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IN REGULAR MEETING VOL. 67 PAGE 1
JULY 6, 2005

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

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor De Angelis to accept the minutes from the meeting of June 20, 2005. Passed 7-0.

B. Communications from City Manager

- Mary Kahl made an announcement about Art In the Park, scheduled for August 13th.
- The Manager recognized the automated trash pickup process and spoke of his appreciation of the staff involved

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #196-04/05 - Board of Assessment Review, District 2 (Maietta), to fill an unexpired term which expires on 03/16/07. Postponed on 06/20/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Boudreau. Passed 7-0.

2. ORDER #1-05/06 – Library Advisory Board, District 2 (Maietta) to fill an unexpired term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Anne Schlitt, of 131 South Richland Street was made by Councilor Maietta and seconded by Councilor De Angelis. Passed 7-0.

3. ORDER #2-05/06 – Harbor Commission, Mayoral appointment, for a term which expires on 06/30/08. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Arthur Odlin, of 210A Pine Street was made by Mayor Hughes and seconded by Councilor Boudreau. Passed 7-0.

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JULY 6, 2005

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Campbell, 29 Washington Ave. – Mr. Campbell asked for more explanation on the Capital Improvement Items.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked whether TIF money was going to be used on the Broadway sewer separation project.

Mike Eastman, 100 Chapel Street – Mr. Eastman talked about the South Portland Historical Society and encouraged citizens to visit the current exhibit on the history of the South Portland Fire Department.

Dave Bourke, 61 Willow Street – Mr. Bourke commented about the asset listing for the city and asked why it doesn't have depreciated values like businesses do. He also referred to the dog ordinance and said the city should do more to educate the public in this matter.

Ray Lee, 28 Henry Street – Mr. Lee said the new trash collection system takes more time than the manual collection system. He also brought attention to the deterioration and safety hazard of the steps at the fishing shacks at Willard Beach.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith expressed concern over the large expenditure to fix the pool and said that money should be spent to address the condition of the streets before investments to the pool are made. He also brought attention to a pile of twigs and brush blocking the sidewalk on Evans Street.

G. Public Hearings and Actions

H. Action on Old and New Business

4. ORDER #3-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #4-05/06 – Award of bid #205087 for a trunk line pipe lining project. Passage requires majority vote.

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JULY 6, 2005

There was no public discussion.

Dave Pineo was available to answer questions. Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0 (Jacobs out of room).

6. ORDER #5-05/06 – Accepting a portion of Cumberland Road as a city street. Passage requires majority vote.

The following person addressed this item;

Kirk Ordway, 122 Elm Street – Mr. Ordway explained his reason for asking for this item to come forward.

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

7. ORDER #6-05/06 – Authorizing the City Manager to sign a Municipal/State Agreement with the Maine Department of Transportation for the Payne Road Bridge Lighting Project. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #7-05/06 – Accepting \$2,441 under the Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

9. ORDINANCE #1-05/06 – Amending Chapter 8, "Fire Protection & Prevention," regarding foam extinguishers, tank spill control and inspection fees. First reading. Passage requires majority vote.

There was no public discussion.

Chief Guimond was available and answered questions from the Council. Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Motion to amend section (f) of the ordinance from This provision does not apply to The requirement of one dike per tank does not apply was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 7-0. The main motion passed as amended 7-0.

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10. ORDINANCE #2-05/06 – Amending Chapter 14, “Licenses, Permits and Business Licenses Generally,” regarding Farmers’ Markets. First reading. Passage requires majority vote.
- Motion to read the Ordinance by title only was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0. There was no public discussion.
- Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.
11. ORDINANCE #3-05/06 - Extending the moratorium on automobile graveyards, automobile recycling businesses and junkyards for an additional 180-day period. First reading. Passage requires majority vote.
- Motion to read the Ordinance by title only was made by Councilor Maietta and seconded by Councilor De Angelis. Passed 7-0. The following people addressed this item;
- Mark St. Germaine, New England Recycling
Clarence Beckwith, 51 Bonnybriar Road
Gary Crosby, 2 Tanner Street
Tom Dunham, New England Recycling
- Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.
12. ORDER #8-05/06 - Authorization for the City Manager to sign a Regional Response Agreement with the Maine Emergency Management Agency. Passage requires majority vote.
- There was no public discussion.
- Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 7-0.
13. ORDER #9-05/06 - Authorizing the City Manager to submit a Municipal Infrastructure Grant Application to the State of Maine. Passage requires majority vote.
- There was no public discussion.
- Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.
- I. Citizen Discussion (Second Part)**

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JULY 6, 2005

J. Councilor's Round Robin

Councilor De Angelis referred to a visit to Brick Hill where she was able to tour through the cottages and castle and was excited about the project. She also commented on the large turnout from the community to see Dick Bernard dressed as Thomas Jefferson to do an oral presentation of the Declaration of Independence on the Fourth of July.

Councilor Boudreau talked about an article in the Sentry regarding dogs on Willard Beach and that discussion on Hinkley Park was left out. She also gave special recognition to the rubbish crews and said the City has not been asked to participate in discussions on the Blueberry Ridge Development in Cape Elizabeth. She mentioned the petition received from residents and questioned whether there was something that could be done.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

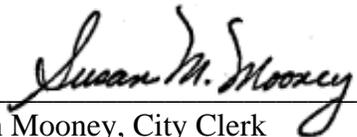
Motion to adjourn to Executive Session was made at 9:41 P.M. by Mayor Hughes and seconded by Councilor Boudreau. Adjournment passed 7-0.

Motion to return to open session was made at 9:47 P.M. by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0 (De Angelis out of room).

Motion to adjourn was made at 9:48 P.M. by Councilor Boudreau and seconded by Mayor Hughes. Passed 6-0 (De Angelis out of room).

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ATTEST _____


Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 6
JULY 18, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:03 P.M.
Councilor De Angelis arrived late.

K. Executive Session

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

Motion to adjourn to Executive Session was made by Councilor Jacobs and seconded by Councilor Beecher. Adjournment passed 6-0.

Motion to return from Executive Session was made at 6:53 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

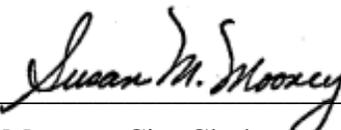
Motion to deny Hardship Abatement #1-05/06 was made by Councilor Boudreau and seconded by Councilor De Angelis. The Abatement was denied with a vote of 7-0.

Motion to approve Hardship Abatement #2-05/06 for \$733.95 plus interest and costs was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-1 (Beecher).

Motion to recess until 7:00 P.M. was made at 6:54 P.M. by Councilor Beecher and seconded by Councilor Maietta. Passed 7-0.

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ATTEST _____


Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 67 PAGE 7
JULY 18, 2005

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

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to accept the minutes from the meeting of July 6, 2005. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- RWS Minutes 05/19/05
- Susan Mooney - designation of Certified Municipal Clerk from the International Institute of Municipal Clerks
- Recognition of Tony Vigue for his cooperation with the editing of a Rotary Meeting
- Work Performance recognition from Transportation and Waterfront to Dave Thomes and the Collection Systems and the Parks Department for their assistance with Portland Street Pier
- Additional recycling efforts for cell phones, batteries and printer cartridges in various locations in the City
- Letter from Housing and Urban Development indicating that the City would be allowed \$507,781 for the 2005/2006 Community Development Block Grant
-

C. Petitions and Communications

Department reports for the month of June, 2005.

Attendance reports for the month of June, 2005.

D. Appointment Calendar

1. ORDER #196-04/05 - Board of Assessment Review, District 2 (Maietta), to fill an unexpired term which expires on 03/16/07. Postponed on 06/20/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Jacobs. Postponed 7-0.

2. ORDER #10-05/06 – Board of Appeals, District 3, (De Angelis), to fill a term which expires on 07/23/08. Passage requires majority vote.

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JULY 18, 2005

There was no public discussion.

Motion to appoint Kathleen Bernard, of 5 E Street was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

- 3 ORDER #11-05/06 – Board of Appeals, District 4, (Beecher), to fill a term which expires on 07/23/08. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #12-05/06 – Board of Appeals, District 5 (Hughes), to fill a term which expires on 07/23/08. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Ruth Bastarche, 757 Main Street Unit 19 – Ms. Bastarche raised concerns about traffic in regards to Ordinance #5-05/06.

Brad Baker, 751 Maine Street Unit 124 – Mr. Baker was also concerned about the traffic on Main Street.

Roger Sabourin, 111 Jordan Ave. – Lt. Sabourin updated the Council on the new Fire Fighting / Damage Control component of the Sea Cadet Program that was just completed on July 13th with the assistance of the Fire Department. As a result of the success of the program it will now be included in the National Program.

Ray Lee, 28 Henry Street – Mr. Lee said the rezoning should not happen. He inquired about the number of new rubbish trucks in operation and said the old system was faster.

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JULY 18, 2005

Robert Ferrante, 815 Main Street – Mr. Ferrante was concerned about a zone change might do to his property value. He said he hopes the Council will consider the Planning Board stand on this issue.

Stephen Johnson, 54 Pennsylvania Ave. – Mr. Johnson also opposed the zone change.

Gary Crosby, 2 Tanner Street – Mr. Tanner commented positively on the new trash removal system and made a couple of suggestions that he felt would help the process.

Jeff Inman, 15 Rhode Island Ave. – Mr. Inman read several letters from neighbors opposed to the zone change on Main Street. He was also opposed to the change.

Ionel Apricopoi, 761 Main Street – Mr. Apricopoi was the zone change applicant. He asked for support on the request.

G. Public Hearings and Actions

5. ORDINANCE #1-05/06 – Amending Chapter 8, "Fire Protection & Prevention," regarding foam extinguishers, tank spill control and inspection fees. Passed first reading on 07/06/05. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Chief Guimond was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Councilor Jacobs made a motion to amend the Ordinance to add “nor exceed the height and diameter restrictions” to the end of the last line in section (f). Councilor De Angelis seconded the amendment. It was decided that the wording in paragraph (f) already set those restrictions and the amendment failed 4-3 (Boudreau, Fickett, Maietta, Beecher). The Ordinance passed roll call vote as submitted 7-0.

6. ORDINANCE #2-05/06 – Amending Chapter 14, “Licenses, Permits and Business Licenses Generally,” regarding Farmers’ Markets. Passed first reading on 07/06/05. ROLL CALL VOTE. Passage requires majority vote.

Councilor Beecher motioned that the Ordinance be read by title only. Councilor Jacobs seconded and it passed 7-0.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked if a local license would still be required if the vendors already held a State License. He was told that they would.

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JULY 18, 2005

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed roll call vote 7-0.

7. **ORDINANCE #3-05/06** - Extending the moratorium on automobile graveyards, automobile recycling businesses and junkyards for an additional 180-day period. Passed first reading on 07/06/05. **ROLL CALL VOTE**. Passage requires 5 (five) affirmative votes.

Councilor Maietta motioned that the Ordinance be read by title only. Councilor De Angelis seconded and it passed 7-0.

The following people addressed this item;

William Fowler, 196 Stanford Street – Mr. Fowler voiced concerns about holding up businesses in South Portland. He commented about propane tanks being allowed after an ordinance for no new tank instituted.

Ray Lee, 28 Henry Street – Mr. Lee agreed and said South Portland is not friendly to industry. He said he would like to see some tax revenue coming from the Durastone location.

Rommy Brown, 10 E Street – Ms. Brown said the moratorium should be put into effect if additional time is needed to make sure the Ordinance is done properly.

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

H. Action on Old and New Business

8. **ORDER #13-05/06** – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

9. **ORDER #14-05/06** – Award of bid #205088 for the purchase of three digital copiers. Passage requires majority vote.

There was no public discussion.

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JULY 18, 2005

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

10. ORDER #15-05/06 – Award of bid #205080 for the installation of a generator at the Main Street Wastewater Pump Station. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #16-05/06 – Authorizing the relocation of Engine 3 into Cash Corner Fire Station. Passage requires majority vote.

There was no public discussion.

Chief Guimond answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 7-0.

12. ORDINANCE #4-05/06 – Amending Chapter 19, “Personnel Rules and Regulations”, regarding the Civil Service Commission. First reading. Passage requires majority vote.

Councilor De Angelis motioned that the Ordinance be read by title only. Councilor Jacobs seconded and it passed 7-0.

The following person addressed this item;

Bill Collins, 88 Pennsylvania Ave.

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

13. ORDER #17-05/06 – Authorizing Thompson & Bowie to provide legal services in conjunction with Corporation Counsel in Wainwright v. City of South Portland. Passage requires majority vote.

There was no public discussion.

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

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JULY 18, 2005

14. ORDER #18-05/06 – Award of bid #206013 for the purchase of Smart Technology for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-1 (Fickett).

Motion was made by Councilor Jacobs and seconded by Councilor De Angelis to take Item #16 out of order. Passed 7-0. See item for details.

15. ORDER #19-05/06 – Implementing the FY 2006 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

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

16. ORDINANCE #5-05/06– Amending Chapter 27, “Zoning,” for a zone map change from Residential District A to Transitional Residential District RT - Main Street – Map 63, Lots 110, 111, 112 and 114. First Reading. Passage requires majority vote.

The following people spoke in opposition to the zone change;

Ruth Bastarache, 757 Main Street Unit 19
Tap Fitzgerald, 19 Massachusetts Ave.
Robert Ferrante, 815 Main Street
Brad Baker, 751 Main Street Unit 124

The following people spoke in support of the zone change;

Sam Haddad, 747 Main Street
Ionel Apricopoi, 761 Main Street

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Motion passed 4-3 (Beecher, Jacobs De Angelis). Councilor Boudreau motioned for a reconsideration on the grounds that this item was clearly not going to get the sufficient amount of votes (5) needed at the next Council Meeting. Councilor Maietta seconded the motion. The reconsideration passed 7-0. The Ordinance failed the second time it was voted on 1-6 (De Angelis, Boudreau, Fickett, Maietta, Jacobs, Beecher).

IN REGULAR MEETING VOL. 67 PAGE 13
JULY 18, 2005

17. ORDINANCE #6-05/06 - Authorizing the appropriation of \$500,000 for capital projects for the fiscal year ending June 30, 2006. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-1 (Fickett).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

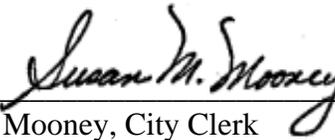
Councilor Boudreau said her email was not in service and encouraged the public to contact her by phone or letter.

K. Executive Session

Motion to adjourn was made at 10:22 by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 67 PAGE 14
AUGUST 1, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:00 P.M. Councilor De Angelis and Councilor Boudreau arrived by 7:05 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of July 18, 2005. Passed 5-0.

B. Communications from City Manager

The Manager addressed the following items;

- Copies of the 2005/2006 Budget were handed out to the Council
- Mary Kahl gave an update on Art In the Park
- RWS Court Decision – Hollis VS RWS
- Letter from Marshall Gibson inviting the Council to visit Tullyglush Park, the former Durastone location
- Pacts Minutes from 5/26/05
- Letters from Nan Whitten, Jerre Bryant and Duane Romano regarding the Erick Whitten Softball Tournament. Letters were addressed to Mr. Louis Maietta Sr. and to the Parks and Recreation Department in thanks of their support.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #196-04/05 - Board of Assessment Review, District 2 (Maietta), to fill an unexpired term which expires on 03/16/07. Postponed on 06/20/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Susan Russell, 143 Hillside Ave., was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0.

2. ORDER #11-05/06 – Board of Appeals, District 4, (Beecher), to fill a term which expires on 07/23/08. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Beecher and seconded by Councilor Jacobs. Postponed 7-0.

IN REGULAR MEETING VOL. 67 PAGE 15
AUGUST 1, 2005

E. Consent Calendar

3. The residents of Boysenberry Drive and Elderberry Drive are requesting a street closure from Boysenberry Drive and Elderberry Drive to the end of the bridge on Elderberry Drive on August 14, 2005 for a block party. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired about what happened to the five million that was budgeted to upgrade the Mary Marsh School. The Manager said the money was never borrowed. Mr. Beckwith pointed out that the State was only covering half of the Homestead Exemption.

Ray Lee, 28 Henry Street – Mr. Lee said he never sees the fields being used at Wainwright. He objected to bonding for paving expenses and said new revenue should be earmarked to offset paving costs. Mr. Lee clarified that while he thought the Durastone property would have been a good deal, he did not think the City should have ever considered purchasing it with the current debt being what it is.

David Bourke, 61 Lowell Street – Mr. Bourke encouraged neighborhood meetings to gather information regarding the two junior highs and the high school. He likes the idea of combining the junior highs to one location.

The City Manager addressed water quality and closings at Willard Beach due to high bacteria counts. He noted that Willard Beach was one of only four beaches recognized for the quality control. He provided the Council with a hand out from the Parks and Recreation Department and Water Resource Protection that informs the public about the City's involvement with the States Maine Healthy Beaches Program.

G. Public Hearings and Actions

4. ORDINANCE #4-05/06 – Amending Chapter 19, “Personnel Rules and Regulations”, regarding the Civil Service Commission. Passed first reading on 07/18/05. ROLL CALL VOTE. Passage requires majority vote.

Read by title only by vote of 7-0. The following person addressed this item;

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AUGUST 1, 2005

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if there had been input or opposition from the Unions. The Manager indicated that there had been no opposition.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed roll call vote 7-0.

5. ORDINANCE #6-05/06 - Authorizing the appropriation of \$500,000 for capital projects for the fiscal year ending June 30, 2006. Passed first reading on 07/18/05. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item

Dave Bourke, 61 Lowell Street – Mr. Bourke inquired about the amount of debt that would be retired in the coming year.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the Council had made a decision a few years ago to not incur debt for paving but now we are getting back into doing it again.

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

H. Action on Old and New Business

6. ORDER #20-05/06 – Award of bid #206014 for computer equipment for the School Department. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #21-05/06 - Authorizing an appropriation of \$157,624 from the FY 2005 Capital Improvement Plan and award of bid #206010 for vehicles for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #22-05/06 - Appealing the denial of the Public Works' Director for a curb cut on Preble Street for Kenneth Anderson. Passage requires majority vote.

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AUGUST 1, 2005

There was no public discussion.

Code Enforcement Officer, Pat Doucette, brought forth information pertaining to a condition placed on this property back in 1989 which stated that there be no driveway on the property except for the existing paved driveway. The variance that this condition was placed in was recorded in Book 8777 on Page 262 on June 5, 1989. Motion for withdrawal was made by Councilor Boudreau and seconded by Councilor De Angelis. Withdrawn by a vote of 7-0. It was suggested that Mr. Anderson contact the Board of Appeals to see if the condition could be removed.

9. ORDER #23-05/06 – Setting the Street Opening Permit Fees for FY 2006. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #24-05/06 – Accepting a May 2004 Safety Grant from the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #25-05/06 – Setting August 15, 2005 as the date for a nuisance hearing for property located at 2056 Broadway. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #26-05/06 – Appropriating \$8,160 for the City of South Portland's local match for the Greater Portland Council of Governments Regional Programs. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Councilor De Angelis made a motion to amend the order to increase the appropriation to \$23,324 to become full members of G.P.C.O.G. Councilor Jacobs seconded the motion. The amendment failed 2-5 (Boudreau, Fickett, Hughes, Maietta, Beecher). Councilor Beecher made a motion to postpone the item to the next meeting in order to accumulate more information.

