

4. ORDINANCE #16-96/97 - amending Ch. 27, "Zoning," regarding telecommunication towers. Given first reading on 2/3/97.

The following people addressed this item:

Stanley Cox, 360 Highland Avenue
Linda French, 160 Sawyer Street
Clarence Beckwith, Bonnybriar Road
Ralph Pundt, 87 Vincent Street
Ray Lee, Henry Street
Richard Twitchell, Sprint PCS
Barry Hobbins, Attorney representing Cellular One
Gary Berlucchi, 67 Vincent Street
Jean Heath, 80 Everett Avenue, by letter
Dolores Broberg, 38 Bellevue Avenue, by letter
Tex Haeuser, Planning Director

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage.

Motion was made by Councilor Larsen and seconded by Councilor Glynn to amend the ordinance by providing for inspections of the towers, in §27-157; changing the date to 2/1/97 in §27-89; notice by tower applicants in §27-157F, and a variance from the Board of Appeals. Motion was made by Councilor Larsen and seconded by Councilor Avery to amend the amendment by having the notices in §27-157F go to owners and licensed telecommunication providers. Passage 6-0 (Boudreau out). Amendment, as amended, passage 5-2 (Fickett, Glynn).

Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance by making towers permitted uses instead of special exceptions. Failed 3-4 (Baxter, Boudreau, Avery, Johnson).

IN COUNCIL REGULAR MEETING FEB. 19, 1997 VOL. 58 PAGE 79

Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance to allow towers in Residential G. Failed 3-4 (Baxter, Avery, Johnson, Boudreau).

Motion was made by Councilor Avery and seconded by Councilor Glynn to amend the ordinance by adding language in §27-157K regarding cable television facilities. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance by deleting municipal uses from exemptions. Failed 3-4 (Baxter, Johnson, Boudreau, Avery).

Motion was made by Councilor Avery and seconded by Councilor Glynn to amend the ordinance on page 11 at (D)(1) by changing the word transmission to telecommunication and on page 12 at (E)(3) by changing the wording to "150% of the estimated demolition cost of the tower." Passage 7-0.

Passage of ordinance, as amended, 5 - 2 (Glynn, Fickett).

* * * * *

5. Harvey's Lunch, FSE/Mobile Food Service (Vending Unit). Renewal. Requesting a variance to operate within five hundred (500) feet of other licensed food service establishments.

Harvey Beaulieu, Harvey's Lunch, addressed this item.

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

H. ACTION ON OLD AND NEW BUSINESS

6. ORDER #103-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *

8. ORDER #104-96/97 - accepting \$7,884.80 under the Federal Asset Forfeiture Program.

Ray Lee, Henry Street, addressed this item.

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

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9. ORDINANCE #17-96/97 - amending Ch. 10, "Health, Welfare and Sanitation Generally". First reading.

IN COUNCIL REGULAR MEETING FEB. 19, 1997 VOL. 58 PAGE 80

Motion was made by Councilor Boudreau and seconded by Councilor Avery to waive reading the ordinance in its entirety. Passage 7-0.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the first reading. Passage 7-0.

* * * * *

10. ORDER #105-96/97 - authorizing the City Clerk to accept donations for the "Centennial Committee."

Ray Lee, Henry Street, addressed this item.

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

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11. ORDER #106-96/97 - award of bid to Charwill Construction, Inc., of Meredith, NH, for a wastewater pump station upgrade to facilitate National Semiconductor's expansion.

The following people addressed this item:

Linda French, 160 Sawyer Street
Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

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

* * * * *

12. ORDER #107-96/97 - award of bid to Maine Radio, of Scarborough, ME, for a repeater system for the Fire Department.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
John True, Fire Chief

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

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13. ORDER #108-96/97 - award of bid to Oest Associates, of South Portland, ME, for engineering services for the Public Safety Communications Facility.

IN COUNCIL REGULAR MEETING FEB. 19, 1997 VOL. 58 PAGE 81

Linda French, 160 Sawyer Street, addressed this item.

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

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14. ORDER #109-96/97 - changing the street name of Terminal Way to Katana Drive.

The following people addressed this item:

Jeffrey Somers, 18 Terminal Way
Clarence Beckwith, Bonnybriar Road
Ed Googins, Police Chief
Ed Reidman, City Engineer

Motion was made by Councilor Johnson and seconded by Councilor Avery for passage.
Passage 4-3 (Boudreau, Fickett, Glynn).

* * * * *

15. ORDER #110-96/97 - accepting an easement deed from Charles and Deborah Saben, d/b/a Mill Fabric Center, 265 Western Avenue.

Linda French, 160 Sawyer Street, addressed this item.

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

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16. ORDER #111-96/97 - authorizing the City Manager to submit a Community Development Block Grant for the Ferry Village Sewer Project.

The following people addressed this item:

Linda French, 160 Sawyer Street
Ed Reidman, City Engineer
Valorie Swiger, School Street
Ray Lee, Henry Street
Janet McLaughlin, Site Planner

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

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17. ORDER #112-96/97 - authorizing the City Manager to submit a Community Development Block Grant for the Knightville Re-vitalization Project.

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Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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18. ORDER #113-96/97 - authorizing the City Manager to sign an agreement allowing contractors for the Maine Department of Transportation to transport heavy construction equipment over City streets.

Linda French, 160 Sawyer Street

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

* * * * *

19. ORDER #114-96/97 - authorizing the City Manager to sign an Administrative Consent Agreement and Enforcement Order to the Maine Department of Environmental Protection.

The following people addressed this item:

Linda French, 160 Sawyer Street
Ray Lee, Henry Street
Ed Reidman, City Engineer
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

I. CITIZENS DISCUSSION (SECOND PART)

Clarence Beckwith, Bonnybriar Road, asked how much it will cost to connect the new community building to Redbank School. He said he's in favor of it but not if it's only going to be used for 3 or 4 years. He said he hopes the City can keep Lincoln School open until the end of the year for the Christian School. He said it costs more than \$5,000 a year for a student in our system. He recommended turning the school over to them for \$1.00.

Ray Lee, Henry Street, said he knows the same violations exist in the City's schools as in the Christian School. He suggested the Fire Marshall be called in to look at the public schools.

Linda French, 160 Sawyer Street, asked for a definition of autonomy and whether the RWS debt comes back to the municipalities. She said she heard the School Board wants autonomy. She said many of the public schools would not pass a fire marshall's review, and said the City needs to apply the rules equally.

J. COUNCILORS' ROUND ROBIN

Councilor Glynn asked that the Council be furnished with copies of the studies done on public

schools for the last two years. He said it is most appropriate to bring the issue to the School Board first.

K. EXECUTIVE SESSION

Motion was made by Councilor Larsen and seconded by Councilor Avery to go into executive session, pursuant to 1 M.R.S.A. §405 (6)(E), to confer with Legal Counsel regarding the BEP Public Hearing on an ash recycling facility in Scarborough. Passage 7-0, 12:23 A.M.

Motion was made by Councilor Avery and seconded by Councilor Larsen to come out of executive session. Passage 7-0, 12:39 A.M. Motion was made by Councilor Glynn and seconded by Councilor Larsen to adjourn. Passage 7-0, 12:39 A.M. (2/20/97).

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



IN COUNCIL SPECIAL MEETING MARCH 3, 1997 VOL. 58 PAGE 84

ROLL CALL: Mayor Baxter called the meeting to order at 6:45 P.M. Councilors Boudreau, Fickett and Glynn arrived during executive session.

Motion was made by Councilor Avery and seconded by Councilor Johnson to go into executive session to discuss, pursuant to 1 M.R.S.A. §405 (6)(C), acquisition of publicly held property with regard to land owned or previously owned by South Portland Associates. Passage 4-0, 6:47 P.M.

Motion was made by Councilor Avery and seconded by Councilor Larsen to come out of executive session. Passage 7-0, 7:20 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Johnson to adjourn the special meeting. Passage 7-0, 7:21 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING MARCH 3, 1997 VOL. 58 PAGE 85

ROLL CALL: Mayor Baxter called the meeting to order at 7:21 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the 2/19/97 meeting.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from Jean Heath expressing her thanks about the passage of the telecommunications ordinance. He read a letter written to the Police Chief from Portland Players. Mr. Jordan announced that the Fire Department and the Lions Club are sending emergency cards to residents to place on their refrigerators. He noted that a public hearing will be held on March 27th regarding the ash recycling facility in Scarborough.

City Clerk Linda Cohen stated that she had attended the public hearing this afternoon on the naming of the new bridge and two names are being considered: Georges Cleeves Memorial Bridge and Casco Bay Bridge. She also read a fax from County Commissioner Peter Feeney inviting Councilors and the public to a meeting of the Commission at 7 P.M. on March 6 at Cape Elizabeth Town Hall.

C. PETITIONS AND COMMUNICATIONS

Communication regarding the Harbor Commission rule establishing Bar Pilot and Docking Master fees.

D. APPOINTMENT CALENDAR

1. ORDER #102-96/97 - Civil Service, District Four (Fickett). Term to expire 3/1/02. Postponed on 2/19/97.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 3/17/97. Passage 7-0.

* * * * *

2. ORDER #115-96/97 - Board of Assessment Review, District Three (Baxter). Term to expire 3/16/00.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Boudreau to appoint Jane Eberle to this position. Passage. 7-0.

E. CONSENT CALENDAR

3. The Home Builders Association, of Saco, ME, off premise signs at six (6) locations on City property to advertise its home show at Southern Maine Technical College.

IN COUNCIL REGULAR MEETING MARCH 3, 1997 VOL. 58 PAGE 86

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARINGS AND ACTION

4. ORDINANCE #17-96/97 - amending Ch. 10, "Health, Welfare and Sanitation Generally". Given first reading on 2/19/97.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

* * * * *

5. ORDER #122-96/97 - purchase of Police Department equipment under the Justice Department Block Grant Program.

Ed Googins, Police Chief, addressed this item.

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

H. ACTION ON OLD AND NEW BUSINESS

6. ORDER #116-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0 (Fickett out).

* * * * *

7. ORDER #117-96/97 - award of bid to Cabletron Systems, of Rochester, NH, for data network switches and concentrators for the School Department.

There was no public discussion.

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

* * * * *

8. ORDER #118-96/97 - award of bid to Office Specialists, Inc., of Portland, ME, for furniture for the School Department.

There was no public discussion.

IN COUNCIL REGULAR MEETING MARCH 3, 1997 VOL. 58 PAGE 87

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

* * * * *

9. ORDER #119-96/97 - authorizing the City Manager to submit a universal hiring grant application to the Justice Department.

The following people addressed this item:

Ed Googins, Police Chief
Ron Allanach, Assistant Principal, SPSHS
Linda French, 160 Sawyer Street

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item to 3/17/97 to allow the School Board to discuss it. Failed 3-4 (Baxter, Avery, Boudreau, Johnson). Passage 4-3 (Larsen, Glynn, Fickett).

* * * * *

10. ORDER #120-96/97 - committing an appropriation of \$385,000 from the National Semiconductor TIF 1 Development Fund.

The following people addressed this item:

Charles Hannaford, South Portland Gardens
Larry Albert, 42 MacArthur Circle West
Robert Skillin, 610 Westbrook Street
Kevin Battle, 82 Sandy Hill Road
Thomas Brown, 101 Wainwright Circle West, by letter
Chris Knight, representing the property owner

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the order adding "on the condition that the seller of the property agrees to a purchase price of \$35,000" and changing the expenditure and the fiscal note to \$350,000. Passage 7-0. Passage, as amended, 7-0.

* * * * *

11. ORDER #121-96/97 - authorizing the City Manager to sign an amendment to the Joint Sewer Service Agreement among the City of South Portland, Town of Scarborough and the Scarborough Sanitary District.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage.
Passage 4-3 (Glynn, Boudreau, Avery).

I. CITIZENS DISCUSSION (SECOND PART)

Chris Bowring, Pepperbush Circle, asked the status of the transfer facility and the committee being formed to discuss the former compost facility.

Linda French, 160 Sawyer Street, said the recent tower issue gave the City more power. She said that putting police in schools opens the door to government control of the schools. She said parents don't have any back-up from the schools or police with their children, and the laws are with the kids. She said the system breaks up families.

J. COUNCILORS' ROUND ROBIN

Councilor Boudreau thanked Mr. Knight for coming to the meeting.

Councilor Avery said there has to be a better way to monitor street lights than by calling CMP to report burnt out lights. She said the Council should hold a neighborhood meeting and compile the concerns of the residents near the Rosewood Development. She said the concerns should be sent on to Cape Elizabeth. She asked people to please clean up after their dogs.

Mayor Baxter thanked Mr. Knight for coming to the meeting. He said he attended the decommissioning ceremony for the Coast Guard Cutter Spar last week and really enjoyed it.

Councilor Fickett said he wanted to help people understand why he is the way he is. He said he was unable to attend public schools, and the first book he read was A Child's History of England. He said he attended various schools, but ended up being home-tutored, and that explains his odd actions.

Councilor Johnson said he and his wife had lunch with the new Maine Youth Center superintendent, Larry Reed. He addressed the situation with the silver bullet on Broadway at Sokokis and the trash around it. He said he received a complaint from a resident. He said the Public Works Director is doing the best he can, but he suggested putting the recycling bins somewhere where people will observe them.

Councilor Larsen said she was at the transfer facility this weekend and thought there was supposed to be a fence around refrigerators and anything with freon. She asked the City Manager to check on that.

Councilor Glynn said the roads are taking a beating because of the early spring and the fact that they haven't been posted for heavy truck traffic. He said he sincerely appreciated all of the people who supported the Redbank project, adding that it was a lot of hard work, but it will be an asset to the City.

K. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery 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), to discuss with the City's Attorney contemplated litigation against the City. Passage 7-0, 10:08 P.M.

IN COUNCIL REGULAR MEETING MARCH 3, 1997 VOL. 58 PAGE 89

Motion was made by Councilor Avery and seconded by Councilor Glynn to come out of executive session. Passage 7-0, 11:26 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant Abatement #6-96/97. Failed 2-5 (Baxter, Johnson, Larsen, Avery, Boudreau).

Motion was made by Councilor Boudreau and seconded by Councilor Avery to deny Abatement #6-96/97. Passage 5-2 (Fickett, Glynn).

Motion was made by Councilor Avery and seconded by Councilor Larsen to adjourn. Passage 7-0, 11:28 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Avery to accept the minutes of the special and regular meetings of 3/3/97. Passage 6 - 0 (Johnson out).

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a memo to Council regarding upcoming workshop dates.

He read a plaque being sent to former Councilor Dearborn.

Burt Russell, U. S. Coast Guard, presented the City with a plaque commending its role in the clean-up of the Julie N spill.

Mr. Jordan presented the proposed FY 1997/98 municipal budget.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of February.

Attendance Reports for the Month of February.

D. APPOINTMENT CALENDAR

1. ORDER #102-96/97 - Civil Service, District Four (Fickett). Term to expire 3/1/02. Postponed since 2/19/97.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 4/7/97. Passage 7-0.

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2. ORDER #123-96/97 - Board of Assessment Review, At-Large (Larsen). To fill an unexpired term which expires 12/31/98.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Boudreau to appoint Philip Notis to this position. Passage 7-0.