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AUGUST 1, 2005

Mayor Hughes seconded the motion. The motion to postpone passed 5-2 (Fickett, De Angelis).

13. ORDER #27-05/06 – Accepting a Maine Investment Trust Fund grant from the Department of Economic and Community Development. Passage requires majority vote.

There was no public discussion.

Motion to postpone to a special meeting to be held before the next workshop was made by Councilor Beecher and seconded by Councilor Jacobs. Postponed 7-0.

I. Citizen Discussion (Second Part)

William Fowler, 196 Stanford Street – Mr. Fowler raised concerns about the junk cars at the corner of Devereaux Circle and Westbrook Street. He hoped that Code Enforcement could do something about it. He said he would like to see the metal recycling facility at the old Durastone location.

Lori Bowring Michaud, 10 Hudson Road – Ms. Michaud encouraged citizens to take out papers for the Board of Education seats. She also referred to the Memorial Fund to Brown and Dyer School in memory of her son T.J. for landscaping work. Landscaping had been installed early in May in the oak grove at Brown School. A dedication ceremony will be held in the near future. She invited the public and the Council to come and check it out.

J. Councilor's Round Robin

Councilor Jacobs announced that he would not be seeking re-election this fall. He said how much he enjoyed serving the community and felt his greatest accomplishments resulted from his questioning the status quo. He will continue to champion for those without a voice and thanked those who stood by him.

Councilor Maietta questioned whether other Councilors were getting calls from owners of dumpsters.

Councilor De Angelis thanked the Maine Girls Softball League, whom she had addressed in the Mayor's place. She also thanked Councilor Jacobs for his contributions and was sorry that he will not be running again.

Councilor Beecher invited the public to check out 62 E Street where Planning, Code Enforcement and Engineering are housed. She thanked Jim Gailey for his hard work and involvement with the process.

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Mayor Hughes also expressed disappointment in Councilor Jacobs decision to not run again.

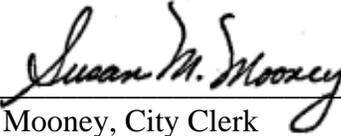
Councilor Boudreau announced that she was the proud owner of a new computer. She thanked people for their participation in the new trash program.

K. Executive Session

Motion to adjourn was made at 9:42 P.M. by Councilor Jacobs and seconded by Councilor Maietta. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 20
AUGUST 8, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:40 P.M. Councilor Maietta was absent.

H. Action on Old and New Business

1. ORDER #27-05/06 – Accepting a Maine Investment Trust Fund Grant from the Department of Economic and Community Development. Postponed on 08/01/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Jacobs. Postponed 6-0.

2. ORDER #28 -05/06 - Award of bid to Minuteman Fire and Rescue Apparatus, of Walpole, MA, for the repair of Truck One. Passage requires majority vote.

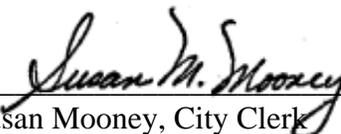
There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

Motion to adjourn was made at 6:45 P.M. by Councilor Jacobs and seconded by Councilor Boudreau. Adjournment passed 6-0.

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ATTEST



Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 67 PAGE 21
AUGUST 15, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:15 P.M. Councilors Jacobs and Maietta were absent.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Beecher for passage. Passed 5-0

B. Communications from City Manager

The following items were addressed by City Manager Jordan:

- A letter written to the Federal Energy Regulatory Commission regarding the LICAP proposal and its effect on Maine's cost of electricity.
- A presentation regarding the RFP for an Ash fill Disposal Alternative.
- The following students were winners at Art in the Park:

Rebecca Volent
Samantha Skillings
Saneth Ouk
Manica Hin
Antonio Anderson
Tyler Dymont

C. Petitions and Communications

Department Reports for the month of July, 2005

Attendance Reports for the month of July, 2005.

D. Appointment Calendar

1. ORDER #11-05/06 – Board of Appeals, District 4, (Beecher), to fill a term which expires on 07/23/08. Postponed on 08/01/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Arnold, 6 Northeast Lane was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0.

2. ORDER #29-05/06 – Conservation Commission, District 2 (Maietta) to fill an unexpired term which expires 11/20/05. Passage requires majority vote.

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AUGUST 15, 2005**

There was no public discussion.

Motion to appoint Tim Baker, 7 Edwards Street, was made by Councilor Boudreau and seconded by Councilor Beecher for passage. Passed 5-0.

E. Consent Calendar

Street Closings

3. The Rotary Clubs of South Portland/Cape Elizabeth and Portland are requesting various street closures on August 21, 2005 for the annual Bridge Road Race and Walk. Passage requires majority vote.

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0.

4. The residents of Cleveland Circle are requesting the closure of Cleveland Circle on August 27, 2005 for a block party. Passage requires majority vote.

Motion was made by Councilor Boudreau and seconded by Councilor De Angelis for passage. Passed 5-0.

F. Citizen Discussion (First Part)

David Bourke, Willow St. Mr. Bourke discussed the task force regarding dogs. He felt the meetings were productive and that the group was in accordance with all the issues on the proposed ordinance. He also announced that he was running for the District 1 Council seat as well as Claude Morgan, and that they were in agreement regarding dog issues.

Ray Lee, Henry St. Mr. Lee discussed the Willard Beach issue and felt that the dog group was placing too many constrictions on what was supposed to be a public beach. He also stated the sand dunes protection had privatized the beach and the property owners should be paying more.

H. Public Hearings and Actions

5. ORDER #30-05/06 - Determining whether the conditions at 2056 Broadway are a public nuisance. Passage requires majority vote.

City Manager Jordan passed out pictures and presented slides showing the conditions of the property.

The following people addressed this item:

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AUGUST 15, 2005

John Papi, property owner. Mr Papi stated that the only reason he was there was because of a dispute with his neighbor. He felt he was not being treated fairly and that there were numerous code violations on the abutting property and there was no enforcement regarding those.

William Fowler, Stanford St. Mr. Fowler questioned whether the neighbor of Mr. Papi needed to have an Occupancy permit in order to live in a commercially zoned property. He felt codes are not being fairly enforced.

Anton Hoecker, Marriner St. Mr. Hoecker questioned why Mr. Papi could not get his property rezoned. He stated that since this has been a problem since 1989 that Council should provide mediation because of the length of time this had gone on.

Ray Lee, Henry St. Mr Lee felt that Mr. Papi is being unfairly persecuted and that there should not be propane tanks on the neighbor's property. He stated that the property should be zoned for commercial properties.

Motion was made by Councilor Boudreau and seconded by Councilor De Angelis for passage. Passed 5-0.

H. Action on Old and New Business

6. ORDER #26-05/06 – Appropriating \$8,160 for the City of South Portland's local match for the Greater Portland Council of Governments Regional Programs. Postponed on 08/01/05. Passage requires majority vote.

The following people addressed this item:

Anton Hoecker, Marriner St. Mr. Hoecker stated that the City should participate in regional planning.

Motion was made by Councilor De Angelis and seconded by Councilor Beecher. Failed 1-5 (Boudreau, Beecher, Hughes, Fickett)

7. ORDER #27-05/06 – Accepting a Maine Investment Trust Fund Grant from the Department of Economic and Community Development. Postponed since 08/01/05. Passage requires majority vote.

There was no public discussion.

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AUGUST 15, 2005

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to postpone this item to the September 7, 2005 meeting. Postponed 5-0

8. ORDER #31-05/06 – Accepting \$2,522 under the Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0

9. ORDER #32-05/06 – Accepting emergency assistance reimbursement funds from the Federal Emergency Management Agency (FEMA) for Winter 2005 and authorizing FY 2005 supplemental revenue to and expenditure appropriations from the General Fund. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0.

10. ORDINANCE #7-05/06 – Amending Chapter 15, “Motor Vehicles and Traffic”, regarding the definition of junked motor vehicle. First reading. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Hughes to read by title only. Passed 5-0

Motion was made by Councilor Boudreau and seconded by Councilor Hughes for passage. Passed 5-0

11. ORDER #33 -05/06 -- Authorizing the law firm of Smith, Elliott, Smith & Garmey to provide legal services to the City regarding insurance coverage in Wainwright v. City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0

12. ORDER #34-05/06 – Authorizing the notice to abutters regarding the discontinuance of 290 feet of Jetport Plaza Road. Passage requires majority vote.

There was no public discussion.

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AUGUST 15, 2005

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-0

I. Citizen Discussion (Second Part)

Anton Hoecker, Marriner St. Mr Hoecker stated that there was a big cost savings by using a local company for the RWS project. He questions whether there would be any changes in future contracts. He would also like to see the City look into joining COG.

J. Councilor's Round Robin

Councilor Boudreau discussed enacting stricter guidelines than the State's in regards to variances. She also requested that research be done regarding election laws and the minimum amount of voters needed to qualify as a valid election.

Councilor Fickett commented on the state of the economy and that it was only going to get worse.

K. Executive Session

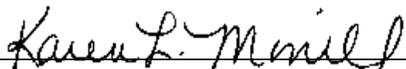
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

Motion was made by Councilor De Angelis and seconded by Councilor Boudreau to adjourn to executive session at 9:45 P.M. Passed 5-0

Motion was made by Councilor De Angelis and seconded by Councilor Beecher to come out of executive session and adjourn at 10:32 P.M. Passed 5-0

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ATTEST



Karen L. Morrill, Assistant City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 26
AUGUST 29, 2005

K. Executive Session

Memorial Middle School - Library

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

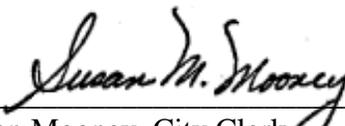
Motion to adjourn to Special session was made at 6:30 P.M. by Mayor Hughes and seconded by Councilor De Angelis. Passed 7-0

Motion to return from Special session was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

Motion to adjourn was made at 10:30 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 27
AUGUST 30, 2005

K. Executive Session

Memorial Middle School - Library

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

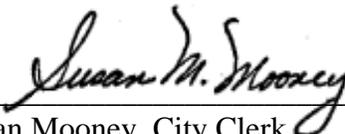
Motion to adjourn to Special session was made at 6:30 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0

Motion to return from Special session was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

Motion to adjourn was made at 11:00 P.M. by Councilor De Angelis and seconded by Councilor Jacobs. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 67 PAGE 28
SEPTEMBER 7, 2005

Roll Call: Mayor Hughes called the meeting to order at 7:00 P.M. Councilors Boudreau and Fickett were absent. Councilor De Angelis arrived at 7:04 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from August 16th was made by Councilor Jacobs and seconded by councilor Beecher. Passed 4-0 (De Angelis arrived late).

B. Communications from City Manager

The Manager addressed the following item;

- Emergency Manager Leadership Team worked with Portland Officials last Wednesday to conduct a mock hurricane exercise. Information will be posted on the City website that will assist citizens in emergency preparedness in the event of a hurricane.

C. Petitions and Communications

D. Appointment Calendar

E. Consent Calendar

Street Closings

1. Southern Maine Community College is requesting the closing of various streets for their Annual Darcy Wakefield Fun Run/Walk on October 1, 2005. Passage requires majority vote.

The following person addressed this item;

Frances Stewart-Dore, S.M.C.C. – Mr. Stewart-Dore indicated that the intent was that there would be minimal disruption in regards to the street closings.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0.

F. Citizen Discussion (First Part)

Angie Dierks, 41 Kelley Street – Ms. Dierks said new stop signs in the neighborhood were helping.

Tom Blake, 195 High Street – Mr. Blake said the South Portland Land Trust has hosted four very successful tours of the City. John Duray will be conducting the final tour of Trout Brook at 8:30 A.M. on Saturday morning at Bug Light Park.

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SEPTEMBER 7, 2005

Mr. Blake invited all to the S.P.L.T. Annual Meeting scheduled for September 20th at the Redbank Community Center at 6:30 P.M. He also requested that the City establish a committee to make the West End more livable.

Chris St. John, 5 Grove Ave. – Mr. St. John spoke in support of item #11 and asked that the Police Department spend some time in the neighborhood to enforce compliance with the new street signs.

David Bourke, 61 Willow Street – Mr. Bourke announced that the Willard Neighborhood Association will host a meeting at 7:00 P.M. at the Betsy Ross House on October 20th to hear from the Middle School Building Committee. He also announced his campaign for the District One City Council seat.

Claude Morgan, 31 Elsmere Ave. – Mr. Morgan also announced his bid to run against David Bourke for the District One seat. He also asked that City staff make more of an effort to make the public aware of the Rent and Tax Refund Program and the Homestead Exemption.

Ray Lee, 28 Henry Street – Mr. Lee wanted to know why City leaders are not doing more to help the hurricane victims. He suggested using the money for Items #6 and #9 on the agenda for relief efforts rather than purchasing goods and services for the City. The Manager indicated that the Governor had contacted Portland and South Portland and asked that each community identify space to accommodate up to 500 families. Although both communities have made efforts to meet the request, the victims have indicated that they do not wish to be this far away from home.

Shannon Randall, 70 Hamilton Street – Ms. Randall supports new stop signs in the neighborhood but is concerned that no-one is there to take action against the violators.

Andy Parker, 117 Osborne Ave. – Mr. Parker also asked for enforcement.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith was concerned about fuel costs and suggested that the City Manager put a hold on spending. He also raised concerns about why the City was fixing the apron at the Glass Museum Building. The Manager indicated that a tractor-trailer damaged the apron when using the facility for trash bin distribution and that we are obligated to repair the damage.

Tex Haeuser, Planning Director – In regards to comments made earlier about the Rent and Tax Refund Program, Mr. Haeuser indicated that Planning staff has been assisting the residents with filling out these applications for a number of years.

Jeff Temple, Emergency Management Director – Mr. Temple provided an update of where things were at regarding Katrina Hurricane relief and said at least 600

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SEPTEMBER 7, 2005

families have contacted the State to offer room in their homes for hurricane victims.

Bernadette Papi, 113 Anthoine Street – Ms. Papi spoke in support of the new stop signs in the neighborhood.

G. Public Hearings and Actions

2. ORDINANCE #7-05/06 – Amending Chapter 15, “Motor Vehicles and Traffic”, regarding the definition of junked motor vehicle. Passed first reading on 08/15/05. ROLL CALL VOTE. Passage requires majority vote.

Councilor Jacobs motioned to have the Ordinance read by title only. Councilor Beecher seconded and it passed 5-0.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 5-0.

Councilor Maietta requested that in recognition of the turnout for Item #11, that it be taken out of order. Councilor De Angelis seconded. Passed 5-0. See Item #11 for details.

H. Action on Old and New Business

3. ORDER #27-05/06 – Accepting a Maine Investment Trust Fund Grant from the Department of Economic and Community Development. Postponed since 08/01/05. Passage requires majority vote.

There was no public discussion.

James Gailey, C.D.B.G. Director said that we have recently been notified that we have received only \$50,000 from the request of \$150,000. Motion to amend the order was made by Councilor Maietta and seconded by Councilor Beecher. The amendment passed 4-0 (De Angelis out of room).

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. The main motion passed as amended 4-0 (De Angelis out of room).

4. ORDER #35-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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SEPTEMBER 7, 2005

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 4-0 (De Angelis out of room).

5. ORDER #36-05/06 – Authorizing the City Manager to submit an amended Community Development Block Grant FY 2005/2006 Annual Action Plan to the Department of Housing and Urban Development. Passage requires majority vote.

Jim Gailey, C.D.B.G. Director, provided the background information on this item. There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 4-0 (De Angelis out of room).

6. ORDER #37-05/06 - Award of bid #206017 for the rehabilitation of a portion of the Greenbelt Walkway. Passage requires majority vote.

The following people addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby suggested that the City find businesses to sponsor sections of the Greenbelt Walkway and that he would be interested in sponsoring a section.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said pot holes on Main Street should be tended to before any more money get put into the Greenbelt Walkway.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Maietta. Passed 5-0.

7. ORDER #38-05/06 – Award of bid #206016 for Radio System Upgrades for the Public Works Department, Community Center and School Department. Passage requires majority vote.

Jeff Temple, Emergency Management Director provided background information on this item. There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 5-0.

8. ORDER #39-05/06 – Award of bid to New England Organics for a Bio-solids contract. Passage requires majority vote.

This item was withdrawn.

9. ORDER #40-05/06 – Award of bid #206024 for the purchase of a riding rotary mower for the Parks Department. Passage requires majority vote.

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SEPTEMBER 7, 2005

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 5-0.

10. ORDER #41-05/06 – Accepting an Edward Byrne Justice Assistance Grant to be used by the Police Department. Passage requires majority vote.

Chief Googins provided background information on this item. There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 5-0.

11. ORDER #42-05/06 – Amending the *Traffic Schedule* regarding stops sign locations at Osborne, Hamilton, and Grove. Passage requires majority vote.

The following people addressed this item;

Susan Rooker, 27 Grove Ave. – Ms. Rooker supports the changes.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith suggested using speed bumps like those on Capisic St. and Stevens Ave. in Portland.

Gary Crosby, 2 Tanner Street – Mr. Tanner asked about the possibility of turning Kelley Street into a dead end. The Manager indicated that it could be done, however, various issues need to be weighed into the decision like trash collection, plowing and access for emergency vehicles.

John Maloney, 37 Arbutus Street – Mr. Maloney voiced the disappointment he felt with Councilor De Angelis' lack of communication. Councilor De Angelis defended her participation and communication in the situation and apologized if Mr. Maloney's email address did not get on the list with the others that she sent numerous communications to.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-0.

12. ORDER #43-05/06 – Adopting the National Incident Management System (NIMS). Passage requires majority vote.

Jeff Temple, Emergency Management Director provided background information on this item. There was no public discussion.

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SEPTEMBER 7, 2005

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-0.

13. RESOLVE #1-05/06 – Opposing the Broadband Investment and Consumer Choice Act of 2005 (S.1504). Passage requires majority vote.

This Resolve was read by title only. There was no public discussion. Tony Vigue, S.P.C.T.V. Director provided background information on this item.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-0.

14. ORDINANCE #8-05/06 – Amending Chapter 27, “Zoning,” for the purpose of extending the effective date of the termination of the Residential G-4 Zone from November 17, 2005 to December 31, 2006. First reading. Passage requires majority vote.

Tex Haeuser, Planning Director provided background information on this item. The following person addressed this item;

David Ezte, of SGC Engineering was present on behalf of Mr. Lucarelli.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 4-1 (Hughes).

15. ORDER #44-05/06 - Discontinuing 290’ portion of Jetport Plaza Road that the City accepted in 1995 per Council Order #15-95/96. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 5-0.

16. ORDER #45-05/06 – Authorizing the City Manager to sign a Release Deed to terminate a 1981 easement from Portland to the South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 5-0.

**IN REGULAR MEETING VOL. 67 PAGE 34
SEPTEMBER 7, 2005**

17. ORDER #46-05/06 - Authorizing the City Manager to accept a Quitclaim Easement Deed from Portland to South Portland for Jetport Plaza Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 5-0.

18. ORDER #47-05/06 - Authorizing the City Manager to accept an Easement Deed from PACTIV Corp. for Jetport Plaza Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Maietta. Passed 5-0.

19. ORDER #48-05/06 – Amendment to Order #33-05/06, authorizing the law firm of Smith, Elliott, Smith & Garmey to provide legal services to the City regarding insurance coverage. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 5-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Jacobs reminded residents that school is back in session. Please slow down and be careful. He also advised constituents to make sure they are dealing with reputable companies before contracting services with them.

Councilor Maietta said he has received phone calls asking if the portable traffic trailer falls under the ordinance prohibiting trailers from the side of city streets for longer than a twenty-four hour period. The City Manager said traffic trailers are exempt from the ordinance.

Councilor De Angelis welcomed everyone back to school and voiced appreciation of City staff and residents that she has been working with regarding dogs.

K. Executive Session

**IN REGULAR MEETING VOL. 67 PAGE 35
SEPTEMBER 7, 2005**

A motion may be made to go into Executive session pursuant to 1 M.R.S.A §6 (c) regarding acquisition of real property.

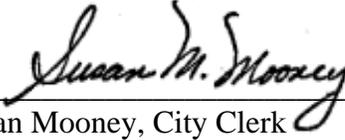
Motion to adjourn to Executive session was made at 9:58 P.M. by Mayor Hughes and seconded by Councilor Jacobs. Passed 5-0

Motion to return from Executive session was made by Councilor Beecher and seconded by Councilor Maietta. Passed 5-0.

Motion to adjourn was made at 10:30 P.M. by Councilor Jacobs and seconded by Mayor Hughes. Passed 5-0.

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ATTEST



Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 67 PAGE 36
SEPTEMBER 19, 2005

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

A. Acceptance of Minutes

Motion for passage to accept the minutes was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0

B. Communications from City Manager

City Manager Jordan discussed the following:

- RWS minutes from the September 15, 2005 meeting in which the board voted to terminate the contract with Casella Waste systems.
- South Portland Public Library received a Statewide Excellence award for its Adult Summer Reading Program.
- Invitation to the public to attend a meeting to discuss expectations of the Library Advisory Board on 09/22/05 at the Main Library and on 09/28/05 at the Branch Library.
- Minutes from the PACTS Policy Committee Meeting of August 18, 2005.
- Rick Urban from the Fire Department announced the Firefighters Challenges taking place on September 24, 2005 at the Maine Mall and encouraged people of all ages to attend.

C. Petitions and Communications

Department reports for the month of August, 2005.

Attendance reports for the month of August, 2005.

D. Appointment Calendar

1. ORDER #49-05/06 – Conservation Committee, District 1, (Jacobs), to fill a term which expires on 11/20/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Hannah Holmes, 31 Elsmere Ave., was made by Councilor Jacobs and seconded by Councilor Beecher for passage. Passed 7-0

IN REGULAR MEETING VOL. 67 PAGE 37
SEPTEMBER 19, 2005

E. Consent Calendar

F. Citizen Discussion (First Part)

Ray Lee, Henry Street – Mr. Lee requested that the Mayor and Manager allocate funds to help the elderly with home heating costs. He also asked if the taxpayers would be reimbursed for the costs of legal fees associated with the Frustaci lawsuit. Mr. Lee also felt the elderly should get free bus fare as well as the SMCC students who received free rides for the first month of classes.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith requested that Broadway be repaired near Cash Corner as well as the intersection of Westbrook St. and Western Avenue.

David Bourke, Lowell Street – Mr. Bourke felt there might be a conflict of interest with the newest member of the Conservation Commission as she is the partner of Claude Morgan, a candidate for City Council. He also stated that if he were elected to the Council, he would represent the City as a whole. He was also concerned that the revaluation will make it worse for the citizens who are now struggling to make ends meet.

Anton Hoecker, Marriner Street – Mr. Hoecker thanked the citizens who nominated him for City Councilor and also thanked all those who serve in a public capacity as they work to make the community a better place. He expressed concern that there were no crossing guards at the intersection of Highland Avenue and Cottage Road.

G. Public Hearings and Actions

2. ORDINANCE #8-05/06 – Amending Chapter 27, “Zoning,” for the purpose of extending the effective date of the termination of the Residential G-4 Zone from November 17, 2005 to December 31, 2006. Passed first reading on 09/07/05. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Tex Haueser was available to answer questions.

The following people addressed this item:

David Bourke, Lowell Street – Mr. Bourke stated that Mr. Lucarelli had approached the Willard Beach Neighborhood Association and they were in favor of the project.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith was also in favor of the project and stated that Mr. Lucarelli has done a lot for the City’s elderly population.

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SEPTEMBER 19, 2005

Motion was made by Councilor Beecher and seconded by Councilor Maietta.
Passed 6-1 (Hughes)

H. Action on Old and New Business

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

3. PROCLAMATION #1-05/06 – Recognizing the South Portland National Little League eleven and twelve year old girls All Stars Softball Team. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor De Angelis and seconded by Councilor Jacobs for passage. Passed 7-0

4. PROCLAMATION #2-05/06 – Recognizing the South Portland National Little League thirteen and fourteen year old boys Junior League All Star Baseball Team. Passage requires majority vote.

There was no public discussion.

Passage was made by Councilor De Angelis and seconded by Councilor Beecher.
Passed 7-0

5. ORDER #50-05/06 – Authorizing the City Manager to submit a Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development. Passage requires majority vote.

Jim Gailey , CDBG Director gave an overview of the allocations from this year's budget.

The following people addressed this item:

Anton Hoecker, Marriner Street – Mr. Hoecker was pleased with the results in which the grant money was allocated. He stated his appreciation for the working relationship with other agencies.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith was pleased with the way the money had been spent but also felt that fuel assistance should be on the top of the list. He suggested that Meals on Wheels volunteers should be given a reimbursement for gas due to the increase in fuel costs.

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

IN REGULAR MEETING VOL. 67 PAGE 39
SEPTEMBER 19, 2005

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Jacobs announced the annual meeting of the South Portland Land Trust. He also cautioned people to obey the traffic laws as they are there to protect the citizens.

Councilor De Angelis urged people to attend the Knightville Neighborhood Association's Candidate forum on 09/27/05 at City Hall.

Councilor Hughes also invited citizens to attend the Land Trust's annual meeting.

K. Executive Session

Motion was made by Councilor De Angelis and seconded by Councilor Beecher to adjourn at 8:25 P.M. Passed 7-0

A TRUE COPY

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

**IN SPECIAL MEETING VOL. 67 PAGE 40
OCTOBER 3, 2005**

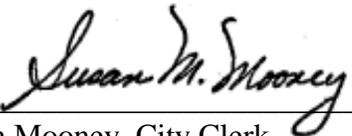
K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties in relation to a personnel matter.

Motion to adjourn to Executive session was made at 5:30 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Councilor De Angelis arrived directly after the voter was made.

Motion to return from Executive Session was made at 7:09 P.M. by Councilor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 67 PAGE 41
OCTOBER 3, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:12 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from September 19th was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager presented the Council with copies of the report from the Mayor's AD-HOC Committee on Board Relations.

C. Petitions and Communications

Mayor's AD-HOC Committee on Board Relations Report.

D. Appointment Calendar

E. Consent Calendar

Councilor Jacobs motioned to waive standing rule 3(E) to allow the residents of Woodbury Street to request the closure of their street from 11:50 A.M. to 6:10 P.M. on October 8th for a block party and have the item added to the agenda. Councilor Beecher seconded and the motion and it passed 7-0.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith commented that the Jetport Plaza Road was dragging and said easements should be been dealt with long ago.

Gary Crosby, 2 Tanner Street – Mr. Crosby announced that there was going to be a non-partisan citizen meeting at the Thomas Room on October 11th at 5:00 P.M. The purpose of the meeting is to inform and educate citizens on city matters.

David Bourke, 61 Lowell Street – Mr. Bourke asked if the items on the agenda tonight were all budgeted for and if any are expected to exceed the budgeted amount.

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OCTOBER 3, 2005**

G. Public Hearings and Actions

1. Business Licenses

Hacienda Pancho Villa Mexican Restaurant and Cantina, 671 Main Street, for Class A Restaurant with Liquor license. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

2. ORDER #51-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

3. ORDER #52-05/06 – Award of bid #206037 for snowplowing services for the School Department. Passage requires majority vote.

There was no public discussion.

Councilor Maietta abstained from this item. Motion was made by Councilor De Angelis and seconded by Councilor Boudreau for passage. Passed 5-1 (Fickett) (Maietta abstaining).

4. ORDER #53-05/06 – Award of bid #205064 for converting property maps to a form to use a geographic information system (GIS). Passage requires majority vote.

Planning Director, Tex Haeuser, introduced Mary House who did a presentation for the Council demonstrating the benefits of the GIS system.

The following people addressed this item;

Frederick Lancaster, 41 Hillside Ave. – Mr. Lancaster was concerned about privacy rights of citizens in regard to the aerial photos. The Planning Director indicated that they are static photos from last June.

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Gary Crosby, 2 Tanner Street – Mr. Crosby thought the system was awesome and inquired about public access to the information. He was told that he could go to this url; <http://eisweb.woodardcurran.com/westbrook> and view the type of information accessible to the public.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if this was phase one of many phases.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker remarked that it was a great program.

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

5. ORDER #54-05/06 – Award of bid to New England Organics for a Bio-solids contract. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor De Angelis for passage. Councilor Beecher moved to add an additional \$15,000 to the fiscal note. Councilor Boudreau seconded and the amendment passed 7-1. The motion passed as amended 6-1 (Fickett).

6. ORDER #55-05/06 – Award of bid #206021 for fire alarm maintenance and repair services. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher for passage. Passed 5-1 (Fickett) (De Angelis out of room).

7. ORDER #56-05/06 – Award of bid #206025 for traffic signal maintenance and repair services. Passage requires majority vote.

There was no public discussion.

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

8. ORDINANCE #9-05/06 – Amending Chapter 27, “Zoning,” regarding automobile graveyards, automobile recycling businesses and junkyards. First reading. Passage requires majority vote.

There was no public discussion. Read by title only.

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OCTOBER 3, 2005

Motion was made by Councilor Boudreau and seconded by Councilor Beecher for passage. Motion to amend the ordinance to remove the Passed 5-1 (De Angelis) (Jacobs left).

9. ORDINANCE #10-05/06 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding automobile graveyards, automobile recycling businesses and junkyards. First reading. Passage requires majority vote.

There was no public discussion. Read by title only.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher for passage. Councilor Beecher requested that an amendment be made to the ordinance which would require the City Clerk to submit a written report to the Council for automobile recycling businesses licensed for a five year period, stating that the licensee is in compliance with all Federal, State and local laws and regulations. Mayor Hughes seconded the amendment and it passed 6-0 (Jacobs left). A second amendment was made by Councilor Beecher requesting that the distinction between, within 100’ feet of a State Highway and beyond 100’ feet of a State Highway be removed since State law has already addressed this. Councilor Boudreau seconded and the second amendment passed 6-0 (Jacobs left). The main motion passed as amended 5-1 (De Angelis) (Jacobs left).

I. Citizen Discussion (Second Part)

Paul Cunningham, Edward Street – Mr. Cunningham voiced concerns over road salt. He also expressed dismay at the fact that the Council was drinking Poland Spring water and mentioned that the parent company, Nestle, has been sited for human rights issues.

J. Councilor’s Round Robin

Councilor De Angelis reminded citizens about the Hazardous Materials drop off on October 8th.

Councilor Beecher announced that the bathroom facilities at Willard Beech would be fixed over the winter.

Councilor Boudreau commented on the nice turnout for the dedication of Thomas Knight Park last Friday.

K. Executive Session

**IN REGULAR MEETING VOL. 67 PAGE 45
OCTOBER 3, 2005**

A motion may be made to go into executive session pursuant to 1 M.R.S.A §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

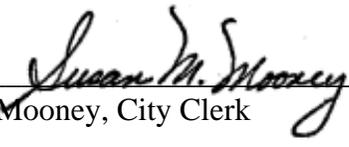
Motion to adjourn to Executive Session was made at 9:13 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Adjournment passed 6-0 (Jacobs left).

Motion to return from Executive Session was made at 9:51 P.M. by Councilor Beecher and seconded by Councilor Maietta. Passed 6-0 (Jacobs left).

Motion to adjourn was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Jacobs left).

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ATTEST _____


Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 67 PAGE 46
OCTOBER 17, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from October 3rd was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following item;

- Minutes from PACTS
- RWS Minutes
- Bus Ridership

C. Petitions and Communications

Department Reports for the month of September 2005.
Attendance Reports for the month of September 2005.

D. Appointment Calendar

1. ORDER #57-05/06 – Warden, Pro-Tempore, Central voting, for the November 8, 2005 election only. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

Motion was made to waive Standing Rule 3(E) by Councilor Boudreau and seconded by Councilor Jacobs to add the following item to the agenda under the Consent Calendar. The motion passed 7-0.

- 1A. The South Portland Music Boosters are requesting permission to post directional signs to direct visitors to the Maine State Marching Band Finals on October 29th.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. An amendment was made by Councilor Boudreau and seconded by

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OCTOBER 17, 2005

Councilor Jacobs to also add two street closings to this item. The amendment passed 7-0 and the main motion passed as amended 7-0.

F. Citizen Discussion (First Part)

Larry Tenan, Stanford Street – Mr. Tenan commented on the decrease in enrollment of students in the schools and asked where the money for funding the education of these students went.

Dick Bernard, 5 E Street – As the Chair of the Conservation Commission, Mr. Bernard expressed an interest in having the Board take a more active roll in matters before the Planning Board.

Mark Gup, 86 Lovietts Field Road – Mr. Gup said he would like to see the hours extended for letting dogs on the beach.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he sees no problem with having dogs walk on a leash.

Betty Babine, 46 Washington Ave. – Ms. Babine defended letting dogs run on the beach.

Chris Rosengren, 37 Woodmoor Road – Mr. Rosengren asked about automobile junkyards.

Debbie Kimball, 22 Bowers Street – Ms. Kimball opposes having a Councilor on the dog committee.

G. Public Hearings and Actions

2. ORDINANCE #9-05/06 – Amending Chapter 27, “Zoning,” regarding automobile graveyards, automobile recycling businesses and junkyards. Passed first reading on 10/03/05. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

Read by title only. There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Motion to amend the order to include the words, “Materials delivered by motor vehicles to be handled or processed may only be delivered to the site between the hours of 7:00 a.m. and 3:30 p.m.” to Sec. 27-229 (F)(7) and (G)(11) was made by Councilor Beecher and seconded by Councilor Jacobs. The amendment passed 5-2 (Jacobs, Maietta). The Ordinance passed roll call vote as amended 5-2 (Fickett, De Angelis).

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3. ORDINANCE #10-05/06 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding automobile graveyards, automobile recycling businesses and junkyards. Amended and passed first reading on 10/03/05. ROLL CALL VOTE. Passage requires majority vote.

Read by title only. The following person addressed this item;

Margaret Johnson, 54 Pennsylvania Ave. – Ms. Johnson urged Council to support Councilor Beecher’s amendment.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Motion to amend the Ordinance to include the wording, “The applicant must show that appropriate measures controlling stormwater run-off are on-site and in compliance with best management practices to prevent contamination or pollution of the site or neighboring properties.” To Sec. 14-756 was made by Councilor Beecher and seconded by Councilor Jacobs. The amendment passed 7-0. The Ordinance passed roll call vote as amended 6-1 (De Angelis).

Motion to take Item #16 out of order was made by Councilor Boudreau and seconded by Councilor Maietta. Passed 7-0. See Item #16 for details.

4. Business License

Spring Point Cafe, 175 Benjamin W. Pickett Street, for a Class A Lounge with Liquor and Special Amusement licenses. Passage requires majority vote.

There was no public discussion. Mr. Brady, the owner, answered questions from the Council.

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

H. Action on Old and New Business

5. PROCLAMATION #3-05/06 – Proclaiming the week of November 8, 2005 through November 15, 2005, as “**Maine Recycles Week**”. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #58-05/06 - Appealing the denial of the Public Works’ Director for a curb cut on Preble Street for Ken Anderson. Passage requires majority vote.

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OCTOBER 17, 2005**

There was no public discussion.

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

7. ORDER #59-05/06 – Award of bid #206038 for the purchase of a loader for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Maietta and seconded by Councilor De Angelis. Motion to amend the order was made by Councilor Maietta and seconded by Councilor Boudreau to include the five-year warrantee for an additional \$4,500 to be paid for out of the reserve account. The amendment passed 7-0. The main motion passed as amended 7-0.

8. ORDER #60-05/06 – Award of bid for the purchase of a street sweeper for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

David Bourke, 61 Willow Street – Mr. Bourke asked if this was replacing existing equipment.

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

9. ORDER #61-05/06 – Authorizing the City Manager to sign contracts to provide snowplowing operations for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #62-05/06 - Amending the 1992 Comprehensive Plan incorporating, by reference, the Knightville Mill Creek Neighborhood Master Plan. Passage requires majority vote.

Rommy Brown provided a presentation to the Council. The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road
Alan Johnson

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David Bourke, 61 Willow Street
Carolyn Hendry, 75 B Street
Jim Hendry, 75 B Street
Judy Clough, 96 Ocean Street
Mary Strnard, 91 Pilgrim Road
Bob O'Brien, Waterfront Mkt. Assoc.
Richard Bernard, 5 E Street

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

11. ORDER #63-05/06 – Amending the “Traffic Schedule” reflecting a new speed zone established by the Maine Department of Transportation (MDOT). Passage requires majority vote.

There was no public discussion.

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

12. ORDER #64-05/06 – Award of bid #206035 for valuation consulting services. Passage requires majority vote.

The following person addressed this item;

David Bourke, 61 Willow Street – Mr. Bourke asked if the recent sale of the Maine Mall will have an impact on the assessed value.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-1 (Fickett).

13. ORDER #65-05/06 - Accepting improvements in Highland Meadows Phases III, IV and V: portions of Snowberry Drive and Elderberry Drive; all of Blueberry Drive; various drainage and utility easements; open space and a pump station and lot. Passage requires majority vote.

There was no public discussion.

Councilor Maietta abstained from this item. Motion to postpone was made by Councilor Beecher and seconded by Councilor Jacobs because of concerns about whether drainage and pumping stations were adequate. Councilor Beecher requested assurance from the Water Resource Department and Sewer Maintenance. Postponed 6-0 (Maietta abstaining).

Councilor Jacobs motioned to take Item #18 out of order. Councilor Boudreau seconded and it passed 7-0. See Item #18 for details.

**IN REGULAR MEETING VOL. 67 PAGE 51
OCTOBER 17, 2005**

14. ORDER #66-05/06 – Determining the apportionment of votes from South Portland on the RWS Board of Directors. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #67-05/06 – Authorizing the City Manager to sign an interlocal agreement with the Town of Scarborough regarding cost sharing the traffic signal system in the Maine Mall area. Passage requires majority vote.