* * * * *

3. ORDER #124-96/97 - Library Advisory Board, District One (Boudreau). To fill an unexpired term which expires 12/31/97.

Motion was made by Councilor Boudreau and seconded by Councilor Larsen to postpone

this item to 4/7/97. Passage 7-0.

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4. ORDER #125-96/97 - Planning Board, District Three (Baxter). Term to expire 4/1/00.

Doug Smith, 441 Ocean Street, addressed this item.

Motion was made by Mayor Baxter and seconded by Councilor Avery to appoint Douglas Smith to this position. Passage 7-0.

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5. ORDER #126-96/97 - Planning Board, At-Large (Glynn). Term to expire 4/1/00.

Thomas Brown, 101 Wainwright Circle West, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to appoint Thomas Brown to this position. Passage 7-0.

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6. ORDER #127-96/97 -South Portland Housing Authority, (Boudreau). Term to expire 3/25/02.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Larsen to appoint Elizabeth Ross to this position. Passage 7-0.

* * * * *

7. ORDER #128-96/97 - Waterfront Advisory Committee (Mayor). Term to expire 3/20/00.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Larsen to appoint Richard Holt to this position. Passage 7-0.

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8. ORDER #129-96/97 - Waterfront Advisory Committee (Mayor). Term to expire 3/20/00.

Motion was made by Mayor Baxter and seconded by Councilor Avery to postpone this item to 4/7/97. Passage 7-0.

- E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Kay Loring, 37 Files Street, said the Friends of Bug Light are not interested in saving the building on the property. She said they are talking private funding now for a wrought iron fence and a pier. She suggested taking the building down and leaving the concrete pad.

Ed Rowe, 2 Deake Street, said he hopes the school libraries will be properly funded for computers. He said he also has concerns about the City's tennis courts, the erosion of Willard Beach, the catch basin at the end of each street near the beach, the fishing shacks and the noise from the Willard Beach pump station.

G. PUBLIC HEARINGS AND ACTION

9. Brown Restaurants, Inc., d/b/a Governors Restaurant, 700 Main Street, for an FSE/Class A Restaurant/Lounge with Liquor License. 3/17/97 to 3/17/98. New State and City License.

There was no public discussion.

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

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10. Lawrence Huntley, d/b/a Gately Automotive, 26 Gately Street, for a Used Car Lot License. New City License.

Larry Huntley, Scarborough, addressed this item.

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

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11. William J. O'Rourke and Joan E. Cella, d/b/a O'Rourke's Landing, 175 Pickett Street, for an FSE/Class A Restaurant with Liquor License and Special Amusement Permit. 3/17/97 to 3/17/98. New State and City License.

Bill O'Rourke, 510 Preble Street, addressed this item.

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

H. ACTION ON OLD AND NEW BUSINESS

12. ORDER #130-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage

7-0.

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13. ORDER #131-96/97 - accepting The State of Maine Municipal Warrant for Prosecuting Unlicensed Dog Owners/Keepers.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 5-0 (Larsen, Glynn out).

14. ORDER #132-96/97 - setting April 2, 1997 as the date for public hearing in City Council Chambers for the proposed 1997/98 budget.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 5-2 (Fickett, Glynn).

* * * * *

15. ORDER #133-96/97 - award of bid to Coast of Maine, Inc., of Portland, ME, for the sale of used compost facility equipment.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Passage 7-0.

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16. ORDER #134-96/97 - authorizing the purchase of a parcel of land for a pumping station and the acceptance of a sewer easement on Western Avenue from South Portland Associates.

Ed Reidman, City Engineer, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item to 4/7/97. Failed 2-5 (Baxter, Boudreau, Fickett, Johnson, Larsen). Passage 5-2 (Avery, Glynn).

I. CITIZENS DISCUSSION (SECOND PART)

None.

J. COUNCILORS' ROUND ROBIN

Councilor Avery announced that the sewer program "Down the Drain" is done and has aired on SPCTV. She said it contains a lot of good information for the public. She said she appreciated the time and effort of staff members, Mary Kahl, David Thomes, Pat Cloutier, Jay Reynolds, Tony Vigue and Annette Park in putting it together.

Councilor Johnson stated that the hearing on the proposed ash recycling facility is scheduled for March 27th, and asked Corporation Counsel Mary Kahl to elaborate on the hearing. Ms. Kahl said the dioxins involved are being discussed. She noted that the original focus had been on cancer risks, but there are now hormonal and reproductive risks being investigated.

Councilor Glynn said he was troubled by the process used to arrive at a proposed budget, adding that the Council normally sets guidelines and didn't this year.

Councilor Larsen asked City Clerk Linda Cohen about her refusal to post Republican City Committee meeting notices at the Registrar's office.

Councilor Boudreau thanked the Bridge Naming Committee members from South Portland - Art Tordoff, David Lavigne and Herb Haase. She commended the City Manager for an excellent job on the budget document, adding that it was clear, concise and recognized growth while still being cautious.

K. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Larsen 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. Passage 7-0, 9:17 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to come out of executive session. Passage 7-0, 9:35 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Avery to grant Abatement #96/97-07 in the amount of \$413.16 plus costs and interest. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to adjourn. Passage 7-0, 9:36 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING APRIL 7, 1997 VOL. 58 PAGE 95

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Larsen to accept the minutes of the 3/17/97 meeting Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read letters regarding Police Sgt. George Berry's Community Relations Award. He read a letter from Francine Rideout commending Tony Vigue. He read a letter from the National Arbor Day Foundation congratulating the City for being named Tree City USA again. He read a letter from HUD congratulating South Portland Housing Authority Commission Chairman Elizabeth Ross for the Housing Authority's high score under the Public Housing Management Assessment Program.

C. PETITIONS AND COMMUNICATIONS

Report from the Finance Director regarding tax abatements.

6. ORDER #136-96/97 - appealing the denial of the Public Works Director for a curb cut on Waterman Drive for VIP Discount Auto Parts.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to withdraw this item. Passage 7-0.

D. APPOINTMENT CALENDAR

1. ORDER #102-96/97 - Civil Service, District Four (Fickett). Term to expire 3/1/02. Postponed since 2/19/97.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to appoint Stephen Wiley to this position. Passage 7-0.

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2. ORDER #124-96/97 - Library Advisory Board, District One (Boudreau). To fill an unexpired term which expires 12/31/97. Postponed on 3/17/97.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Joan Laidley to this position. Passage 7-0.

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IN COUNCIL REGULAR MEETING APRIL 7, 1997 VOL. 58 PAGE 96

3. ORDER #129-96/97 - Waterfront Advisory Committee (Mayor). Term to expire 3/20/00. Postponed on 3/17/97.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Larsen to appoint Ensign Murphy to this position. Passage 7-0.

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4. ORDER #135-96/97 - Conservation Commission, Associate Member (Commission). Term to expire 11/20/98.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen to appoint Allen Ridley to this position. Passage 7-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Phyllis Fortin, F Street, expressed her concerns about the proposals to use the old E Street School. She said she has lived there for 46 years, and would like to keep the neighborhood quiet.

G. PUBLIC HEARINGS AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

5. PROCLAMATION #7-96/97 - recognizing the month of April, 1997 as "Technical and Community College Month".

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Wayne Ross, SMTC President

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

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7. ORDER #137-96/97 - award of bid to Maietta Construction, Inc., of South Portland, ME, for sanitary and stormwater sewers for the Redbank area.

Ed Reidman, City Engineer, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Passage 6-0 (Glynn out).

8. ORDER #138-96/97 - award of contract to Wright-Pierce, of Topsham, ME, for design services for a sludge dewatering system.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Pat Cloutier, Pollution Abatement Director

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage.
Passage 6-1 (Glynn).

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9. ORDER #139-96/97 - authorizing the purchase of additional computers from Gorham Micro for the School Department under Bid #4697.

The following people addressed this item:

Roland LaBelle, School Department
Lee Akerley, School Business Manager

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

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10. ORDER #140-96/97 - award of bid to MMA Consulting Group, Inc., of Boston, MA, for consulting services for the Fire Department.

John True, Fire Chief, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage.
Passage 4-3 (Larsen, Glynn, Fickett).

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11. ORDER #141-96/97 - releasing City interest in a right-of-way on Wallace Avenue/Commercial Street.

Arthur Hicks, property owner, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 7-0.

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12. ORDER #142-96/97 - authorizing street name changes as recommended by the Street Addressing Committee.

The following people addressed this item:

Ed Googins, Police Chief
Paul Shinay, U.S. Postal Service

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Johnson to remove Kelsey and Pickett Streets from the list and send their consideration back to the committee. Failed 1-6 (Baxter, Boudreau, Avery, Fickett, Johnson, Larsen). Motion was made by Councilor Avery and seconded by Councilor Larsen to amend the order by making the effective date July 7, 1997. Passage 7-0. Passage, as amended, 7-0.

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13. ORDER #143-96/97 - authorizing the City Manager to notify the Maine Department of Transportation of the City's support for demolition of the Portland (Million Dollar) Bridge.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Johnson and seconded by Councilor Boudreau for passage. Motion was made by Councilor Avery and seconded by Councilor Johnson to amend the order by deleting the words in paragraph two after "three granite pilings." Failed 3-3 (Fickett, Glynn, Larsen opposed, Boudreau out). Passage 6-1 (Avery).

I. CITIZENS DISCUSSION (SECOND PART)

Richard Kelley, 8 Haskell Street, Westbrook, expressed his concern about people having to go all the way to the end of the new bridge to get to Knightville.

Chris Muse, 35 Mildred Street, State House District 26, urged people to ignore the petition going around that would repeal the State budget. He said there is a lot of compromise in the budget, as it stands, and it will work for the majority of people.

Clarence Beckwith, Bonnybriar Road, asked if navigational lights will have to be installed on the pilings left from the bridge. He said the State budget was rammed through, and everyone should have the right to petition anything.

J. COUNCILORS' ROUND ROBIN

Mayor Baxter thanked City Manager Jeff Jordan for his informative newsletters. He said he went to the ash recycling hearing twice; he toured Gateway Park; he went to look at the E Street building and toured the Bug Light building, and he met a group from Poland and Sweden at the airport and gave them cups and lapel pins all in the last two weeks.

Councilor Fickett said the City needs to think about reducing taxes now that there is a lot of money floating around the City. He said it is the politically correct thing to do.

Councilor Johnson said he invited his neighbor who was recently released from a correctional facility to coffee, and they met for two hours. He said the Criminal Justice Committee grappled with the notification issue several times. He urged residents to be

aware of these situations but also to offer a hand.

Councilor Glynn said National Semiconductor has generated a lot of prosperity, and the City is at a crossroads. He said it could bring a tax rate decrease to the people. He said people were told their taxes would decrease when the mall was built but it never happened. He said he doesn't agree with money being put into reserve accounts to be spent later.

Councilor Boudreau wished Janet McLaughlin good luck as she leaves her position as Planner to become Planning Director in Yarmouth. She said Janet was a big help to her when she was on the Planning Board.

Councilor Avery said she has been getting calls about the E Street building, and she has told people to call all of their councilors. She said the property line boundaries are in question, and there is concern about the building being left as it is. She would like any contracts to say the building has to be rehabed. She urged the Council to listen to the neighbors and notify the abutters.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn.
Passage 6-1 (Johnson), 10:18 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING APR. 23, 1997 VOL. 58 PAGE 100

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. Councilor Larsen was absent.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to accept the minutes of the 4/7/97 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from Finance Director Ralph St. Pierre regarding the sewer back-up insurance coverage. He gave an update on the Ferry Village sewer work and the current budget.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of March.

Attendance Reports for the Month of March.

D. APPOINTMENT CALENDAR

1. ORDER #144-96/97 - Conservation Commission, Associate Member (Commission). Term to expire 11/20/97.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to appoint Christopher Hoffman to this position. Passage 6-0.

E. CONSENT CALENDAR

2. Southern Maine Soap Box Derby Association requests closing of Surfsite Road, from Pickett Street to Adams Street and from Pickett Street to Fort Road, on June 1, 1997 from 1:00 P.M. to 6:00 P.M., June 20, 1997 from 3:00 P.M. to 6:00 P.M. and June 21, 1997 from 9:00 A.M. to 4:00 P.M. In addition, the lower portion of Surfsite Road, by Pickett, will be closed to non-local traffic from 6 A.M. to 9 A.M. on June 21, 1997.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the Consent Calendar. Passage 6-0.

F. CITIZEN DISCUSSION (FIRST PART)

Mrs. Connolly, 184 Sawyer Street, said she heard the delay on the Ferry Village sewer work was because the City was waiting for a grant. She also heard that there are 13 coastal storms predicted for the summer, and she is concerned about the delay. She said she asked City Engineer Ed Reidman what streets would be done first and what the home owners should do.

G. PUBLIC HEARINGS AND ACTION

3. Edward and Rhonda Jim, d/b/a E.J.'s Cafe, 333 Clarks Pond Parkway, for an FSE/Class A Restaurant with Liquor License. 4/23/97 to 4/23/98. New State and City License.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0.

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4. Barbara Winthrop, d/b/a Barbara's Kitchen, 388 Cottage Road, for an FSE/Restaurant with Malt and Vinous License and Special Amusement Permit. 4/23/97 to 4/23/98. Change of classification.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 6-0.

H. ACTION ON OLD AND NEW BUSINESS

5. ORDINANCE #18-96/97 - amending Ch. 27, "Zoning," regarding Educational Services in the Central and Regional Commercial CCR District. First reading.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage of the first reading. Passage 6-0.

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6. ORDER #145-96/97 - amending Order #142-96/97 regarding Franklin Street.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 4-2 (Avery, Glynn).

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7. ORDINANCE #19-96/97 - authorizing the appropriation of \$2,000,000 for a capital improvement project to cap the Highland Avenue Municipal Landfill for the fiscal year ending June 30, 1997. First reading.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Bob Blackwood, 16 Bluff Road

Ralph St. Pierre, Finance Director

Motion was made by Councilor Glynn and seconded by Councilor Avery to withdraw this item. Passage 6-0.

* * * * *

8. ORDER #146-96/97 - authorizing the City Manager to sign an agreement with Hannaford Brothers granting a right-of-entry on property near the Highland Avenue Municipal Landfill.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Johnson for passage. Passage 6-0.

I. CITIZENS DISCUSSION (SECOND PART)

Robert Blackwood, 16 Bluff Road, asked if any residents have lost their homes because they haven't paid their taxes. He said he was told by local contractors that the City of South Portland has the loosest transfer facility operation around. He said that people go in unchecked. He said the bad part of having local elections in the fall is that the local issues get lost.

Clarence Beckwith, Bonnybriar Road, said it's time for a tax decrease.

J. COUNCILORS' ROUND ROBIN

Councilor Fickett said he will hold out for tax relief this year. He said every department should be told how much will be spent before they turn in their budgets. He said there should be a dollar decrease in taxes.

Councilor Johnson asked if the City can do something to sharpen the observance of what's coming into the transfer station. He said there is material coming in that isn't from South Portland. He said a lot of school spending is for special education students. He said it is difficult to teach all day long five days a week, and South Portland's teachers' salaries are not out of line with other communities. He said that teachers, next to parents, have tremendous influence on the children.