There was no public discussion.

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

16. ORDINANCE #11-05/06 – Amending Chapter 27, “Zoning,” to terminate the moratorium on automobile graveyards, automobile recycling businesses and junkyards. First reading. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #68-05/06 – Setting the time for opening the polls for the November 8, 2005 General Election. Passage requires majority vote.

There was no public discussion.

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

18. ORDINANCE #12-05/06: amending Chapter 3, Animals and Fowl, regarding leashes and voice command for dogs in public places. First reading. Passage requires majority vote.

This item was taken out of order before Item #14. The following people addressed this item;

Claude Morgan, 31 Elsmere Ave.
David Bourke, 61 Willow Street
Mark Gup, 86 Lovietts Field Road
Rommy Brown, 10 E Street

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OCTOBER 17, 2005

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

I. Citizen Discussion (Second Part)

David Bourke, 61 Lowell Street – Mr. Bourke said the task force is making good head way regarding the dog issue and encouraged the Council to let the committee continue this work.

J. Councilor's Round Robin

Councilor De Angelis recognized the South Portland Firefighters Challenge and thanked Rick Urban for his hard work with the project. She voiced concerns about the challenge for residents to heat their homes this winter.

Councilor Beecher also spoke favorably about the Firefighters Challenge and recognized Chief Guimond.

Councilor Boudreau thanked Steve Kline at Mermaid Transportation for their assistance with a transportation issue.

Councilor Fickett said things are not going to get better. He said we are in a mess and can't get out of it.

Councilor Jacobs raised concerns about residents blowing their leaves into the street and blocking storm drains.

K. Executive Session

A motion may be made to go into Executive session pursuant to M.R.S.A. §405(E) to discuss pending litigation, South Portland Police Patrol Association et al. v. City of South Portland.

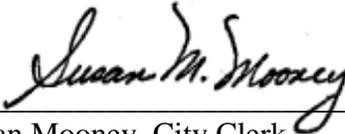
Motion to adjourn to executive session was made at 11:25 P.M. by Mayor Hughes and seconded by Councilor De Angelis. Passed 7-0.

Motion to return to regular session was made by Councilor Beecher and seconded by Councilor Jacobs at 11:46 P.M. Passed 7-0

Motion to adjourn was made at 11:47 P.M. by Councilor Fickett and seconded by Councilor Boudreau. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 53
NOVEMBER 7, 2005

Roll Call: Mayor Hughes called the meeting to order at 6:00 P.M. Councilor Jacobs and Councilor Maietta were not present at roll call.

K. Executive Session

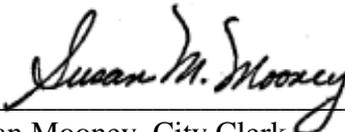
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

Motion to adjourn to executive session was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-0.

Motion to return from executive session was made at 6:51 P.M. by councilor De Angelis and seconded by Councilor Boudreau. Passed 4-0 (Councilor Beecher out of room).

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ATTEST



Susan Mooney, City Clerk

**IN REGULAR MEETING VOL. 67 PAGE 54
NOVEMBER 7, 2005**

Roll Call: Mayor Hughes called the meeting to order at 7:00 P.M. Councilor Maietta was absent.

A. Acceptance of Minutes

Motion to accept the minutes from October 17th was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following item;

- Citizen's recognition for assistance from Joe Colucci, Public Works Department
- Notification of overnight parking effective November 1st.
- Winter Operations Guide – Public Works
- Press Release from RWS regarding mercury disposal
- Notice regarding Maine DOT reduction in PACTS allocation
- Community Policing Publication recognizing Chief Googins and Officer Linda Barker
- Sunday hours for the Transfer Station for the next four Sundays
- Fall leaf collection program
- Letter of thanks from the South Portland Food Cupboard
- Minutes from the I295 Corridor Interstate Study Committee
- Cumberland County Budget Advisory Committee meeting minutes
- Recognition and presentation of award for years of service on the Civil Service Board – Lee Harvey 1986 – 2004 and Skip Lucarelli 1989 - 2004

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #69-05/06 – Conservation Commission, At-Large (Boudreau) for an unexpired term that expires on 11/20/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint John Bernard of 56 Mildred Street was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

IN REGULAR MEETING VOL. 67 PAGE 55
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Mark Reuscher, 490 Preble Street – Mr. Reuscher thanked Councilor Jacobs and Councilor Maietta for their service to the community. He felt the School Board and Council worked well together as a team during the last budget season.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker thanked Councilors for their hard work. He also extended thanks to his campaign supporters and said it was a privilege to ask citizens for their support.

Lee Harvey, 21 Elmwood Ave. – Mr. Harvey thanked Ralph Howard for initially appointing him to the Civil Service Board and Nancy Larsen for re-appointing him. He said he enjoyed his time on the Board.

David Bourke, 61 Willow Street – Mr. Bourke said he would appreciate voters support in the election. He noted that he was in support of a revaluation in the city and said his opponents were not.

Ray Lee, 28 Henry Street – Mr. Lee talked about several items including hours at the transfer station, trash pickup, heating oil and candidates.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he was discouraged with the recent meeting regarding the two Junior Highs and the High School and whether they should be repaired or rebuilt and consolidated.

Frederick Lancaster, 41 Hillside Ave. – Mr. Lancaster said Ontario invests in its people. He encouraged people to think about their vote tomorrow as an investment in education and community.

G. Public Hearings and Actions

2. ORDINANCE #11-05/06 – Amending Chapter 27, “Zoning,” to terminate the moratorium on automobile graveyards, automobile recycling businesses and junkyards. Passed first reading on 10/17/05. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Motion to read item by title only was made by Councilor Boudreau and seconded by Councilor De Angelis. There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed roll call vote 6-0.

3. ORDINANCE #12-05/06: Amending Chapter 3, Animals and Fowl, regarding leashes and voice command for dogs in public places. Passed first reading on 10/17/05. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;

IN REGULAR MEETING VOL. 67 PAGE 56
NOVEMBER 7, 2005

David Soule, 10 Churchill Road – Mr. Soule said he has been bit by dogs several times. He said he hopes folks remember that the parks are foremost for people.

Judy Clough, 96 Ocean Street – Ms. Clough questioned why South Portland couldn't have a dog park like other communities.

Chris Soule, 615 Sawyer Street – Mr. Soule said he loves dogs and never lets his out without being on a leash. He does not go into Hinckley Park anymore because of dogs running loose.

John Murphy, Willard Street – Mr. Murphy voiced concerns about barking dogs on Willard Beach at 6:00 A.M. in the morning.

David Bourke, 61 Willow Street – Mr. Bourke said most property owners have the same complaint about noise. He asked how dog owners were going to be informed about the new changes.

Gary Crosby, 2 Tanner Street – Mr. Crosby questioned the new fine system and whether it would be progressive.

Bob Tripp, 105 Broadway – Mr. Tripp said he has picked up lots of waste left behind. He supports a designated area to run dogs and likes the idea of Wainwright Field.

Ray Lee, 28 Henry Street – Mr. Lee said he doesn't like to see dogs chained up unless they are vicious. Regarding the noise from barking dogs he compared it to like being in the airport corridor, he doesn't like it but he doesn't have any control over it.

Motion for passage was made by Councilor Boudreau and second was made by Councilor Jacobs. Passed roll call vote 6-0.

H. Action on Old and New Business

- 4 ORDER #65-05/06 - Accepting improvements in Highland Meadows Phases III, IV and V: portions of Snowberry Drive and Elderberry Drive; all of Blueberry Drive; various drainage and utility easements; open space and a pump station and lot. Postponed on 10/17/05. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if the sanitary and storm lines were separate. The Manager said that they were.

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Motion of passage was made by Councilor Beecher and seconded by Councilor Boudreau. Ed Reidman, the City Engineer, was present and answered questions from the Council. Passed 6-0.

5. ORDER #70-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

6. ORDER #71-05/06 – Award of bid #206040 for the purchase of a sidewalk tractor for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith commented on citizens plowing and snow blowing their snow onto the City sidewalks.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

7. RESOLVE #2-05/05 – Recognizing the Mayor’s AD-HOC Committee on Board Relations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0.

8. ORDINANCE #13-05/06 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding original appointments. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

9. RESOLVE #3-05/06 – Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor

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NOVEMBER 7, 2005**

De Angelis. Passed 6-0.

10. ORDER #72-05/06 –Authorizing payment to the firms of Farris Law of Gardner, Maine, Johnson and Webbert of Augusta, Maine and McKittrick Law Offices of North Hampton, New Hampshire for legal services provided in a personnel matter. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0. Councilor De Angelis moved to reconsider and Councilor Jacobs seconded. The reconsideration passed 6-0. Councilor De Angelis motioned to amend the order to remove authorization of payment to the laws firms of Farris Law of Gardner and also McKittrick Law Offices of North Hampton, New Hampshire. Mayor Hughes seconded the amendment. The amendment passed 6-0. The main motion passed as amended 6-0.

I. Citizen Discussion (Second Part)

Casimara McIntire, 72 Skillings Street – Ms. McIntire told about a problem she had with the telephones being out of service in her area. She was waiting for a phone call for instructions to attend a funeral recently and this phone outage created a distressing dilemma for her.

J. Councilor's Round Robin

Councilor Jacobs voiced concerns about the State ballot issue regarding the repeal of laws to protect individuals from discrimination based on sexual orientation. He felt the issue was being muddied and he said he was worried for his family.

Councilor De Angelis urged voters to vote no on #1.

Councilor Beecher apologized to bus drivers regarding a statement made at a community forum. She urged citizens to get out and vote tomorrow.

Mayor Hughes also encouraged citizens to vote.

K. Executive Session

Pursuant to 1 M.R.S.A. §405 (6)(a), a motion may be made to go into Executive Session, discussion of public employee's employment status – evaluation of Corporation Counsel.

Motion to adjourn to executive session was made at 9:36 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

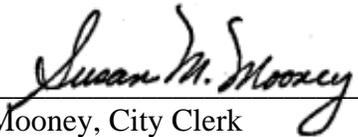
**IN REGULAR MEETING VOL. 67 PAGE 59
NOVEMBER 7, 2005**

Motion to return to open session was made at 11:05 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 5-0 (Maietta, Fickett absent)

Motion to adjourn was made at 11:06 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-0 (Maietta, Fickett absent)

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ATTEST



Susan Mooney, City Clerk

**IN SPECIAL MEETING VOL. 67 PAGE 60
NOVEMBER 14, 2005**

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

This special meeting was cancelled.

**IN SPECIAL MEETING VOL. 67 PAGE 61
NOVEMBER 21, 2005**

Roll Call: Mayor Hughes called the meeting to order at 5:30 P.M. Councilor Jacobs was absent.

K. Executive Session

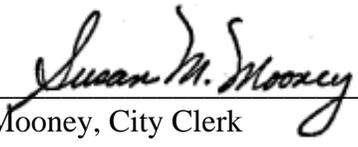
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

Motion to adjourn to executive session was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 5-0 (Boudreau out of room).

Motion to return from executive session was made at 6:41 P.M. by Councilor De Angelis and seconded by Councilor Maietta. Passed 6-0.

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Susan Mooney, City Clerk

IN REGULAR MEETING VOL. 67 PAGE 62
NOVEMBER 21, 2005

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

A. Acceptance of Minutes

Motion to accept the minutes from the November 7th Special Meeting and also the November 7th Regular Meeting was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Cumberland County Committee Meeting 10/24/05
- RWS Recycling Committee Meeting 11/3/05
- Louisiana State University letter of thanks for hosting the Weapons of Mass Destruction Tactical Commanders Course
- Minutes from PACTS Policy Meeting 10/20/05
- Jetport Master Plan Update
- RWS Executive Board Minutes 10/20/05
- Adjustment to rubbish collection schedule - Thanksgiving Day
- Memo from Mary Perry thanking TRIAD annual leaf-raking participants
- Employee Recognition Breakfast
- Fiscal year 2008/2009 Transportation Improvement Projects
- Federal Interstate Highway Projects

C. Petitions and Communications

Department Reports for the month of October, 2005.

Attendance Reports for the month of October, 2005.

D. Appointment Calendar

E. Consent Calendar

1. Street Closing

The Waterfront Market Association is requesting the closing of Hinckley Drive on Friday December 2, 2005 from 4:30 p.m. to 7:30 p.m. for HolidayFest. Passage requires majority vote.

There was no public discussion.

IN REGULAR MEETING VOL. 67 PAGE 63
NOVEMBER 21, 2005

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

F. Citizen Discussion (First Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby responded to the communication regarding the Employee Recognition Day and said that his dealings with city employees has been great.

David Bourke, 61 Lowell Street – Mr. Bourke thanked the voters who supported him and also thanked Councilor Jacobs and Councilor Maietta for their service to the community. He also congratulated Councilor Elect Morgan and Councilor Elect Loring. He encouraged application for State funds for addressing the secondary school building plan and said there was a need to slow down further spending.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith voiced concerns for those in need. He noted that the federal debt is between six and seven trillion dollars and that China is taking our business away.

Ray Lee, 28 Henry Street – Mr. Lee talked about a water line project on his street and said the loam was left quite loose. It was determined that this was a Portland Water District project and that he would have to address his concerns with them.

Dick Bernard, 5 E Street – Mr. Bernard encouraged some forethought for the future and said the conflict is draining our resources.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker thanked Mr. Bernard for asking the Councilor to look beyond our borders. He gave thanks for support from the community and congratulated the new Councilors and said we need to honor our city employees.

Frederick Lancaster, 41 Hillside Ave. – Mr. Lancaster brought Summit Spring Water for the Council and sighting issues with the parent company of Poland Spring Water, asked that we discontinue supporting that company. He encouraged the Council to engage in conversations about the war in Iraq.

G. Public Hearings and Actions

2. ORDINANCE #13-05/06 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding original appointments. Passed first reading on 11/07/05. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

IN REGULAR MEETING VOL. 67 PAGE 64
NOVEMBER 21, 2005

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed by roll call vote 7-0.

H. Action on Old and New Business

3. ORDER #73-05/06 – Award of bid #206019 to Fire Tech and Safety from Winthrop, Me. for the purchase of breathing apparatus for the Fire Department. Passage requires majority vote.

The following people addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby questioned why there were only two bids and wanted to make sure that the best product for the investment was being made.

Ray Lee, 28 Henry Street – Mr. Lee commented that he was amazed more vendors did not bid and asked if we only sent the bid locally.

Chief Guimond responded to questions. He said that he was very comfortable with the quality of the merchandise being purchased and that bids were sent out to twelve vendors.

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

4. ORDER #74-05/06 – Award of bid #206042 for the Jetport Plaza Road project to Maietta Construction. Passage requires majority vote.

The following people addressed this item;

David Bourke, 61 Lowell Street – Mr. Bourke asked if Maietta Construction was the low bidder.

Ray Lee, 28 Henry Street – Mr. Lee asked how cost overruns would be handled. The City Manager explained that the purchasing ordinance requires that a cost overrun of more than 10% would be required to come back to the City Council for approval.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-1 (Fickett) (Maietta abstaining).

5. ORDINANCE #14-05/06 - Amending Chapter 27, "Zoning," regarding the Long Creek Development, LLC Conditional Residential and Limited Commercial Use District G-3 zone. First reading. Passage requires majority vote.

IN REGULAR MEETING VOL. 67 PAGE 65
NOVEMBER 21, 2005

The following person addressed this item;

Richard Berman, Developer of Brick Hill – Mr. Berman noted that the Jetport Plaza Road would not be done before the Castle is complete.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-1 (Fickett).

6. ORDER #75-05/06 - Authorizing payment to the firms of Farris Law of Gardner, Maine and McKittrick Law Offices of North Hampton, New Hampshire for legal services provided in a personnel matter. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee commented on the number of law firms that the City has dealt with.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor De Angelis thanked Councilor Jacobs and Councilor Maietta for their commitment to the City Council.

Councilor Beecher thanked the people who had sent notes and expressed kindness regarding a recent death of a family member. She also recognized Councilors Jacobs and Maietta.

Councilor Fickett expressed concerns about the state of the economy.

Councilor Jacobs welcomed the new Councilors and said his term had been fun. He offered advise saying that it is not an easy task and to concentrate on the folks who did not vote for you.

K. Executive Session

Executive session pursuant to 1 MRSA §405(6)(E), consultation with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland, and contemplated litigation, and 1 MRSA §405(6)(A) annual evaluation of Corporation Counsel.

**IN REGULAR MEETING VOL. 67 PAGE 66
NOVEMBER 21, 2005**

Motion to recess to conduct the Mayoral Caucus was made at 8:39 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

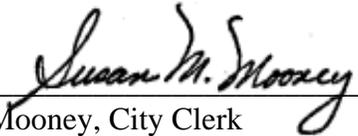
Motion to adjourn to executive session was made at 8:50 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

Motion to return from executive session was made at 10:38 P.M. by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0 (Fickett absent).

Motion to adjourn was made at 10:38 P.M. by Councilor Boudreau and seconded by Councilor Maietta. Passed 6-0 (Fickett absent)

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Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 67
NOVEMBER 28, 2005

Roll Call: Mayor Hughes called the meeting to order at 5:32 P.M.
Councilor Jacobs was absent and Councilor De Angelis was a few minutes late.

K. Executive Session

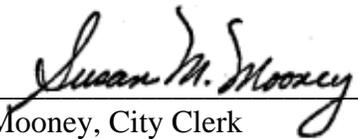
Pursuant to 1 MRSA §405(6)(E), consultation with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland, and contemplated litigation.

Motion to adjourn to executive session was made at 5:32 P.M. Passed 5-0.

Motion to return from executive session and adjourn was made at 5:55 P.M. by Councilor De Angelis and seconded by Mayor Hughes. Passed 6-0.

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Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 68
NOVEMBER 28, 2005

Roll Call: Mayor Hughes called the Special meeting to order at 10:06 P.M. Councilor Jacobs was absent and Councilor Fickett had left for the evening.

K. Executive Session

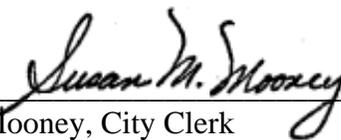
Pursuant to 1 M.R.S.A. §405 (6)(a), a motion may be made to go into Executive Session, discussion of public employee's employment status – evaluation of the City Clerk.

Motion to adjourn to executive session was made at 10:06 P.M., immediately following the Council Workshop, by Councilor De Angelis and seconded by Councilor Beecher. Passed 5-0.

Motion to return from executive session and adjourn was made at 10:28 P.M. by Councilor Beecher and seconded by Councilor Maietta. Passed 5-0.

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Susan Mooney, City Clerk

**IN COUNCIL INAUGURAL MEETING VOL. 67 PAGE 69
DECEMBER 5, 2005**

Mayor Hughes called the meeting to order at 4:00 P.M. Councilor De Angelis was absent.

Mayor Hughes invited Reverend Art Magnuson to offer the invocation.

City Clerk Mooney administered the Oath of office to Councilors-elect Morgan and Loring and Councilor Hughes.