Councilor Glynn said he also wants to see a tax decrease, adding that there is an enormous amount of undesignated money in the budget. He said there hasn't been any money put into rehabilitation of schools, and that money will be spent later. He said the Council is looking at a \$3,000 increase for the Manager and \$1,000 a month rent for the Planning Office. He noted that a million dollars was found tonight, when, a week ago, no one said we had the money. He said there should be a \$100 - \$200 decrease in taxes per household.

Councilor Boudreau said she is concerned with the development of marginal lots in South Portland adding that there are pieces of residential subdivisions being developed and the water being displaced is impacting other properties. She said she heard from Coolidge and Boyd Street, the Cash Street area and the Old Joe's Pond area about similar concerns. She

said she hates to tread on the property rights of these lot owners, but something has to be done.

Councilor Avery thanked the Manager and Finance Director for getting boat registrations done in South Portland. She said the Council will be receiving invitations to the wrap-up meeting of the Waterfront Alliance Committee being held at DiMillo's from 4 - 6 P.M. on May 13th. She encouraged everyone to attend. She said she is very happy with the way things are looking with the American Ash issue.

Mayor Baxter said the Centennial Committee would appreciate suggestions and financial contributions. With regard to the transfer facility, he said he has been remiss in not bringing this item to a workshop. He said he has always had his loads checked. He said he is not in favor of tearing the building down at Buglight, and he wishes the people in the community would share their thoughts on that issue.

K. EXECUTIVE SESSION

Motion was made by Councilor Avery and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty and, pursuant to 1 M.R.S.A. §(6)(A), discussion of public employee's employment status. Passage 6-0, 8:45 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Passage 6-0, 10:25 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Avery to grant Abatement #96/97-08 in the amount of \$2,057.70. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Passage 6-0, 10:27 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MAY 5, 1997 VOL. 58 PAGE 104

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the 4/23/97 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan noted that six Parks employees had completed CPR training. He announced that the City had received a petition regarding the condition of the 3rd and 5th greens at the Municipal Golf Course. He shared a communication from the Maine Department of Economic Development regarding the Ferry Village sewer/stormwater separation project, and he thanked Janet McLaughlin for her work on that project. Mr. Jordan brought the Council's attention to the current list of applicants for the Compost Facility Reuse Committee.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Rommy Jones, 10 E Street, said that, currently, hers is a very quiet residential street where kids ride bikes and play, and she is concerned about the proposal for use of the E Street building owned by the City, especially as it relates to increased traffic. She asked the Council to take its time with this decision.

Phyllis Fortin, 20 F Street, agreed with Mrs. Jones, adding that she doesn't think the building will survive being moved.

Susan Henderson, 9 E Street, said that additional traffic will really make a difference on that street.

G. PUBLIC HEARINGS AND ACTION

1. ORDINANCE #18-96/97- amending Ch. 27, "Zoning," regarding Educational Services in the Central and Regional Commercial CCR District. Given first reading on 4/23/97.

There was no public discussion.

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

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IN COUNCIL REGULAR MEETING MAY 5, 1997 VOL. 58 PAGE 105

2. Barbara Winthrop, d/b/a Barbara's Kitchen, 388 Cottage Road, for an FSE/Class A Restaurant with Liquor License. 5/5/97 to 5/5/98. Change of Classification.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to grant the license. Passage 7-0.

H. ACTION ON OLD AND NEW BUSINESS

3. ORDER #147-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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4. PROCLAMATION #7-96/97 - proclaiming May 23, 1997 as Arbor Day within the City of South Portland.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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5. ORDER #148-96/97 - request from Ferry Village Landing Condos for a waiver of Sec. 9-6(c)(2), "Authority to provide for (rubbish) collections; where collection is prohibited."

The following people addressed this item:

Katherine Latendresse, 199 High Street
Clarence Beckwith, Bonnybriar Road
Janice Doctor, 199 High Street
Michael Drinan, Property Manager
Arvine Erskine, Public Works Director

Motion was made by Councilor Glynn and seconded by Councilor Avery to deny the variance. Passage 6-1 (Fickett).

* * * * *

6. ORDER #149-96/97 - amending Traffic Schedule # 8, "Speed Zones," on Ocean Street and Cottage Road in Knightville.

There was no public discussion.

IN COUNCIL REGULAR MEETING MAY 5, 1997 VOL. 58 PAGE 106

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

* * * * *

7. ORDER #150-96/97 - award of bid to Anton Enterprises, of Scarborough, ME, for the purchase of a Class A Pumper for the Fire Department.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
John True, Fire Chief

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

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8. ORDER #151-96/97 -award of bid to Daniel C. Matusko, of Cape Elizabeth, ME, for the sale of a 1990 Chevrolet Caprice.

There was no public discussion.

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

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9. ORDER #152-96/97 - setting the City Manager's Annual Salary.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 5-2 (Glynn, Larsen).

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10. ORDER #153-96/97 - authorizing the City Manager to sign a 10-year license agreement with Hannaford Bros.

There was no public discussion.

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

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11. ORDER #154-96/97 - authorizing the commitment of funds to finance the Highland Avenue Landfill capping project.

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The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ralph St. Pierre, Finance Director

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by placing all funds that are not reimbursements to appropriated accounts (i.e. \$775,000) in the General Fund. Failed 3-4 (Baxter, Avery, Boudreau, Johnson). Motion was made by Councilor Boudreau and seconded by Councilor Johnson to amend the order by adding that the City Council hereby commits \$775,000 of the reimbursed funds to the City's FY 1998 Capital Improvement Program. Passage 4-3 (Fickett, Larsen, Glynn). Passage, as amended, 5-2 (Glynn, Fickett).

* * * * *

12. ORDINANCE #20-96/97 - amending Ch. 27, "Zoning," regarding parking spaces. First reading.

The following people addressed this item:

Janice Doctor, 199 High Street
Tex Haeuser, Planning Director

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage of the first reading. Motion was made by Councilor Avery and seconded by Councilor Larsen to amend in §27-55 after the word required "for access and maneuvering and intended or used for parking passenger vehicles." Passage 7-0. Passage of first reading, as amended, 6-1 (Glynn).

* * * * *

13. ORDER #155-96/97 - authorizing the City Manager to sign a City/State Agreement with the Maine Department of Transportation.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Bill Laidley, 374 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the order in the fiscal note by changing the MDOT amount to \$1,287,000 and by changing the total to \$2,011,475. Passage 7-0. Passage, as amended, 5-2 (Fickett, Glynn).

I. CITIZENS DISCUSSION (SECOND PART)

Bill Laidley, 374 Sawyer Street, thanked the Council for passing the agreement with Hannaford Brothers, adding that there are probably community groups that would be glad to help define the walkway. He said he agrees with Councilor Glynn that ordinance language

should be simplified.

Clarence Beckwith, Bonnybriar Road, said he is disturbed by all the plans the City has for parks, ball fields and the pool. He said that public groups should do fund raisers for the fields. He said the Director of the Housing Authority has a lot of good ideas for saving money. He said he would like someone to explain why the City is so far off on projecting revenues.

Janice doctor, 199 High Street, said an underground passage at Waterman Drive and Broadway might not be safe and suggested a gate system like the one used when the bridge opens for ship traffic. She thanked the Council for denying the variance for Ferry Village Landing. She said the trash on the beach by her house is all from Portland. She noted that Ferry Village Neighborhood Conservation Association meets every 2nd Thursday at the PROP building on Pleasant Street.

J. COUNCILORS' ROUND ROBIN

Councilor Johnson said that after he complained about the recycling bin on outer Broadway, it was removed, but now there isn't one at all on the west side of the city. He said he would really like someone to volunteer to allow the bin on their property.

Councilor Glynn said that Councilor Johnson might want to be careful what he wishes for.

Councilor Avery said that something needs to be done to highlight the crosswalks in the city, because people run the risk of becoming hood ornaments. She said they should be defined with something other than the white paint. She invited the public to go down to the beach on Saturdays and help them pick up trash.

Mayor Baxter noted that the Centennial Committee is looking for suggestions, and people should contact City Clerk Linda Cohen with their ideas. He said he is struggling with what to do about Building 5 and welcomes suggestions from the public.

K. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 1 M.R.S.A. §405 (6)(D), labor negotiations with the South Portland Police Patrolmen's Association. Passage 7-0, 10:26 P.M.

Motion was made by Councilor Avery and seconded by Councilor Larsen to come out of executive session. Passage 6-0 (Johnson absent), 11:44 P.M.

Motion was made by Councilor Avery and seconded by Councilor Larsen to adjourn. Passage 6-0, 11:45 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING MAY 19, 1997 VOL. 58 PAGE 109

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. Councilor Larsen was absent.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 5/05/97 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from Mr. Ed Langlois, President of the Shipyard Society, requesting a member of the Council be appointed to the advisory committee of the Shipyard Society. He noted that Lt. Amy Berry will be attending the next session of the F.B.I. National Academy in Quantico, VA. He also noted that the Police Department will receive a grant of over \$91,000 from a Problem-Solving Partnership Grant. Mr. Jordan informed the Council of two workshops that MMA will be sponsoring, for Council members only, regarding Parliamentary Procedures and Municipal Roads.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of April.

Attendance Reports for the Month of April.

D. APPOINTMENT CALENDAR

1. ORDER #156-96/97 - Harbor Commission (Mayor). To fill an unexpired term which expires 6/30/99.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Avery to appoint Daniel P. Coffey, Sr. to this position. Passage 6-0.

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

G. PUBLIC HEARINGS AND ACTION

1. ORDINANCE #20-96/97 - amending Ch. 27, "Zoning," regarding parking spaces. Amended and given first reading on 5/5/97.

Tex Haueser, Planning Director, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0.

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H. ACTION ON OLD AND NEW BUSINESS

3. ORDER #157-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage.
Passage 6-0.

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4. ORDER #158-96/97 - award of bid to R. J. Grondin & Sons, of Gorham, ME, for the demolition and removal of Building 5 at Bug Light Park.

The following people addressed this item:

John Cragin, Ocean View Avenue
Ray Lee, 28 Henry Street
Gerry Bissonette, 15 Bellaire Road
Kay Loring, 37 Files Street
Caroline Ewing, 8 MacArthur Circle North
Eileen Conley, Summit Terrace

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 4-2 (Fickett, Glynn).

* * * * *

5. ORDER #159-96/97 - accepting a 1973 Chevrolet van from J. J. Nissen for the Police Department.

Edward Googins, Police Chief, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0.

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6. ORDER #160-96/97 - authorizing the City Manager to sign a termination of Airport Park Deed Restrictions.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 5-0 (Glynn out).

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7. ORDER #161-96/97 - amending Order #142-96/97 regarding Pickett Street.

There was no public discussion.

IN COUNCIL REGULAR MEETING MAY 19, 1997 VOL. 58 PAGE 111

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Passage 6-0.

* * * * *

8. RESOLVE #9-96/97 - pursuant to §612 of the City Charter, determining details of issue of \$1,515,000 principal amount of bonds.

Ralph St. Pierre, Finance Director, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0.

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9. ORDER #162-96/97 - accepting an easement grant for a stormwater line from Southport Marine.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0.

I. CITIZENS DISCUSSION (SECOND PART)

J. COUNCILORS' ROUND ROBIN

Councilor Boudreau noted the passing of Mr. Moustrouphis. She thanked Mary Perry for doing a fine job at this evenings council meeting , saying it reflects well on the quality of staff training.

Councilor Avery thanked Councilors Baxter, Boudreau and Johnson for attending the last Waterfront Alliance meeting. She said she spoke with Commander Burt Russell regarding the lighthouse and its impact on SMTC and the city. She also thanked the Public Works Director for repainting the crosswalks where the Greenbelt crosses.

Mayor Baxter noted that at the Dyer School Auction, one of the items auctioned was Mayor for a Day. He said the highest bidder was a first grader from Dyer who is looking forward to meeting the manager and seeing his office.

Councilor Johnson noted that he and Bob Soucy are members of the Waterfront Task Force and asked for any suggestions to improve the harbor and make it more appealing to the recreational boater.

K. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty and, pursuant to 1 M.R.S.A. §405 (6)(D), labor negotiations with the South Portland Police Patrolmen's Association. Passage 6-0, 9:15 P.M.

IN COUNCIL REGULAR MEETING MAY 19, 1997 VOL. 58 PAGE 112

Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Passage 6-0, 10:03 P.M.

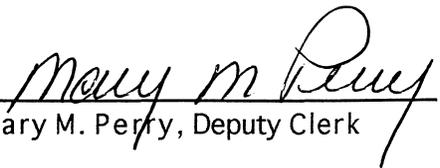
Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant Abatement #96/97-09 in the amount of \$398.30 plus interest and costs. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant Abatement #96/97-10 in the amount of \$355.97 plus interest and costs. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Mayor Baxter to adjourn. Passage 6-0, 10:04 P.M.

A TRUE COPY.

ATTEST


Mary M. Perry, Deputy Clerk

IN COUNCIL SPECIAL MEETING MAY 21, 1997 VOL. 58 PAGE 113

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. Councilor Johnson arrived after roll call and Councilor Boudreau was absent.

H. ACTION ON OLD AND NEW BUSINESS

1. ORDER #163-96/97 - authorizing Barry Zimmerman, Esq. to act as legal counsel to the Civil Service Commission on a disciplinary appeal.

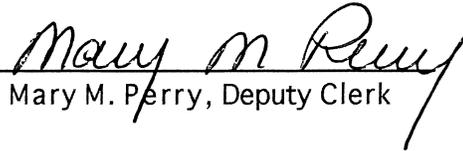
There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Motion was made by Councilor Glynn and seconded by Councilor Avery to amend the order by capping the total fee at \$3,600. Passage 6-0. Passage, as amended, 6-0.

Motion was made by Councilor Avery and seconded by Councilor Fickett to adjourn the meeting. Passage 6-0, 7:23 P.M.

A TRUE COPY.

ATTEST


Mary M. Perry, Deputy Clerk

ROLL CALL: Mayor Baxter called the meeting to order at 7 P.M. Councilor Boudreau arrived during Citizen Discussion First Part.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Johnson to accept the minutes of the regular meeting of 5/19/97 and the special meeting of 5/21/97. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter written to Fire Chief John True from Thornton Heights Call Company regarding the improvements to the Cash Corner Call Company. He also read a letter from School Superintendent Reginald MacDonald regarding recent questions asked by the Council regarding the School Department's budget.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

E. CONSENT CALENDAR

F. CITIZEN DISCUSSION (FIRST PART)

Rosamon Jones, 10 E Street, urged the Council to postpone the sale of 18 E Street. She said there are boundary line problems, and suggested the building be demolished or moved. She noted that the street is a quiet, residential one, and a business there could upset that.

Reginald MacDonald, School Superintendent, said the school budget is difficult, and he doesn't feel comfortable counting on money that may or may not come in. He said the savings on insurance is approximately \$59,000, but the turnover savings for retiring employees is unknown. He said the contingency account is only half a percent of the budget, when it should be at least one percent. He said the income from Medicaid is unknown. He also pointed out that five collective bargaining agreements are in negotiations.