City Clerk Mooney declared Councilors Morgan, Loring and Hughes duly qualified Councilors.

Councilor Boudreau nominated Councilor Beecher for Mayor for year 2005/2006. Councilor Morgan seconded the motion.

Councilor Hughes moved that nominations cease. Councilor Boudreau seconded the motion. Passage 6-0.

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor Beecher as Mayor for 2005/2006 by unanimous vote.

Mayor Beecher presented Councilor Hughes with his official gavel and portrait.

Mayor Beecher then presented the Inaugural Address.

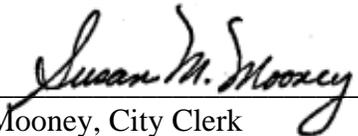
Councilor Fickett moved that the Inaugural Address be spread on the records. Councilor Hughes seconded the motion. Mayor Beecher took the vote and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #4-05/06 establishing time and place of meetings. Councilor Boudreau moved for passage. Councilor Loring seconded the motion. Mayor Beecher took the vote and declared the Resolve duly passed.

Councilor Loring moved that Council recess until 7:00 p.m. Councilor Hughes seconded the motion. Beecher took the vote and declared the Council recessed until 7:00 P.M. this evening.

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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 70
DECEMBER 5, 2005**

Roll Call: Mayor Beecher called the meeting to order at 7:03 P.M. Councilor De Angelis arrived at 7:06 P.M. All members were present.

A. Acceptance of Minutes

Motion to accept the minutes from the November 21st and also the November 28th meetings was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (De Angelis had not yet arrived).

B. Communications from City Manager

The Manager addressed the following items;

- Maine Library Excellence Award presented by Gary Nichols from the Maine State Library to the South Portland Public Library in recognition of the Adult Summer Reading Program
- Letter from David Cole at M.D.O.T regarding the deferral of a North bound lane between Exit 3 and Exit 4
- Rate increases from Maine Municipal Employees Health Trust for 2006
- Presentation from South Portland Firefighter Rick Urban on the results of hurricane relief provided by David Dyer, Jason Perry and himself in Slidell, Louisiana
- Portland Inauguration Ceremony

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #76-05/06 – Conservation Commission District 1, (Morgan), to fill a term which expired on 11/20/05. Passage requires majority vote.

There was not public discussion.

Motion for postponement was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 7-0.

2. ORDER #77-05/06 – Conservation Commission, District 2, (Loring), to fill a term which expired on 11/20/05. Passage requires majority vote.

There was not public discussion.

Motion to appoint Tim Baker, 7 Edwards Street was made by Councilor Loring and seconded by Councilor De Angelis. Passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 71
DECEMBER 5, 2005**

3. ORDER #78-05/06 – Conservation Commission, District 4, (Beecher), to fill an unexpired term which expires on 11/20/06. Passage requires majority vote.

There was not public discussion.

Motion for postponement was made by Mayor Beecher and seconded by Councilor Morgan. Postponed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

David Bourke, 61 Lowell Street – Mr. Bourke requested to have citizen discussion remain germane to city government. He voiced concern over a 4.6% budget increase for next year and said it should be a zero based budget.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith commented on the amount of money spent for a revaluation and that it may not be used. He inquired about how the homestead exemption was calculated.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked about a change made to Citizen Discussion, which states that questions asked by citizens during their five minutes would be addressed at the end of their dialog. He disagreed with the change.

Ray Lee, 28 Henry Street – Mr. Lee also disagreed with the change.

G. Public Hearings and Actions

4. ORDINANCE #14-05/06 - Amending Chapter 27, "Zoning," regarding the Long Creek Development, LLC Conditional Residential and Limited Commercial Use District G-3 zone. Passed first reading on 11/21/05. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following person addressed this item;

David Bourke, 61 Lowell Street – Mr. Bourke stated that he felt Councilor Morgan should abstain from this item because of a campaign contribution that he received from Richard Berman.

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

H. Action on Old and New Business

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 72
DECEMBER 5, 2005**

5. ORDER #79-05/06 – Accepting Brickhill Avenue as a City Street. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor De Angelis. Postponed 7-0.

6. ORDER #80-05/06 – Amending the Traffic Schedule to add a stop sign at Westbrook Street and Brickhill Avenue. Passage requires majority vote.

There was no public discussion. Mr. Berman was available to answer questions.

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

7. ORDINANCE #15-05/06 – Amending Chapter 27, “Zoning” regarding a Conditional G-5 Zone at Mussey and Second Streets. Passage requires majority vote.

The item was read by title only. The following people addressed this item;

Frances Rowell, 53 Mussey Street – Ms. Rowell abuts the property targeted for development. She said there was already too much density in this area.

Jim Thibodeau, Engineer hired by Developer, Paul Vose, indicated that the existing commercial use of the property brings more traffic than the proposed development.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Motion to amend the ordinance to change parking from 1.5 to 2.5 was made by Councilor Hughes and seconded by Councilor De Angelis. The amendment passed 7-0. The ordinance passed as amended 7-0.

8. ORDER #81-05/06 – Approving a 25% fare increase for the Bus Service effective January 1, 2006. Passage requires majority vote.

The following person addressed this item;

David Bourke, 61 Lowell Street – Mr. Bourke encouraged a decrease in rates to stimulate more rider activity.

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

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 73
DECEMBER 5, 2005

9. RESOLVE #5-05/06 - Regarding the PACTS Transportation Improvement Plan (TIP). Passage requires majority vote.

There was no public discussion.

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

10. ORDER #82-05/06 - Removing the positions of the Corporation Counsel and City Clerk from the City's pay plan and setting their annual salaries. Passage requires majority vote.

The following person addressed this item;

David Bourke, 61 Lowell Street – Mr. Bourke said he hopes the Council sets qualitative goals for these positions.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Loring raised concerns about letters from the Assessor's Office asking for personal mortgage and income information on multi family homes. More information will be gathered.

Councilor De Angelis extended congratulations to Mayor Beecher and supports the Mayor's change to the rules of Citizen Discussion. She indicated that the intent is not for dialog but for public comment. She also extended congratulations to the Library for the award and noted the quality of the city staff, including the firefighters that went to Louisiana. She thanked Pond Cove Mill Works for the jackets that were given to the Council.

Mayor Beecher also recognized the Library Award and commented on the annual tree lighting.

Councilor Hughes also noted that the change to citizen discussion would make it quicker and fairer to all.

Councilor Boudreau congratulated the Mayor on her first meeting and also supports the change. She encouraged citizens to recycle gift-wrap.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 74
DECEMBER 5, 2005**

Councilor Fickett said the City owes a lot of money and that kids are not learning anything in school.

Councilor Morgan reminded citizens of the Circuit Breaker program and the Homestead Exemption and encouraged people to take advantage of them.

K. Executive Session

A motion may be made to go into Executive session pursuant to 1 M.R.S.A §6 (c) regarding acquisition of real property.

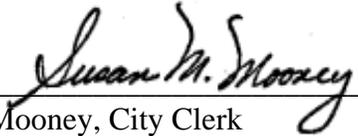
Motion to adjourn to executive session was made at 9:41 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

Motion to return from executive session was made at 10:40 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 6-0 (Fickett left).

Motion to adjourn was made at 10:40 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (Fickett left).

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 75
DECEMBER 19, 2005**

Roll Call: Mayor Beecher called the meeting to order at 7:00 P.M. Councilor De Angelis arrived at 7:01 P.M. All members were present.

A. Acceptance of Minutes

Motion to accept the minutes from the December 5th Inauguration and Regular meeting was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

B. Communications from City Manager

- Municipal Yard Sale
- Casco Bay Estuary Plan Update
- Me. Turnpike Authority – Destination Survey
- Social Impact Assessment – South Portland Library
- Income Form from Revaluation
- Letter to Jim Milliken regarding leading economic issues or trends for 2006 – Brick Hill Development
- Christmas Tree Pickup
- Statement regarding Ann Jordan’s employment at Norman Hanson Detroy

C. Petitions and Communications

Department Reports for the month of November, 2005.

Attendance Reports for the month of November, 2005.

D. Appointment Calendar

1. ORDER #76-04/05 – Conservation Commission District 1, (Morgan), to fill a term which expired on 11/20/05. Postponed on 12/05/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint David Bourke, 61 Willow Street was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

2. ORDER #78-05/06 – Conservation Commission, District 4, (Beecher), to fill an unexpired term which expires on 11/20/06. Postponed on 12/05/05. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 76
DECEMBER 19, 2005**

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

3. ORDER #83-05/06 – Planning Board District 2, (Loring), to fill an unexpired term which expires on 04/01/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor De Angelis. Postponed 7-0

4. ORDER #84-05/06 – Library Advisory Board, At-Large (Boudreau) for term that expires on 12/31/08. Passage requires majority vote.

There was no public discussion.

Motion to waive Standing Rule #3(e) to add Order #84 and Order #86 to the agenda. Passed 7-0.

Motion to appoint Margaret Beals, 245 Broadway was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0

5. ORDER #85-05/06 – Library Advisory Board, At-Large (Fickett) for a term which expires on 12/31/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Andrew Wallace, 245 Broadway was made by Councilor Fickett and seconded by Councilor Boudreau. Passed 7-0

6. ORDER #86-05/06 – Library Advisory Board, District 3 (De Angelis) for a term which expires on 12/31/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Mary Strnad, 91 Pilgram Road was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0

E. Consent Calendar

7. Business License

Benjamin Building and Wrecking Co., Inc. for an Automobile Graveyard/Junkyard License. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 77
DECEMBER 19, 2005**

There was no public discussion.

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

8. Sign Permit

The Rock Church is requesting to place a sign on the corner of Westbrook Street and Main Street. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Frances Rowel, 53 Mussey Street – Ms. Rowel raised concerns about traffic impact from Item #9 and requested an official traffic count.

David Bourke, 61 Lowell Street – Mr. Bourke stated he did not feel a 4.6% budget increase was reasonable and that the 2.62% real income growth should be sufficient to fund the school budget. He encouraged the school to save administrative expenses by sharing resources.

Gary Crosby, 2 Tanner Street – Mr. Crosby said a 4.6% increase is a lot of money. He hopes the Council will work hard to keep below that percentage.

G. Public Hearings and Actions

9. ORDINANCE #15-05/06 – Amending Chapter 27, “Zoning” regarding a Conditional G-5 Zone at Mussey and Second Streets. Passed first reading and amended on 12/05/05. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Vote passed to have read by Title Only. The following person addressed this item;

Jim Thibodeau, Engineer hired by Developer Paul Vose – Mr. Thibodeau updated the Council on revisions made to the plans.

Frances Rowell, 53 Mussey Street – Ms. Rowell encouraged that the final decision be deferred until a traffic count is done.

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Tex Haeuser was present and answered questions. He noted that a traffic study would be done before Planning Board approval was made.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Motion to amend the ordinance to change the wording in Item #3 from “and” to “and/or” was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0. The main motion passed as amended 7-0.

H. Action on Old and New Business

10. ORDER #79-05/06 – Accepting Brickhill Avenue as a City Street. Postponed on 12/05/05. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #87-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #88-05/06 – Authorizing the City Manager to sign an easement with Highland Memorial Cemetery. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Motion to amend the easement was made by Councilor Loring and seconded by Councilor Boudreau. The amended passed 7-0 and the main motion passed as amended 7-0.

Motion to take Item #21 out of order was made by Councilor and seconded by Councilor . See Item #21 for details.

13. ORDER #89-05/06 – Accepting a Berne Grant from the Maine Drug Enforcement Agency. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #90-05/06 – Award of bid #206043 for the purchase of Phase I of a Disaster Recovery System. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #91-05/06 – Award of bid #206048 for the purchase of a gator type utility vehicle for the Fire Department. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #92-05/06 – Amending Order #61-05/06 regarding snowplowing services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #93-05/06 – Award of bid #206046 for the rental of trucks to be used for snow removal operations. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #94-05/06 – Award of bid #206047 for the rental of a dozer to be used for snow removal operations. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #95-05/06 – Authorizing Curtis Walter Stewart Architects (CWS) to provide design and engineering services for a roof and lighting system at the municipal pool. Passage requires majority vote.

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There was no public discussion.

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

20. ORDER #96-05/06 – Authorizing the City Manager to sign an agreement with the City of Westbrook to provide assessing services. Passage requires majority vote.

There was no public discussion.

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

21. ORDER #97-05/06 - Authorizing the City Manager to sign a drainage easement deed with General Growth Properties, Inc. for the Philbrook Avenue Right-of-Way. Passage requires majority vote.

This Item was taken out of order, before Item #13. There was no public discussion.

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

22. RESOLVE #6-05/06 – Regarding the PACTS Transportation Improvement Plan (TIP) Earmark Proposal. Passage requires majority vote.

The following person addressed this item;

Ed McDonough, Fellows Street – Mr. McDonough thanked the Council for their work and support to see that the sound barrier was a priority for this plan.

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

23. ORDER #98-05/06 - Award of bid #206051 for an inspecting engineer to oversee the Jetport Plaza Road Project. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

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Ed McDonough, Fellows Street – Mr. McDonough wanted to know who would be responsible for runoff issues from the development of the new on-ramp. It was noted that MDOT would oversee that matter.

Mayor Beecher read a communication from Jimmy Cribby at 788 Highland Ave. regarding a house fire from a burning candle. He expressed gratitude to the Fire Department for their speed and work. He also warned citizens to be cautious with candles in their own homes.

J. Councilor's Round Robin

Mayor Beecher thanked Parks/Public Works for the poinsettias in the Chambers and wished everyone Happy Holidays and a Merry Christmas.

Councilor Hughes complimented Mayor Beecher on a well run meeting.

Councilor Boudreau also sent a wish for a Merry Christmas, Happy Holiday and Happy Kwanza.

Councilor Fickett said that rough times are ahead.

Councilor Morgan said the Assessor's Office is generating a list of folks that are not availing themselves to the Homestead Exemption. He will be working on getting information out.

Councilor De Angelis commented on a mention from a Cape citizen regarding the quality of the South Portland roads during storms. She thanked Councilor Hughes for his service as Mayor over the past year.

K. Executive Session

A motion may be made to go into Executive session pursuant to 1 M.R.S.A §6 (c) regarding acquisition of real property.

Motion to adjourn to executive session was made at 9:39 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

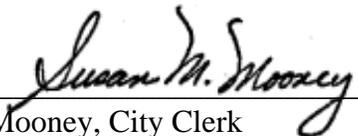
Motion to return from executive session was made at 10:12 P.M. by Councilor Morgan and seconded by Councilor De Angelis. Passed 5-0 (Fickett, Loring gone home).

Motion to adjourn was made at 10:12 P.M. by Councilor De Angelis and seconded by Mayor Beecher. Passed 5-0 (Fickett, Loring gone home).

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DECEMBER 19, 2005**

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 83
JANUARY 4, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:04 P.M. Councilor Loring arrived at 7:05 P.M. All members were present.

A. Acceptance of Minutes

Motion to accept the minutes from the December 19th meeting was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Letter from the Department of Economic and Community Development regarding the audit report on the 2002 Development Fund Grant and the 2003 Public Infrastructure Grant
- December Regional Waste System briefings
- “Share the Warmth” program to raise funds for fuel assistance
- Christmas Tree pickup
- 2005 Year in review – Goals and Awards

Tex Haeuser presented a plaque to Councilor Loring recognizing her contribution to the Planning Board.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #78-05/06 – Conservation Commission, District 4, (Beecher), to fill an unexpired term which expires on 11/20/06. Postponed since 12/05/05. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #83-05/06 – Planning Board District 2, (Loring), to fill an unexpired term which expires on 04/01/07. Postponed on 12/19/05. Passage requires majority vote.

There was not public discussion.

Motion to appoint Cheryl Beeman, of 7 Edwards Street was made by Councilor Loring and seconded by Councilor Hughes. Passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 84
JANUARY 4, 2006**

3. ORDER #99-05/06 – Community Development Advisory Committee, District 1 (Morgan), for a term which expires on 01/15/09. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #100-05/06 - Community Development Advisory Committee, District 2 (Loring), for a term which expires on 01/15/09. Passage requires majority vote.

The following person addressed this item;

Anton Hoecker, 183 Marriner – Mr. Hoecker thanked Councilor Loring for the opportunity to service on this Committee.

Motion to appoint Anton Hoecker, of 183 Marriner Street was made by Councilor Loring and seconded by Councilor Boudreau. Passed 7-0.

5. ORDER #101-05/06 - Community Development Advisory Committee, District 5 (Hughes), for a term which expires 01/15/09. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked for an explanation on how the homestead and veterans exemption was calculated. He was not clear why the amounts varied in each town when the exemption amounts were set by the State. The Manager explained that because not all communities had property values calculated at 100% of the market price, the exemptions were adjusted to the percentage of value that the properties were assessed at. Mr. Beckwith urged the Council to set clear budget guidelines for the City and the School Department.

G. Public Hearings and Actions

H. Action on Old and New Business

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6. ORDER #96-05/06 – Authorizing the City Manager to sign an agreement with the City of Westbrook to provide assessing services. Postponed on 12/19/05. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #102-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

Mayor Beecher made a motion waive standing rule 3E to add an eighth Item to the agenda. The motion was seconded by Councilor Hughes and passed 7-0.

8. ORDER #103-05/06 – Citizen Representative Appointment to the Paint Tanks Design Selection Committee. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Mayor Beecher to appoint Liz Salamone, 5 Summer Glen Road. Motion was seconded by Councilor Boudreau and passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Morgan said he was working with the Finance Director and the Assessor to get a list of folks that were not taking advantage of the Homestead Exemption. A pool of volunteers will be visiting homes to explain the advantages and will have applications for residents to fill out.

Councilor Loring encouraged citizens to contribute to the fuel assistance program.

Councilor De Angelis thanked Hose Company 2 for dinner and wished everyone a happy and healthy 2006.

Mayor Beecher apologized that the meeting started a few minutes late because of the dinner at Hose Company 2.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 86
JANUARY 4, 2006**

Councilor Hughes indicated that he was looking for a member of the community to appoint to the Community Development Advisory Committee.

Councilor Boudreau indicated that she and the City Manager had spent the day in Augusta offering support to repeal the business equipment tax and said it was a day well spent. She noted that Richard Berman's project at Herring Cove was moving forward.

Councilor Fickett raised concerns about the value of the dollar.

K. Executive Session

Motion to adjourn was made at 08:13 P.M. by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 87
JANUARY 18, 2006**

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 MRSA §405(6)(E), discussion with the City's legal counsel regarding contemplated litigation.

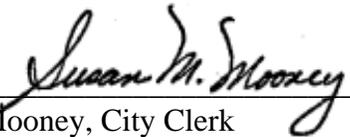
Motion to adjourn to Executive Session was made at 6:16 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 5-0 (Fickett and De Angelis absent)

Motion to return from Executive Session was made at 6:52 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 5-0 (Fickett and De Angelis absent)

Motion to adjourn was made by councilor Hughes and seconded by Councilor Morgan. Passed 5-0 (Fickett and De Angelis absent)

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 88
JANUARY 18, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:00 P.M. Councilor Fickett was absent. Councilor De Angelis arrived at 7:03 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the January 4th meeting was made by Councilor Loring and seconded by Councilor Hughes. Passed 5-0 (Councilor De Angelis had not arrived yet).

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Superintendent, Wendy Houlihan, notifying the Council that the School is turning the Mary Marsh School over to the City
- Letter from Polly Ward, School Business Manager, outlining how the school department will address issues that were raised in the audit
- The promotion of James Gailey to Assistant City Manager/CDBG Administrator
- City Drug Testing Policies and their compliance with Federal Standards
- Recognition of Shawn Pennington for his assistance with a Trio Software problem in the Finance Department
- Emergency payment for a broken water main at Port Harbor Marine
- Emergency purchase, dispose of contaminated soil from Port Harbor Marine
- Cumberland County - Greater Portland Emergency Evacuation and Detour Planning Group minutes from December 6th.
- MDOT I-295 Corridor Study – Minutes from October 20th.
- MEMA Grant Award
- Recognition of Steve Webster from the Maine Drug Enforcement agency for his contribution and service to the Maine's Statewide Drug Task Force

C. Petitions and Communications

Department reports for the month of December 2005.

Attendance reports for the month of December 2005.

D. Appointment Calendar

1. ORDER #78-05/06 – Conservation Commission, District 4, (Beecher), to fill an unexpired term which expires on 11/20/06. Postponed since 12/05/05. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Mayor Beecher to appoint Ronald K. Hall, of 44 Whispering Pines. Motion was seconded by Councilor De Angelis and passed 6-0.

2. ORDER #99-05/06 – Community Development Advisory Committee, District 1 (Morgan), for a term which expires on 01/15/09. Postponed on 01/04/06. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan to appoint Elizabeth A. Morin, of 557 Preble Street. Motion was seconded by Councilor Boudreau and passed 6-0.

3. ORDER #101-05/06 - Community Development Advisory Committee, District 5 (Hughes), for a term which expires 01/15/09. Postponed on 01/04/06. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes to appoint Mike Fletcher, of 5 Briarwood Road. Motion was seconded by Councilor De Angelis and passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

William Fowler, Stanford Street – Mr. Fowler raised questions about the propane tank farm on outer Broadway. It was his understanding that the tanks would service that location only, however, he noted other trucks at that location obtaining fuel. He requested that someone check into the permitted use of the tank farm.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith was concerned about the cost of a proposed project that the Land Bank Trust brought forward at the last Council Workshop.

Jim Gailey, Assistant City Manager/CDBG Director – Mr. Gailey talked about the Share the Warmth Campaign to raise funds to provide fuel assistance to those in need.

G. Public Hearings and Actions

H. Action on Old and New Business

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 90
JANUARY 18, 2006**

4. ORDER #96-05/06 – Authorizing the City Manager to sign an agreement with the City of Westbrook to provide assessing services. Postponed since 12/19/05. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor De Angelis. Postponed 6-0

5. ORDER #103-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

6. ORDER #104-05/06 – Award of bid #206045 to replace a sodium hypochlorite storage tank for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

7. ORDER #105-05/06 – Award of bid #206053 for the SCADA System upgrade for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

8. ORDER #106-05/06 – Award of bid #206044 for the purchase of an ambulance for the Fire Department. Passage requires majority vote.

There was no public discussion. Chief Guimond was available to answer questions.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0.

9. ORDER #107-05/06 – Award of bid for the purchase of eight (8) cruisers for the Police Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 91
JANUARY 18, 2006**

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0.

10. ORDER #108-05/06 – Amending the Traffic Schedule regarding one-hour parking on Preble Street from Fort Road to Beach Street and on the north side of A Street 122 feet from Ocean Street to a point 172 feet from Ocean Street. Passage requires majority vote.

The following person addressed this item;

Lynn Perry, Proprietor of GoGo Convenience Store – Ms. Perry clarified her request regarding parking at this location.

Chief Googins responded to questions raised on this item. Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

11. ORDINANCE #16-05/06 - Amending Chapter 9, "Garbage and Refuse, regarding rubbish removal. First reading. Passage requires majority vote.

There was no public discussion. Motion by Councilor Boudreau and seconded by Councilor De Angelis was made to have this item read by title only. Passed 6-0

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau.

Motion to amend the Ordinance, section 9-735 to remove "Fisherman's Lane: take containers to either Willow or Willard Street for collection" was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

A second amendment was made by Councilor Boudreau and seconded by Councilor De Angelis to change section 9-735, "~~may~~ shall result in no collection". The seconded amendment passed 6-0. The main motion passed as amended 6-0.

12. ORDER #109-05/06 – Accepting a Homeland Security Grant in the amount of \$505,000 from the Maine Emergency Management Agency. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked that consideration be made as to whether the City could continue funding projects that are untaken if the grants go away.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 92
JANUARY 18, 2006**

Jeff Temple, Emergency Management Director – Mr. Temple said that Federal Government has cut back on funding and that the focus is on risk based emergency management. He also said that half the risks to the State of Maine would be based in South Portland. He indicated that we are currently working with Portland on port security issues.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Morgan. Passed 6-0.

13. ORDER #110-05/06 – Accepting a Homeland Security/Law Enforcement Terrorism Prevention Program grant in the amount of \$190,000 from the Maine Emergency Management Agency. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith raised the same comment as in the last agenda item.

Chief Googins, Deputy Chief Berry, Fire Chief Guimond and Jeff Temple all spoke in support of the program. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

14. ORDER #111-05/06 - Accepting a Bureau of Highway Safety Grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

15. ORDER #112-05/06 – Reserving funds for accrued compensated absences. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0.

16. ORDER #113-05/06 – Adopting an Investment Policy. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0.

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JANUARY 18, 2006**

17. ORDER #114-05/06 – Authorizing payment to Joseph Frustaci per decision of Frustaci v. South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

18. ORDER #115-05/06 – Award of bid #206054 for a Hazmat equipment trailer for the Fire Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor De Angelis asked about maintenance of the ice on Mill Creek Pond. Is there anyway we can look more collaboratively to Fire Department does not like to put water in the hoses in the winter.

Mayor Beecher thanked the Council for their cooperation with the upcoming workshop with facilitator, Karen Hinchcliffe, on Monday night.

Councilor Boudreau remarked on how quickly the meeting was conducted. She also sited the mild winter and the cost savings on snow plowing and fuel costs.

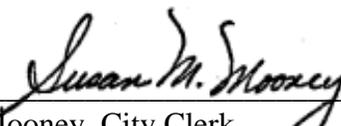
Councilor Morgan kicked off his campaign to notify citizens about the homestead exemption. He is looking for volunteers.

K. Executive Session

Motion to adjourn was made at 9:10 by Councilor De Angelis and seconded by Councilor Loring. Passed 6-0

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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 94
JANUARY 23, 2006**

K. Executive Session

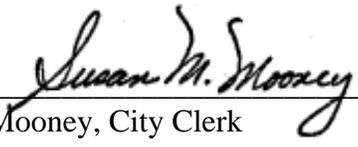
A motion may be made to go into Executive Session pursuant to 1 MRSA §405(6)(A), discussion regarding a public official.

Motion to adjourn to Executive Session was made at 5:00 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0 (Fickett absent)

Motion to return and adjourn from Executive Session was made at 5:44 P.M. by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Fickett absent)

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 95
JANUARY 30, 2006**

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding the City Council's legal rights and duties; and M.R.S.A. § 405 (6)(C) acquisition and sale of real property.

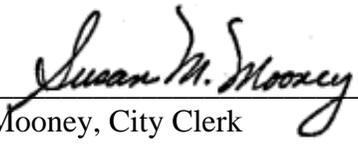
Motion to adjourn to executive session was made at 6:30 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 5-0 (Loring and De Angelis absent)

Motion to return from executive session was made by Councilor Morgan and seconded by Councilor Fickett. Passed 6-1 (De Angelis absent).

Motion to adjourn was made by Councilor Hughes and seconded by Councilor Loring 6-0 (De Angelis absent)

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 96
FEBRUARY 6, 2006**

K. Executive Session

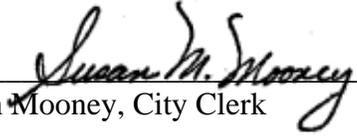
A motion may be made to go into executive session pursuant to 1 M.R.S.A. § 405 (6)(C) acquisition or sale of real property.

Motion to adjourn to executive session was made at 5:33 P.M. by Councilor De Angelis and seconded by Councilor Loring. Passed 5-0 (Hughes and Boudreau had not yet arrived).

Motion to return was made at 7:00 P.M. by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 97
FEBRUARY 6, 2006**

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

A. Acceptance of Minutes

Motion to accept the minutes from the January 18th Special Meeting, January 18th Regular Meeting and the January 23rd Special Meeting was made by Councilor Loring and seconded by Councilor Hughes. Passed 7-0

B. Communications from City Manager

The following items were presented;

- MDOT Flyer regarding Maine Mall area roadwork
- Recognition of Officers from Chief Googins
- PACTS Policy committee meeting 12/22/05
- Spring Point Ledge Light Trust letter of thanks for support
- Completed PSAP Consolidation Feasibility Study
- Presentation by Rep. Jane Eberle recognizing Portland Players 75th Anniversary

C. Petitions and Communications

Portland Water District Presentation - John Brady presented the check from Portland Water District

D. Appointment Calendar

E. Consent Calendar

1. Business License

Pom, LLC d/b/a Pom's Thai Restaurant, 209 Western Avenue Crossing, for a Class A Restaurant with Liquor License. New State and City License. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 98
FEBRUARY 6, 2006

Kevin Glynn, 109 Huntress Ave. – Mr. Glynn presented information on the bill he sponsored regarding support of noise abatement along the 295 corridor.

Jane Eberle, 54 Edgewood Road – Thank the Council for support regarding neighborhood development.

Gary Crosby, 2 Tanner Street – Mr. Crosby did not support the consideration of purchasing the Armory Building without a specific purpose.

Dave Bourke, 61 Willow Street – Mr. Bourke voiced concern about the school committees consideration of a middle school and high school renovation.

Marilyn Reilly, 11 Augusta Street – Ms. Reilly asked that information be provided on how to get rid of items that can not be left for regular trash pickup.

William Fowler, Stanford Street – Mr. Fowler asked for follow up information regarding activities around the tank farms on outer Broadway.

G. Public Hearings and Actions

2. ORDINANCE #16-05/06 - Amending Chapter 9, "Garbage and Refuse, regarding rubbish removal. Amended and passed first reading on 01/18/06. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Tanner remarked that this program was working very well, however, he is opposed to charging residents who bring waste that exceeds the capacity of the bins to the transfer station. He said communities that restrict the amount of waste that will be picked up end up having to deal with trash being dumped on the side of the road.

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

H. Action on Old and New Business

3. ORDER #96-05/06 – Authorizing the City Manager to sign an agreement with the City of Westbrook to provide assessing services. Postponed since 12/19/05. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Tanner said this is a net gain for the City and it is awesome that the Council is supporting this.

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

4. PROCLAMATION #4-05/06 – Proclaiming Kevin Battle Officer of the Year. Passage requires majority vote.

The following people addressed this item;

Dick Brown, 246 Elm Street – Mr. Brown on behalf of the Me. Professional Drivers Assoc. recognized Kevin and said he had done a lot for thousands of kids.

Tom Meyers, Director of Transportation and Waterfront – Mr. Meyers spoke in appreciation of Kevin for several commissions and committees that he has had the pleasure to work with him in.

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

5. RESOLVE #7-05/06 – Designating that the week of February 15 – 21 as National LULAC Week. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #116-05/06 - Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

John Willis, President of the Lions Club was recognized by Chief Googins for their continued support of the SRT Team.

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

7. ORDER #117-05/06 - Authorizing the City Manager to submit an application for a 2006 Edward Byrne Memorial Justice Assistance Grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #118-05/06 – Authorizing the City Manager to sign an easement deed with Verizon New England Inc., and Central Maine Power Company regarding utility pole placement on private property off Willow Street. Passage requires majority vote.

There was no public discussion.

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

9. RESOLVE #8-05/06 – Regarding the PACTS Transportation Improvement Plan (TIP) for Public Transit. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #119-05/06 – Approving the 2006 Spring Point Marina Fees. Passage requires majority vote.

There was no public discussion.

Councilor Loring abstained from this item. Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0 (Loring abstaining)

11. ORDER #120-05/06 – Authorizing Strategyhouse, of Portland, ME, to provide consulting services. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #121-05/06 – Amending Order #163-03/04 regarding award of bid to ICMA-RC for administration of the City's 401 (a) Deferred Compensation Program. Passage requires majority vote.

There was no public discussion.

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

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FEBRUARY 6, 2006**

13. RESOLVE #9-05/06 – Regarding MDOT Noise abatement standards. Passage requires majority vote.

The following person addressed this item;

George Pettingill, 134 Fellows Street – Mr. Pettingill thanked the Council and Representative Glynn for there support on this issue.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. A motion to amend the order was made by Councilor Boudreau and seconded by Councilor Hughes to change the wording in Article A so that the payment is not set at \$25,000, but will be reevaluated and revised to the current standards. The amendment passed 6-1 (Fickett). The main motion passed as amended Passed 6-1 (Fickett)

14. ORDER #122-05/06 – Accepting Hawthorne Lane as a city street. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Morgan. Postponed 7-0

15. ORDER #123-05/06 – Amending the Traffic Schedule regarding a stop sign at Hawthorne Lane and Fickett Street. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Mayor Beecher read a letter from Deanna Dipietrantonio that supported turning the Armory into an indoor skate park.

J. Councilor's Round Robin

Mayor Beecher said she appreciates everyone's patience.

Councilor Hughes said Mayor Beecher is doing a great job.

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Councilor Boudreau recognized Councilor Morgan and Councilor De Angelis for their work with the Land Trust. She urged the public to stay aware of the Armory situation and encouraged public input.

Councilor Morgan talked about the Homestead Exemption and Circuit Breaker program and encouraged residents to investigate and use these offerings. Councilor Morgan is getting out with other volunteers and going door to door to make the public aware of this tax assistance.

Councilor DeAngelis thanked Ms. Reilly for coming and expressing her concerns. She also thanked the City Clerk for posting information about the Farmer's Market on the website.

K. Executive Session

A motion may be made to go into Executive session pursuant to 1 M.R.S.A §405 (6)(E), discussion with legal counsel regarding the City Council's legal rights and duties.

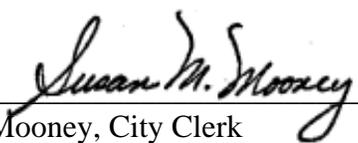
Motion to adjourn to executive session was made at 9:28 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passes 7-0

Motion to return for executive session was made at 10:05 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 6-0 (Fickett absent)

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0 (Fickett absent)

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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 103
FEBRUARY 13, 2006**

K. Executive Session

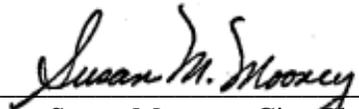
A motion may be made to go into executive session pursuant to 1 M. R. S. A. §405 (6)(a), discussion of public employee's employment status – evaluation of the City Manager.

Motion to go into executive session was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Fickett absent)

Motion to come out of executive session and adjourn was made at 9:50 P.M. by Councilor Loring and seconded by Councilor Hughes. Passed 6-0 (Fickett absent)

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Susan Mooney, City Clerk

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FEBRUARY 22, 2006

K. Executive Session

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

Motion to go into executive session was made at 6:30 P.M. by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (De Angelis)

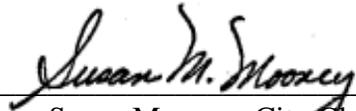
Motion to come out of executive session was made by Councilor Boudreau and seconded by Councilor Loring. Passed 7-0

Motion to deny Hardship #3-05/06 was made by Councilor Hughes and seconded by Councilor Boudreau. The abatement was denied with a vote of 7-0.

Motion to adjourn at 6:50 P.M. was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 105
FEBRUARY 22, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:00 P.M. Councilor Fickett went home after the Special Meeting. Assistant City Manager, Jim Gailey sat in for the City Manager who was on vacation.

A. Acceptance of Minutes

Motion to accept the minutes of the Special Meetings of 01/20/06, 02/06/06 and 02/13/06 and the Regular Meeting of 02/06/06 was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

A. Communications from City Manager

The following items were presented;

- Introduction letter from Irving Oil
- Article from 911 Magazine
- Letter from HUD regarding CDBG Grant for FY2006
- Letter of appreciation from the Me Assoc of Police
- Bus Ridership Update from Tom Meyers
- Report on Required Noise Ordinance Public Hearing
- Perfect attendance report from Chief Googins
- Regional Waste Minutes from 12/15/05
- Acknowledgement of Officer Tom Simonds for his quick response to get a public bus to a fire at 444 Sawyer Street to accommodate residents that were displaced from their home

The Mayor presented Sgt. Edward Sawyer a plaque in recognition of his retirement after 25 years of service to the City.

C. Petitions and Communications

Department Reports for the month of January 2006.

Attendance Reports for the month of January 2006.

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Boudreau. Postponed 6-0

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 106
FEBRUARY 22, 2006**

E. Consent Calendar

Business Licenses

2. Weenie Wagon II, is requesting two variances to operate a mobile vending unit within 500 feet of an existing food service establishment. Passage requires majority vote.

There was no public discussion. Kevin Strout, the owner of Weenie Wagon II was present and answered questions from the Council.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0.

3. Mike Lano d/b/a LANCO is requesting a variance to install a coin-operated machine within 500 feet of a church or school. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

F. Citizen Discussion (First Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby welcomed Jim Gailey.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the Council should not spend money on a facilitator. He inquired about the cost of replacing wetlands on Highland Ave. for the work on the Jetport Plaza Road. He also raised concerns about the amount of referendum issues that could be on the November ballot.

David Bourke, 61 Willow Street – Mr. Bourke said we should wait to see if State funding might be a possibility for middle and high school upgrades. He projected that the proposed bond issue being discussed would at \$1.50 to the tax rate.

G. Public Hearings and Actions

H. Action on Old and New Business

4. ORDER #122-05/06 – Accepting Hawthorne Lane as a city street. Postponed on 02/06/06. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0.

5. ORDER #125-05/06 – Amending the Traffic Schedule regarding speed limits in city parks and recreational facilities. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street - Mr. Crosby said he was fully in support of this amendment and hopes that it is enforced.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Morgan welcomed Jim Gailey.

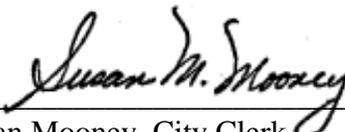
Mayor Beecher announced that there would be a Public Hearing on the Armory on March 2nd at 7:00 P.M.

K. Executive Session

Motion to adjourn was made at 7:35 P.M. by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0.

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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 108
MARCH 2, 2006**

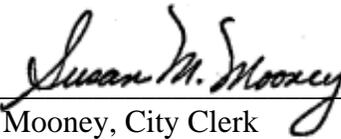
K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(A), discussion in relation to a personnel matter.