Sheila McDonough, 124 Fellows Street, Chairman of the School Board, said that Board members and staff were present this evening, and ready and willing to answer questions.

Lewis Beckford, Bonnybank Road, said he appreciates the time Councilors put in, and he appreciates both sides of the question regarding budget cuts, but he doesn't want to see the pool cut. He said a lot of people use the pool for therapeutic reasons, and it is one of South Portland's greatest assets.

Dolores Broberg, Bellevue Avenue, urged the Council not to cut services to lower taxes because the measly amount saved won't be worth the loss.

Raymond Foote, Portland, said he is disappointed and bitter about the award of bid on 18 E Street. He said he is still interested in restoring the building as an antique one room school house. He said there are deficiencies in the other proposal, and their use would be a significant change for the street.

Constance Wall, E Street, said she and her husband bought their building with a deed stating certain measurements, and they have always maintained the driveway, not knowing they would lose four feet. She said their property should be protected in some way, even if the Council destroys the building.

Beth DeTine, 22 Gould Road, asked the Council to support the original budgets proposed by the Manager and School Board. She said she is concerned about wide tax fluctuations the residents may see over the next few years if the tax rate is decreased by fifty cents to a dollar. She said she was told by a realtor seven years ago not to buy property in South Portland. She pointed out that most of the school side increases are Federally mandated.

Jim Brayley, 33 Beach Street, said he supports the twenty-two cent decrease, and he is disturbed to have to come before the Council to get support for schools.

Mary Walker, 974 Sawyer Street, said that a large number of parents asked the Council last year to support the schools and raise taxes, if necessary. She asked why the Council feels the need to reduce taxes more than twenty-two cents and suggested, if it does cut more, don't take it from the school side.

Carol Nason, 27 Clifford Street, said she supports the twenty-two cent decrease, adding that the United States is lowest in the world in education quality.

Denise Michaud, 573 Sawyer Street, said the twenty-two cent decrease is enough. She said she wants her taxes to pay for teachers' paychecks, not unemployment checks.

G. PUBLIC HEARINGS AND ACTION

H. ACTION ON OLD AND NEW BUSINESS

1. ORDER #164-96/97 - accepting miscellaneous donations.

There was no public discussion.

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

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2. ORDER #165-96/97 - appealing the denial of application for a taxicab driver's license for Milan C. Miller.

The following people addressed this item:

Milan Miller, applicant
Edward Googins, Police Chief

Motion was made by Councilor Glynn and seconded by Councilor Johnson for passage.
Passage 4-3 (Baxter, Avery, Boudreau).

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3. ORDER #166-96/97 - changing the location of the District One polling place.

There was no public discussion.

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

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4. ORDER #167-96/97 - setting the date of public hearing on amendments to the following sections of the Charter
§1006, "Filing nomination papers..."
§1108, "Submission to Electors" and
§617, "First annual installment."

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage.
Passage 5-0 (Boudreau, Larsen out).

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5. ORDER #168-96/97 - award of bid to Robert Thayer and Robert Sloat for the sale of 18 E Street and authorizing the City Manager to execute a purchase and sale agreement.

The following people addressed this item:

Phyllis Fortin, 20 F Street
Cindy Crowley, 14 E Street
Clarence Beckwith, Bonnybriar Road
Rosamon Jones, 10 E Street
Bob Thayer, 40 Fickett Street
Raymond Foote, Portland
Don Legere, 149 Walnut Street
Lewis Beckford, Bonnybank Road

Motion was made by Councilor Larsen and seconded by Councilor Fickett to commit this item to workshop. Failed 2-5 (Baxter, Avery, Boudreau, Johnson, Glynn). Motion was made then withdrawn by Councilor Avery and seconded by Councilor Larsen to reject all bids. Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Failed 0-7. Motion was made by Councilor Boudreau and seconded by Councilor Avery to deny all bids and demolish the building. Failed 3-4 (Baxter, Johnson, Glynn, Larsen). Motion was made by Councilor Glynn and seconded by Councilor Johnson to commit discussion about the future of the property to workshop. Passage 5-2 (Avery, Fickett).

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6. ORDER #169-96/97 - authorizing the sale of Pope Avenue, north of Foden Road, to National Semiconductor.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Avery and seconded by Councilor Boudreau to amend the order by adding that the City would retain access and right to maintain any City utility lines within the area being discontinued or conveyed (unless not needed by the City and that any public utility lines within the area would be accommodated with appropriate easements. Passage 6-0 (Glynn out). Passage, as amended, 7-0.

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7. ORDER #170-96/97 - authorizing the City Manager to sign an indenture agreement with William T. Keniston for the installation of a private sewer line in Lubec Street.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Passage 7-0.

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8. ORDINANCE #21-96/97 - amending Ch. 27, "Zoning," regarding covered passageways within the General Commercial (CG) District. First reading.

Clyde Thomas, Wright Express, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn for passage of the first reading. Passage 7-0.

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9. RESOLVE #10-96/97 - Appropriation Resolve for the 1997/98 fiscal year.

The following people addressed this item:

David Abramson, 14 Sylvan Road, School Board Member
Bob Blackwood, 16 Bluff Road
Clarence Beckwith, Bonnybriar Road
Carolyn Johnson, Principal At Hamlin and Kaler
Lori Bowring Michaud, 10 Hudson Road, School Board Member
Chris Bowring, Pepperbush Circle
Ralph St. Pierre, Finance Director
Mary Walker, 974 Sawyer Street
Eileen Conley, Summit Terrace
Pam Koonz, 975 Sawyer Street
Reginald MacDonald, School Superintendent
Robert Powers, Director of Special Education

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by taking \$458,000 from the School budget. Passage 4-3 (Baxter, Johnson, Avery). Passage, as amended, 4-3 (Baxter, Avery, Johnson). Motion was made by Councilor Boudreau and seconded by Councilor Larsen to reconsider. Passage 7-0. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to take \$46,168 from the municipal side of the budget and place it in the school side. Passage 5-2 (Johnson, Avery). Passage, as further amended, 5-2 (Avery, Johnson).

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10. RESOLVE #11-96/97 - amending Resolve #9-96/97 determining details of issue of \$1,515,000 principal amount of bonds.

There was no public discussion.

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

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11. ORDINANCE #22-96/97 - amending Ch. 2, "Administration and Legislation," regarding the Conservation Commission. First reading.

Chris Bowring, Pepperbush Circle, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the first reading. Passage 7-0.

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12. ORDER #171-96/97 - authorizing the City Manager to sign a 10-year license agreement with Portland Pipe Line Corporation.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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13. ORDER #172-96/97 - committing \$260,787 for the Public Safety Dispatch Facility.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item to the 6/16/97 meeting. Passage.

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14. ORDER #173-96/97 - authorizing the City Manager to sign an amendment to the

contract with Oest Associates for the design and construction management fees for the Public Safety Communications Facility.

The following people addressed this item:

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

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15. ORDER #174-96/97 - award of bid to Dearborn Brothers Construction, Inc., of Gorham, ME, for the Ferry Village Sewer Separation Project.

Edward Reidman, City Engineer, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 6-0 (Boudreau gone).

I. CITIZENS DISCUSSION (SECOND PART)

Chris Bowring, Pepperbush Circle, said the Council made a big mistake tonight in cutting the school budget so much, and he hopes it doesn't negatively impact the kids.

Lori Bowring Michaud, 10 Hudson Road, said the Council did the children a disservice. She thanked the Councilors who voted against the budget. She said it will adversely affect the regular education students. She urged Councilors to have their constituents call the School Board with their complaints. She said she is frustrated at the way the whole process was handled, and she doesn't think the public was aware of it.