Motion to adjourn to executive session was made at 1:00 P.M. for Councilor De Angelis and seconded by Councilor Loring. Passed 5-0 (Morgan and Boudreau arrived after adjournment)

Motion to come out of executive session and adjourn was made at 1:42 P.M. by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0 (Fickett out of room)

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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 109
MARCH 6, 2006**

K. Executive Session

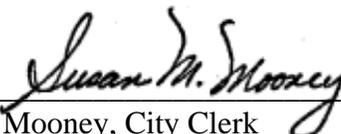
A motion may be made to go into executive session pursuant 1 M.R.S.A. § 405 (6)(C) acquisition or sale of real property.

Motion to consent to a special meeting called less than 24 hours before convening and adjourn to executive session was made at 5:11 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 7-0

Motion to come out of executive session and adjourn was made at 6:57 P.M. by Councilor Morgan and seconded by Councilor Loring. Passed 7-0

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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 110
MARCH 6, 2006**

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

A. Acceptance of Minutes

Motion to accept the minutes of the Special Meetings 02/22/06 and the Regular Meeting of 02/22/06 was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Minutes from the Greater Portland Emergency Evacuation & Detour Plan
- Composting Bin Sale Notice
- Road Posting Notice – Heavy Loads
- United Way – 211 Links to Health and Social Services
- Emergency Purchase – Water line for bus garage and water main at Port Harbor Marine
- RWS 2-22-06 Briefings
- RWS Recycling Committee Meeting Minutes
- Willard Beach – MGS Site of the Month
- Delores Broberg – Tree Committee of Willard Neighborhood Assoc.
- Letter of resignation – City Manager

C. Petitions and Communications

Harbor Commission Rule Change

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed on 02/22/06. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #126-05/06 – Conservation Commission, At-Large (Boudreau), to fill an unexpired term which expires on 11/20/07. Passage requires majority vote.

The following person addressed this item;

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Dave Bourke, 61 Willow Street – Mr. Bourke said Artis has a good background in environmental issues.

Motion to appoint Artis Bernard of 56 Mildred Street was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Kim Ayre, 960 Sawyer Street – Ms. Ayre raised concerns about the Tree Replacement Program and how it was going to work. John Switzer from the Parks Department and Delores Broberg addressed the issues that were outlined by Ms. Ayre.

Dave Bourke, 61 Willow Street – Mr. Bourke said he has enjoyed working with the City Manager. He also said he believes the tree project is an opportunity to unify all the Neighborhood Associations.

Gary Crosby, 2 Tanner Street – Mr. Crosby wished good luck to the City Manager. He said he appreciated all the time and effort that has been put in regarding the Armory.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith also wished Mr. Jordan well and asked whether the city receives compensation for training sessions that are held in South Portland for other surrounding communities.

G. Public Hearings and Actions

H. Action on Old and New Business

3. PROCLAMATION #5-05/06 – Proclaiming the week of March 13 – 17, 2006 as Media Week. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #127-05/06 – Authorizing Susan J. Szwed, P.A., to bring suit against Industry and Energy Associates LLC, to collect past due personal property taxes. Passage requires majority vote.

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There was no public discussion.

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

5. ORDER #128-05/06 – Amending the Traffic Schedule regarding stop signs at Townhouse Way, Rollins Lane and Red Oak Drive. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #129-05/06 – Amending the Traffic Schedule regarding parking on E Street. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #130-05/06 – Accepting \$14,576.80 under the U.S. Department of Justice Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby said to take the money and run.

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

8. ORDER #131-05/06 – Accepting \$14,770.00 or a portion thereof under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor De Angelis. Passed 7-0.

I. Citizen Discussion (Second Part)

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Delores Broberg, 38 Bellevue Avenue – Mrs. Broberg thanked the City Manager and commented that he has always been amenable and accessible.

J. Councilor's Round Robin

Councilor De Angelis thanked the public for participating in the Armory dialog.

Mayor Beecher agreed with Councilor De Angelis and also extended thanks to all the citizens who came forward.

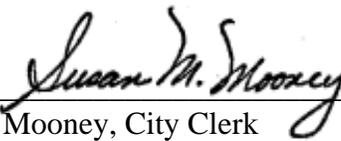
K. Executive Session

A motion may be made to go into Executive session pursuant to 1 M.R.S.A §6 (c) regarding acquisition of real property.

Motion to adjourn was made at 8:10 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

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Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 114
MARCH 20, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:01 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes of the Regular and Special Meetings of 03/06/06 was made by Councilor Loring and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Testimony on BETR Legislation
- Mercury Emissions – RWS – Testimony from Manager
- I-295 Study Committee Recommendations
- Knightville Landing RFP
- Maine Turnpike Authority Meeting
- RWS Monthly Analysis
- Earth Day poster contest
- Fairchild Letter from Chief Guimond expressing thanks – Haz Mat Training
- Manager's Budget Message
- Letter of resignation from Councilor Fickett after 23 Years of Service

C. Petitions and Communications

FY 2007 Proposed Municipal Budget
Department Reports for the month of January 2006.
Attendance Reports for the month of January 2006.

D. Appointment Calendar

Motion to take Item #5 out of order was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed on 02/22/06. Passage requires majority vote.

There was no public discussion.

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

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MARCH 20, 2006

2. ORDER #132-05/06 – Board of Assessment Review, District 3 (De Angelis), for a term which expires on 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor De Angelis and seconded by Councilor Boudreau. Postponed 7-0.

Councilor Fickett left the meeting at 7:47 P.M.

3. ORDER #133-05/06 – S.P. Housing Authority, District 4 (Beecher), for a term which expires on 03/25/09. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he has enjoyed working with Mr. Hulsey on the S.P. Housing Authority.

Michael Hulsey, 45 Higgins Lane – Mr. Hulsey introduced himself to Council members.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau to reappoint Michael Hulsey, 45 Higgins Lane. Passed 6-0 (Fickett gone home).

4. ORDER #134-05/06 – Planning Board, District 3 (De Angelis), for a term which expires on 04/01/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor De Angelis and seconded by Councilor Boudreau. Postponed 6-0 (Fickett gone home).

5. ORDER #135-05/06 – Planning Board, At Large (Fickett), for a term which expires on 04/01/09. Passage requires majority vote.

The following people addressed this item;

Bill Arnold, 6 Northeast Lane – Mr. Arnold voiced concerns about the process.

Brenda Peluso, Myrtle Ave. – Ms. Peluso shared the same concerns. She indicated that she would like to see this item postponed.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith felt this appointment should be made and should not be postponed.

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Maxine Fickett, Highland Ave. – Mrs. Fickett said Ms. Carpenter has done well on this Board and she discouraged any considerations of term limits.

David Jacobs, High Street – Mr. Jacobs also expressed concerns with the process and encouraged Councilor Fickett to allow his replacement to make the appointment.

Motion for passage was made by Councilor Fickett and seconded by Councilor Boudreau. Motion to postpone was made by Councilor Morgan and seconded by Councilor De Angelis. Postponement failed 2-5 (Loring, Boudreau, Hughes, Beecher, Fickett) Motion to reappoint Judy Carpenter, 25 Washington Ave. passed 5-2 (Morgan, De Angelis).

6. ORDER #136-05/06 – ECO Maine Board of Directors appointments. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0 (Fickett gone home).

E. Consent Calendar

7. Business License

Chili Willies Dogs, is seeking a variance allowing him to operate mobile vending unit with 500' of other city licensed food establishments. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0 (Fickett gone home).

F. Citizen Discussion (First Part)

Dick Bernard, 5 E Street – Mr. Bernard suggested expanding the web site to provide more information regarding Board appointments to encourage more interest. He suggested holding a dialog on property rights.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith provided information about a recent H.U.D. inspection on the South Portland Housing Authority. Under the category of condition, the Housing Authority received 99 out of 100 points and was overall rated as a high performer.

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Douglas Uranek, 82 Willow Street – Mr. Uranek said nice things about Councilor Fickett and City Manager Jeff Jordan and said he would miss them. He encouraged the Council to consider responsible energy conditions when reviewing SMCC proposals.

Rommy Brown, 10 E Street – Ms. Brown commented on qualifications for who can serve on City appointed Boards and Committees. City Attorney, Mary Kahl said residents need to live in the district of the appointing council member and that there were other considerations for the Board of Assessment Review and Civil Service Board members.

Gary Crosby, 2 Tanner Street – Mr. Crosby commented on board appointments and said if there is only one application on hand, there should not be issues about the appointment.

David Jacobs, High Street – Mr. Jacobs said the Planning Board is not balanced because it does not have a representative supporting smart growth and green space advocacy.

G. Public Hearings and Actions

H. Action on Old and New Business

8. ORDER #137-05/06 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 5-1 (Loring out of room)(Fickett gone home).

9. ORDER #138-05/06 – Award of bid #206057 for the Pleasantdale Separation Project. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby asked if this is the project that had been discussed last year.

Dave Pineo and Pat Cloutier, Water Resource Department were available and answered questions from the Council.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Loring. Passed 6-0 (Fickett gone home).

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10. ORDER #139-05/06 – Award of bid #206062 for the purchase of Public Safety network switches and firewalls. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0 (Fickett gone home).

11. ORDER #140-05/06 – Award of bid #206065 to upgrade the elevator at the Main Library. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0 (Fickett gone home).

12. ORDER #141-05/06 - Designating certain areas as “Safe Zones” under State law. Passage requires majority vote.

The following people addressed this item;

Douglas Uranek, 82 Willow Street – Mr. Uranek said he was a member of the Willard Beach Association. He asked who patrols the area and questioned how you would protect this area.

Lisa Munderback, 23 Coach Road – Ms. Munderback encouraged support of this item.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0 (Fickett gone home).

13. ORDER #142-05/06 - Setting April 12, 2006, as the date for Public Hearing in City Council Chambers for the Proposed FY 2007 Municipal Budget. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Fickett gone home).

14. ORDER #143-05/06 – Authorizing the City Manager to submit an amended FY 2004 and FY 2005 Community Development Block Grant Annual Action Plan to the Department of Housing and Urban Development. Passage requires majority vote.

The following people addressed this item;

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 119
MARCH 20, 2006

Douglas Uranek, 82 Willow Street - Mr. Uranek said that Massachusetts has a fuel assistance program that also provides an opportunity to have home insulation installed. He inquired whether there are any similar programs available to South Portland residents.

CDAB member, Lisa Munderbeck pointed out that there is a low-income program for residents. Jim Gailey, Assistant City Manager / CDGB Administrator, explained that there is a National Housing Audit that benefits four to five single family residents a year in South Portland. This provides for window replacement, roof repairs and other upgrades that increase energy efficiency.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Fickett gone home).

15. ORDER #144-05/06 – Authorizing the City Manager to submit the South Portland Community Development Block Grant Annual Action Plan for FY 2006 to the Department of Housing and Urban Development. Passage requires majority vote.

The following people addressed this item;

Doug Uranek, - Mr. Uranek asked for additional information regarding a few of the CDBG projects.

Jim Gailey, Assistant City Manager / CDGB Administrator, provided more information and introduced Lisa Munderback and Mike Fletcher, who serve on the Community Development Advisory Committee.

Lisa Munderback thanked Jim Gailey for all his hard work and said that he was very organized and knowledgeable about the process.

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan. Passed 6-0 (Fickett gone home).

16. ORDER #145-05/06 – Accepting donations to the “Share the Warmth Program”. Passage requires majority vote.

There was no public discussion. Jim Gailey provided information to the Council.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Loring. Passed 6-0 (Fickett gone home).

17. ORDER #146-05/06 – Accepting and authorizing the City Manager to submit a report regarding the Brickhill Tax Increment Financing District to Maine State Housing. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 120
MARCH 20, 2006**

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (Fickett gone home).

18. ORDER #147-05/06 - Accepting a donation of office furniture from UnumProvident Corporation. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0 (Fickett gone home).

19. ORDER #148-05/06 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

The following person addressed this item;

Douglas Uranek, 82 Willow Street – Mr. Uranek felt dog owners should be allowed more time to get their dog licensed before additional penalties were incurred.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Fickett gone home).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Morgan thanked Mary Kahl for her explanation regarding the process concerning the purchase of the Armory.

Councilor De Angelis said farmers are needed for the Farmers Market at Thomas Knight Park.

Mayor Beecher encouraged people to attend the summit hosted by the South Portland Casa Group scheduled for March 29th at the South Portland High School Auditorium from 6:30 P.M. to 8:30 P.M.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 MRSA §405(6)(E), pending litigation, Pam St. John v. City of South Portland.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 121
MARCH 20, 2006**

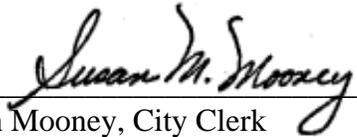
Motion to adjourn to executive session was made at 10:00 P.M. by Councilor Hughes and seconded by Councilor Morgan. Passed 6-0

Motion to return from executive session was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0

Motion to adjourn was made at 10:20 P.M. by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN SPECIAL MEETING VOL. 67 PAGE 122
MARCH 27, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:01 P.M. All Councilors were present.

H. Action on Old and New Business

1. ORDER #148-05/06 - Ordering that the vacancy in the At Large City Council seat shall be filled by election on June 13, 2006, for a term ending December 3, 2007. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by

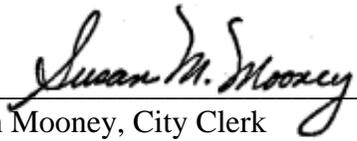
2. ORDER #149-05/06 – Authorizing the purchase of the South Portland Armory. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 123
APRIL 3, 2006

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

A. Acceptance of Minutes

Motion to accept the minutes of the Regular and Special Meetings of 03/27/06 was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 5-0.

C. Communications from City Manager

The Manager addressed the following items;

- Sidewalks near Broadway Gardens
- Pleasantdale sewer separation project Public meeting regarding the EPA
- RWS Briefings
- Strive Letter thanking SPCTV for their support
- Sunday hours for the transfer station
- Traveling Vietnam Memorial will be at SMCC
- Open House for Councilor Fickett 4-6 at the Community Center on the 11th

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor De Angelis. Postponed 5-0.

2. ORDER #132-05/06 – Board of Assessment Review, District 3 (De Angelis), for a term which expires on 03/16/09. Postponed on 03/27/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor De Angelis and seconded by Councilor Hughes. Postponed 5-0.

3. ORDER #134-05/06 – Planning Board, District 3 (De Angelis) to fill a term that expires on 04/01/06. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 124
APRIL 3, 2006

Rommy Brown stated that she was enthusiastic regarding this appointment.

Motion was made by Councilor De Angelis and seconded by Councilor Morgan to appoint Caroline Hendry to this appointment. Passed 5-0.

D. Consent Calendar

4. Sign Permit

Kora Shrine is requesting to place signs in various locations throughout the City. Passage requires majority vote.

John Gailey was available for questions regarding this item.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 5-0.

F. Citizen Discussion (First Part)

Clarence Beckwith, Bonnybriar Road was disturbed with the way David Jacobs spoke of Councilor Fickett. He felt what Mr. Jacobs said was inappropriate.

Gary Crosby, Carter Street agreed with Mr. Beckwith and felt that Councilor Fickett had always been a gentleman. Mr. Crosby also asked that the Council might look into allowing Councilors to appoint people from outside their district.

Rommy Brown, E Street felt it would be a mistake to do what Mr. Crosby suggested as a board may end up with too many from the same area. Ms. Brown also felt that Mr. Jacobs was not directing his anger with Mr. Fickett but with the process of appointing people to boards or committees.

G. Public Hearings and Actions

H. Action on Old and New Business

5. PROCLAMATION #6-05/06 - Proclaiming, that the South Portland City Council and the citizens of South Portland formally recognize the week of April 9, 2006, as Maine Public Safety Telecommunicates Week. Passage requires majority vote.

There was no Public discussion.

Motion was made by Councilor Morgan and seconded by Councilor De Angelis for passage. Passed 5-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 125
APRIL 3, 2006

6. ORDER #150-05/06 - Authorizing a payment to Robert W. Fickett for the equivalent to health insurance premium costs. Passage requires majority vote.

Gary Crosby addressed this item stating that he felt this was a nice gesture for Councilor Fickett. He felt he was a great communicator and deserved the praise.

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan. Passed 5-0.

7. ORDER #151-05/06 – Appropriating \$21,676 to the Knightville Mill Creek Neighborhood Master Plan. Passage requires majority vote.

Tex Haeuser was available for questions.

Susan Raye, D Street thanked the Council for their support, and would like to see more people in the neighborhood.

Sharon Cavallaro, 96 Ocean Street was encouraged by the steering committee achieving their goals and appreciates the Council's support.

Dick Bernard, 5 E Street stated that there were 25 different neighborhoods and when he first came to Maine it was hard to decide which area to settle in as all the areas had their own features. He believes that we need a new Comprehensive plan to include all of South Portland.

Motion was made by Councilor De Angelis and seconded by Councilor Morgan for passage. Passed 5-0.

8. ORDER #152-05/06 – Accepting a 1999 Jeep Cherokee and or a portion of \$13,804 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Deputy Chief Amy Berry was available to explain the process.

Motion was made by Councilor Morgan and seconded by Councilor Hughes for passage. Passed 5-0.

9. ORDER #153-05/06 – Authorizing the City Manager to sign an agreement with the American Red Cross for the use of the South Portland Community Center as an emergency shelter.

There was no public discussion.

Motion was made by Councilor De Angelis and seconded by Councilor Morgan. Passed 5-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 126
APRIL 3, 2006

10. ORDER #154-05-06 – Appropriating \$218,000 from the School Department Funds for the Martins Field grandstands, Skillin School bus loop and technology projects and transferring \$6,441 from the FY01 CIP Mahoney Windows project for door replacement at South Portland High School. Passage requires majority vote.

Wendy Houlihan, Superintendent; Andrew Wallace IT Director, Polly Ward, Business Manager and Dave Brochu, facilities manager were available for questions.

Motion was made by Councilor Hughes and seconded by Councilor De Angelis for passage. Passed 4-1 (Loring)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Loring questioned if the lease on 24 Mosher Road would be on the agenda for the next workshop.

Councilor De Angelis wanted to remind the public regarding the Public Hearing about the Sewer separation project. She also wanted to recognize the people who had applied to be on the Planning Board.

Councilor Hughes also encouraged people to apply to the Civil Service Commission and that they could either apply online or by mail.

Councilor Boudreau wanted to remind people about the Open House for Mr. Fickett on April 11 from 4-6 P.M. at the Community Center.

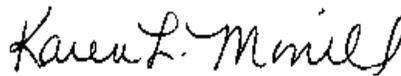
Councilor Morgan addressed the fact that our Boards and Committees are run by civic-minded residents and that anyone can contribute by mandate and help how the City works.

K. Executive Session

Motion to adjourn was made by Councilor Morgan and seconded by Councilor Loring at 8:57 P.M. Passed 4-0 (De Angelis out of room).

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Karen L. Morrill, Assistant City Clerk

IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 127
APRIL 12, 2006

Roll Call: Mayor Beecher called the Special Meeting to order at 7:02 P.M. All members were present.