Clarence Beckwith, Bonnybriar Road, said the Council should get a lot of calls of thanks. He commended Councilor Boudreau for her stand, adding that it took a lot of hard thought and courage to do what she did. He said the public was aware, because Councilor Boudreau said, in workshop, that she wanted to see a fifty cent tax cut.

J. COUNCILORS' ROUND ROBIN

Councilor Larsen said she attended a women's conference in Mayor Baxter's place, noting that the purpose of the group was to encourage women to grow and reach out. She also stood in for the Mayor at the Memorial Day Parade and thanked him for giving her the opportunity. She thanked everyone who had a part in making the parade a success.

Councilor Johnson said he would like discussion about a land bank on a workshop. He also noted that, as a result of Pickett Street being closed off on Sunday to accommodate the soap box derby time trials, the Spring Point Museum had no visitors and, therefore, no revenue for the day.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Passage 6-0, 12:07 A.M. (6/3/97).

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING JUNE 16, 1997 VOL. 58 PAGE 120

ROLL CALL: Mayor Baxter called the meeting to order at 7:00 P.M. All Councilors were present.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to withdraw Item #6. Passage 7-0.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 6/2/97 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jeffrey Jordan read a letter from Mayor Baxter regarding the status of the committee looking at the re-use of the Armory.

C. PETITIONS AND COMMUNICATIONS

Department Reports for the Month of May.

Attendance Reports for the Month of May.

Report from the Bridge Opening Celebration Committee - Joel Russ, President of the Chamber of Commerce of the Greater Portland Region.

D. APPOINTMENT CALENDAR

1. ORDER #175-96/97 - Harbor Commission (Mayor). Term to expire 6/30/00.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Boudreau to appoint to this position. Passage 7-0.

* * * * *

2. ORDER #176-96/97 - Compost Facility Committee members. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to appoint the following individuals to this committee:

Eileen Arsenault, Gary Berlucchi, Christopher Bowring, Julie Conroy, Gerald DiMillo, Risa Garland, Christopher Hoffman, Gerard Jalbert, Vincent Maietta and Allen Ridley.

Passage 7-0.

3. ORDER #177-96/97 - Planning Board, At-Large (Larsen) to fill an unexpired term which expires 4/1/98.

Larry Albert, 42 MacArthur Circle West, addressed this item.

Motion was made by Councilor Larsen and seconded by Councilor Boudreau to appoint Lawrence Albert to this position. Passage 7-0.

E. CONSENT CALENDAR

4. Southern Maine Soap Box Derby, off premise directional sign at the corner of Broadway and Ocean Street, from 6/17/97 to 6/21/97.
5. Portland Symphony Orchestra, off premise directional sign at the corner of Broadway and Cottage Road, from 6/17/97 to 6/29/97.
6. Freedom Ring Communications, L.L.C. of Bar Mills, ME and F.E.S., INC., Everett, MA - Installation of conduit in Maine Mall Road and Western Avenue. WITHDRAWN.

Steve Monroe, Kentucky Fried Chicken, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the consent calendar. Passage 7-0.

F. CITIZEN DISCUSSION (FIRST PART)

Deb Sandler, 160 Fort Road, said she is deeply disappointed in the way the Council handled the school budget.

Ray Lee, 28 Henry Street, said a lot of people are upset about the building on Bug Light Park being demolished. He said the asbestos removal is not being done properly, and this building would have been the perfect place for home shows, flower shows etc. He said the people voted to buy this property, and the building shouldn't be torn down without a vote.

G. PUBLIC HEARINGS AND ACTION

7. ORDER #178-96/97 - directing the City Clerk to place an amendment to Charter §1006 "Filing nomination papers..." on the November ballot.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-0 (Fickett out).

* * * * *

8. ORDER #179-96/97 - directing the City Clerk to place an amendment to Charter §1108 "Submission to Electors" on the November ballot.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Passage 7-0.

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9. ORDER #180-96/97 - directing the City Clerk to place an amendment to Charter §617 "First annual installment" on the November ballot.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 7-0.

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10. ORDINANCE #21-96/97 - amending Ch. 27 "Zoning," regarding covered passageways within the General Commercial (CG) District. Given first reading on 6/2/97.

Clyde Thomas, Wright Express, Darling Avenue, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Passage 7-0.

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11. ORDINANCE #22-96/97 - amending Ch. 2 "Administration and Legislation," regarding the Conservation Commission. Given first reading on 6/2/97.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 5-2 (Fickett, Glynn).

H. ACTION ON OLD AND NEW BUSINESS

12. ORDER #172-96/97 - committing \$260,787 for the Public Safety Dispatch Facility. Postponed on 6/2/97.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the order to take the \$65,000 from the Contingency account instead of the ADA account. Passage 7-0. Passage, as amended, 5-2 (Fickett, Glynn).

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13. ORDER #181-96/97 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Johnson for passage.
Passage 6-0 (Larsen out).

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14. ORDER #182-96/97 - setting the sewer user fees for fiscal year 1997/98.

Patrick Cloutier, Director of Pollution Abatement, addressed this item.

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

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15. ORDER #183-96/97 - authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Larsen for passage. Passage 6-0 (Boudreau out).

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16. ORDER #184-96/97 - authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 1997 to June 30, 1998.

There was no public discussion.

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

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17. ORDER #185-96/97 - appealing the denial of the Public Works Director for a curb cut on Anthoine Street for the Consolidated Police/Fire Dispatch Facility.

Joe Hennessey, Oest Associates, addressed this item.

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

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18. ORDER #186-96/97 - rejecting all bids to purchase 18 E Street and authorizing the removal or demolition of the structure.

The following people addressed this item:

Raymond Foote, Portland
Constance Wall, E Street
Rosamon Jones, 10 E Street
Phyllis Fortin, F Street

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage. Passage 7-0.

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19. ORDER #187-96/97 - authorizing the transfer of \$150,000 from prior years' school surplus into the School Department Technology Reserve Account.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Peggy Fuller, 9 Grand Street
Lee Akerley, School Business Manager

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

I. CITIZENS DISCUSSION (SECOND PART)

Clarence Beckwith, Bonnybriar Road, said the School Department gave 4% raises, but the CPI is only a little over 2%. He read an article about a Freeport land owner.

J. COUNCILORS' ROUND ROBIN

Council Boudreau said Mrs. Regan's fifth grade class from Dyer School has done a history of the Million Dollar Bridge, which was frequently closed for construction during the first fifty years. She said there is a reference to traffic congestion in the 1920's.

Councilor Avery said the new South Portland Waterfront Market Association is a very enthusiastic group. She said she had received a letter of praise regarding the way the Public Works Department had handled a situation on Vincent Street.

Mayor Baxter noted that the Centennial Committee is forming liaisons with the Spring Point Museum, Art in the Park and Spring Point Festival Committees. He said the first big centennial event will probably happen in April.

Councilor Johnson said he is concerned about what is going to happen to the gifted students in the South Portland school system because of what the Council did to that budget. He noted that there is currently a 10 year old in South Portland whose intelligence is off the chart, and someone needs to be in charge. He said the Council is putting dollars ahead of budding young students.

Councilor Glynn said he is concerned by the trend being set and the message being sent by approving cost overruns for construction projects in the City. He said the Council is approving more money for these projects without voter approval.

K. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Avery to return to open session. Passage 7-0, 10:00 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Avery to grant Abatement #96/97-11 in the amount of \$978.06 plus interest and costs. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Avery to grant Abatement #96/97-12 in the amount of \$2,578.34 plus interest and costs. Passage 7-0.

Motion was made by Councilor Avery and seconded by Councilor Glynn to adjourn. Passage 7-0, 10:01 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