H. Action on Old and New Business

1. ORDER #155-05/06 Donation of surplus police equipment to the Town of Bradford, Tennessee.

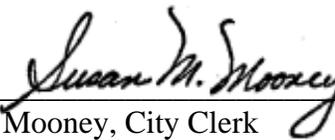
There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0 (Fickett resigned)

The City Manager and the Superintendent of Schools presented their proposed budget to the public. Motion to adjourn the Public Hearing on the 2006/2007 Budget was made at 8:50 P.M.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 128
APRIL 19, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:02 P.M. Councilor Loring arrived at 7:10 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the April 3rd Council Meeting was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 4-0 (Loring had not arrived yet).

B. Communications from City Manager

The Manager addressed the following items;

- Cell Phone and battery disposal locations
- RWS Meeting Minutes from 3/16/06
- Formal Notice from RWS of possible debt issuance of \$1,000,000
- Farwell Power Point Presentation from City Manager, Jeff Jordan
- Introduction of new Human Resource Director, Brian Smith

C. Petitions and Communications

Peoples Regional Opportunity Program – 40th Anniversary

Department Reports for the month of March 2006.

Attendance Reports for the month of March 2006.

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Beecher and seconded by Councilor Boudreau. Postponed 5-0.

2. ORDER #132-05/06 – Board of Assessment Review, District 3 (De Angelis), for a term which expire. Postponed on 03-27-06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor De Angelis and seconded by Councilor Boudreau. Postponed 5-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 129
APRIL 19, 2006

E. Consent Calendar

3. Business License
Maine Pan-Asian Bistro, Inc. d/b/a The Ginger Pad is seeking a FE/Class A Restaurant w/Malt & Vinous License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-0

F. Citizen Discussion (First Part)

Michael Eastman, 100 Chapel Street – Mr. Eastman thanked Jeff for his support of both the Schools and the Historical Society.

Richard Berman, Brick Hill Developer – Mr. Berman noted Jeff’s contributions to the Brick Hill Development and announced that the main park would be named after him.

Mike Valliancourt, 590 Sawyer Street – Representing the South Portland / Cape Elizabeth Chamber of Commerce, Mr. Valliancourt also recognized Jeff’s contributions and said Jeff was dedicated and always acted in the best interest of the City.

Richard Feeney, 126 Dyke Farm Road – Mr. Feeney noted Jeff’s contributions to the County Government and he wished Jeff and his family well.

Dick Bernard, 5 E Street – Mr. Bernard complimented Jeff on his tireless leadership and said the City has grown and matured under his direction.

Rommy Brown, 10 E Street – Ms. Brown recognized Jeff’s contributions to the neighborhood associations.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith inquired about the value on his home and asked questions about the BETR program.

Dave Bourke, 61 Willow Street – Mr. Bourke thanked Jeff for his help with the Willard Neighborhood Association. He suggested that the Council review the list of suggested cuts that had been devised when the Palesky Tax Cap was being evaluated.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 130
APRIL 19, 2006

Ralph Baxter, Sr., 97 Simmons Road – Mr. Baxter complimented Jeff in many areas noting that he was a strong, ethical leader with common sense. He noted his devotion to both his family and the City.

Gary Crosby, 2 Tanner Street – Mr. Crosby wished Jeff well. He said he was in favor of getting rid of the BETR program and encouraged the Council to hold the tax increase to no more than 4%.

G. Public Hearings and Actions

H. Action on Old and New Business

4. ORDER #156-05/06 Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 5-0

5. ORDINANCE #17- 05/06 - Amendment to Chapter 14, “Licenses, Permits and Business Regulations Generally”, regarding the license fee for Farmer’s Markets. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Motion to amend the ordinance was made by Councilor De Angelis and seconded by Councilor Boudreau to set the effective date of the ordinance amendment to be effective April 19th and also to remove verbiage to paragraph (d) as follows;

(d) ~~To be issued a license from the city clerk’s office to sell items at a farmers’ market, the applicant must first provide to the city clerk a statement from the city or town where he or she resides or owns or rents property stating that he or she resides or owns or rents in the town that is capable of being cultivated. The applicant shall also certify in writing that any products offered for sale shall be of his or her own raising or that of some other person qualified to sell at a farmers’ market. Any items sold at the farmers’ market that are not the products of the farmer selling them must be so labeled. No more than 25% of the total amount of a licensee’s sales at the farmers’ market shall result from the sale of any product that is raised or created by someone other than the licensee. In no event shall any sales be permitted of any product that was raised or created outside the State of Maine.~~ The amendment passed 5-0. The main motion passed as amended 5-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 131
APRIL 19, 2006

6. ORDER #157-05/06 – Amending the *Traffic Schedule* regarding temporarily suspending “No Trucks” on Evans and Anthoine Streets during the Pleasantdale Sewer Project. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby inquired about how the amendment would impact truck traffic on Anthoine Street.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Councilor De Angelis made a motion to amend the order to continue to restrict truck traffic on Anthoine Street Monday through Friday from 7:00 P.M. to 7:00 A.M. There was not a second so the amendment failed. The motion main motion passed 4-1 (De Angelis).

7. ORDER #158-05/06 – Authorizing the City Manager to sign a property donation agreement with the Maine Department of Transportation for the donation of property and grading rights in relation to the Western Avenue Widening Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-0

8. ORDER #159-05/06 – Authorizing the appropriation of \$40,000 to the Maine Mall Traffic Signal CIP Account from Fairchild TIF revenues. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-0

9. ORDER #160-05/06 – Authorizing the payment of \$80,000 to the City of Westbrook, ME, as final payment of a tax sharing agreement. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor De Angelis. Passed 5-0.

10. ORDER #161-05/06 – Appointing James Gailey as Interim City Manager effective May 1, 2006. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 132
APRIL 19, 2006

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby supported this appointment.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau reflected on Jeff's tenure and remarked that it has been a great experience. She wished him well.

Councilor Morgan said the emotions shown tonight demonstrated a wonderful working relationship.

Councilor Loring wished Jeff well. She also requested a list of the salaries and benefits for school employees.

Councilor De Angelis thanked Stan Cox for his years of service on the Planning Board representing the District Three seat. She also thanked Jeff for his tireless commitment, his ethics, his dedication and most of all his heart.

Mayor Beecher congratulated PROP on their 40 years of service and she also welcomed Brian Smith, the new Human Resource Director. She invited the public and staff for a farewell open house for the City Manager on April 28th from 8:00 A.M. to 1:00 P.M. to say goodbye.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with IAFF Local # 1476 Firefighters, Fire Command Officers Association, AFSCME Local #481 Parks & Public Works Employees and IAFF Local # 1446 South Portland Dispatchers.

Motion to adjourn to executive session was made at 9:07 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-0

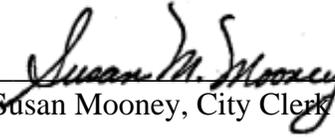
Motion to return from executive session was made at 10:17 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 4-0 (Loring gone home)

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 133
APRIL 19, 2006**

Motion to adjourn was made by Councilor Boudreau and seconded by Mayor Beecher. Passed 4-0 (Loring gone home)

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 134
APRIL 24, 2006**

H. Action on Old and New Business

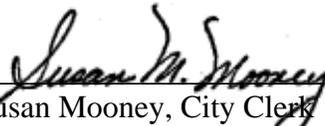
ORDER #162-05/06 - Award of bid to Drake Inglesi Milardo, Inc., of Portland, ME, for executive search services. Passage requires majority vote.

Motion was made at 6:30 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0

Motion to adjourn was made at 6:43 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0

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ATTEST


Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 135
MAY 1, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from the April 19th Council Meeting and the Special Meeting of April 24th was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Maine Department of Health & Human Services examination report
- MDOT Audit Letter for 2004
- DECD Grant Letter
- Minutes from the PACTS meeting of March 16th
- Warning to citizens about transient door to door sales people

The City Clerk announced an open house to recognize Councilor Fickett's years of service that is being held at the Thomas Room on May 18th and being put on by Paul Nixon.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Hughes and seconded by Councilor Boudreau. Postponed 6-0.

2. ORDER #132-05/06 – Board of Assessment Review, District 3 (De Angelis), for a term which expires 03/16/09. Postponed since 03/27/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Brian Linscott of 75 Adelbert Street was made by Councilor De Angelis and seconded by Councilor Morgan. Passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 136
MAY 1, 2006

3. ORDER #163-05/06 – Appointing James Gailey to the EcoMaine Board of Directors. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Actions

4. ORDINANCE #17- 05/06 - Amendment to Chapter 14, “Licenses, Permits and Business Regulations Generally”, regarding the license fee for Farmer’s Markets. Amended and passed first reading. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion to have the ordinance read by title only was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Motion to amend the ordinance as proposed in the City Attorney’s position paper to bring the definition of a Farmer’s Market in line with the previous ordinance amendment was made by Councilor De Angelis and seconded by Councilor Boudreau. The amendment passed 6-0. The ordinance passed final reading, as amended, by a roll call vote of 6-0.

H. Action on Old and New Business

5. ORDER #164-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

6. PROCLAMATION #7-05/06 – Proclaiming May 19, 2006 as Arbor Day. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 137
MAY 1, 2006

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0.

7. PROCLAMATION #8 - 05/06 – Proclaiming Public Works Week. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

8. ORDER #165-05/06 – Award of bid #206066 to Waterworks Diving Service Inc., of South Portland, ME, for the lease of Portland Street Pier. Passage requires majority vote.

There was no public discussion. Tom Meyers, Director of Transportation and Waterfront, was available to answer questions.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

9. ORDER #166-05/06 – Award of bid #206070 to Gorham Fence, of Standish, ME, for softball field chain link fencing and gates at Wainwright Farms. Passage requires majority vote.

There was no public discussion. Dana Anderson, Director of Park, Recreation and Public Works, was available to answer questions.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0.

10. ORDER #167-05/06 – Award of bid to MRLD, LLC, of Yarmouth, ME, for design services for a pedestrian pathway in Cummings Road Business Park. Passage requires majority vote.

There was no public discussion. Ed Reidman, City Engineering, was available to answer questions.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 138
MAY 1, 2006

11. ORDINANCE #18-05/06 - Amending Chapter 27, "Zoning, " for a zone map change to relocate the Village Commercial District (VC) line to include parcels located at 72 Ocean and 4 C Streets. First reading. Passage requires majority vote.

The following people addressed this item;

Rommy Brown, 10 E Street – Ms. Brown said she supports this zone change. She indicated that the developers have been very responsive to neighborhood concerns.

Dick Bernard, 5 E Street – Mr. Bernard said this project is a tribute to the trust in the thoughtful process that local government has invested in this neighborhood.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Morgan. Passed 6-0.

I. Citizen Discussion (Second Part)

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith expressed appreciation to the Council for holding the School Department to budget guidelines.

J. Councilor's Round Robin

Councilor De Angelis thank those who came to celebrate Jeff Jordan's years of service. She also recognized the work conducted by Councilor and Department Heads on the budget.

Mayor Beecher congratulated the Interim City Manager, James Gailey. She commended Councilors for their work on the budget the previous Saturday.

Councilor Boudreau thanked those that participated in Earth Day Cleanup. She indicated that nominations for "recycler of the year" were now in order. Applications can be received by calling 773-1738

Jim Gailey announced that construction crews would be working on the Greenbelt Walkway.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 MRSA §405(6)(E) consultation with the Corporation Counsel about the Council's legal rights and duties regarding Edgewood Road.

Motion to adjourn to executive session was made at 8:37 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0

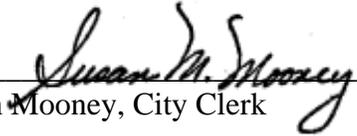
**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 139
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Motion to return from executive session was made at 9:04 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 6-0

Motion to adjourn was made by Councilor De Angelis and seconded by Councilor Boudreau.

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ATTEST



Susan Mooney, City Clerk

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MAY 15, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:02 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from the May 1st Council Meeting was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

B. Communications from City Manager

C. Petitions and Communications

Department Reports for the month of April, 2006.

Attendance Reports for the month of April, 2006.

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Morgan. Postponed 6-0.

2. ORDER #168-05/06 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Berman of 101 McKinley Street was made by Mayor Beecher and seconded by Councilor Boudreau. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Paul Nixon, of Preble Street announced a luncheon for former Councilor Fickett will be held on 05/18/06 at the Thomas Room from 11:00 a.m. to 1:00 p.m.

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Larry Tenan, of Stanford Street questioned the budget process. He stated that the schools were not doing a good job and that the City is wasting tax-payer's money. He felt trash removal, the golf course and the Bus Service were being run inefficiently.

Gary Crosby, of Tanner Street asked to receive an update regarding the sewer separation project on Broadway.

G. Public Hearings and Actions

3. Business License – Lodging Establishment Renewals.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan . Passed 6-0.

4. ORDINANCE #18-05/06 - Amending Chapter 27, "Zoning, " for a zone map change to relocate the Village Commercial District (VC) line to include parcels located at 72 Ocean and 4 C Streets. Passed first reading on 05/01/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following people addressed this item:

Shawn Frank of Sebago Technics.

Gary Crosby of Tanner Street was in favor of the amendment.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed roll call vote 6-0.

H. Action on Old and New Business

5. PROCLAMATION #9-05/06 – Proclamation regarding Memorial Day, and directing flags to be placed on the graves of veterans. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

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6. ORDER #169-05/06 - Award of bid #206093 to C.B. Kenworth, of South Portland, ME, for the purchase of a heavy-duty diesel dump truck for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0.

7. ORDER #170-05/06 – Award of bid #206089 to CPRC, LLC, of Scarborough, ME, for binder and surface course mix and cold patch pick-up services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan. Passed 6-0.

8. ORDER #171-05/06 - Award of bid #206090 to CPRC, LLC, of Scarborough, ME, to provide paving services for the 2006 season. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0.

9. ORDER #172-05/06 – Extending the contract with Pine Tree Waste, Inc., of South Portland, to provide curbside collection of recyclable materials. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0.

Council Morgan made a motion to take #20 out of order, the motion was seconded by Councilor De Angelis. Passed 6-0

20. ORDER #179-05/06 - Authorizing the Interim City Manager to notify the Department of Housing and Urban Development of the City's plans to withdraw as a Community Development Block Grant Entitlement Community and join the Cumberland County Entitlement Program under the Community Development Block Grant Program effective FY2007, and authorizing the Interim City

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Manager to execute an Agreement with Cumberland County. Passage requires majority vote.

The following people addressed this item:

Dick Feeney, County Commissioner
Peter Crichton, County Commissioner

Councilor Boudreau disclosed that she sits on the Budget Advisory Committee for Cumberland County.

Councilor Morgan disclosed that he sat on the Strategic Plan sub-committee and the Justice and Public Safety Committee for Cumberland County.

Motion was made by Mayor Beecher and seconded by Councilor Loring to exclude Councilor Boudreau from the vote due to a conflict of interest. Motion failed 2-3 (Morgan, Hughes, De Angelis)

Motion was made by Councilor Loring and seconded by Mayor Beecher to postpone this item. Motion failed 2-4 (Boudreau, De Angelis, Morgan, Hughes)

Motion for passage was made by Councilor Morgan and seconded by Councilor Deangelis. Passed first reading 4-2 (Beecher, Loring).

10. ORDER #173-05/06 – Award of bid #206034 to CBE Valcom, of South Portland, ME, for Phases I and III; and Sage Data Security, Inc., of South Portland, ME for Phase II of a network audit. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

11. ORDER #174-05/06 – Award of bid to RCM of Portland, ME, for updates to the City's IP Mobilenet. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0.

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12. ORDER #175-05/06 – Accepting approximately 268 feet of Cumberland Road as a City Street. Passage requires majority vote.

The following people addressed this item:

Sylvia Flink, of Preble Street
Eric Flink, of Preble Street
David Cyr, of Portland Pipeline

Motion for withdrawel was made by Councilor Boudreau and seconded by Councilor De Angelis. Withdrawn 6-0.

13. ORDER #176-05/06 – Award of bid #206073 to Drummond, Woodsum & MacMahon, of Portland, ME, for labor relations/negotiations consulting services. Passage requires majority vote.

Fire Chief Kevin Guimond addressed this item.

Motion to amend the order was made by Councilor De Angelis and seconded by Councilor Boudreau. The amendment changed the vendor to Norman, Hanson and DeTroy with their respective costs from the bid tab. Amendment passed 6-0

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring . Passed as amended 6-0.

14. ORDER #177-05/06 – Authorizing the Interim City Manager to sign a collective bargaining agreement with the South Portland Fire Command Officers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 6-0.

15. ORDINANCE #19-05/06 – Amending Chapter 5, “Buildings,” regarding adopting the 2003 editions of the International Residential and Building Codes and setting permit fees. First reading. Passage requires majority vote.

Motion was made by Boudreau and seconded by Councilor Hughes to read the Ordinance by title only. Passed 6-0

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed first reading 6-0.

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16. ORDINANCE #20-05/06 – Amending Chapter 20, “Plumbing” regarding the Maine State Plumbing Code. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor and seconded by Councilor. Passed first reading 6-0.

17. ORDINANCE #21-05/06 – Amending Chapter 25, “Swimming Pools and Wading Pools,” regarding permit fees. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed first reading 6-0.

18. ORDINANCE #22-05/06 – Amending Chapter 27, “Zoning,” regarding Board of Appeals application fees. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed first reading 6-0.

19. ORDER #178-05/06 – Appointment of election clerks. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed first reading 6-0.

20. Taken out of order.

21. ORDER #180-05/06 - Accepting a 2006 Edward Byrne Memorial Justice Assistance Grant in the amount of \$12,549 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 146
MAY 15, 2006**

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor De Angelis thanked Tex Haeuser for his lending equipment for a Planning workshop to the Town of Old Orchard Beach. She also thanked Pat Cloutier and Dave Pineo for their update on the sewer separation project on Broadway.

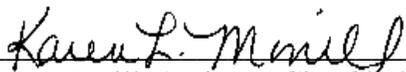
Mayor Beecher thanked her fellow Councilors for their work on the budget.

K. Executive Session

Motion was made to adjourn by Councilor Loring and seconded by Councilor Boudreau at 10:00 P.M. Passed 6-0

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ATTEST



Karen L. Morrill, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 147
JUNE 05, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:02 P.M. Councilor Hughes arrived directly after roll call. Councilor De Angelis arrived at 7:20 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the May 15th Council Meeting was made by Councilor Loring and seconded by Councilor Boudreau. Passed 5-0.

B. Communications from City Manager

The Manager presented the following items;

- Commute Another Way Day – June 7, 2006
- RWS – Single Stream Recycling

C. Petitions and Communications

Harbor Commission Rules and Regulations

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Morgan. Postponed 5-0.

2. ORDER #181-05/06 – Appointing Sally Maxwell as Warden Pro Tempore, District 1, for the June 13, 2006 election only. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 5-0.

3. ORDER #182-05/06 – Appointing Sylvia Schroeder as Ward Clerk Pro Tempore, District 1, for the June 13, 2006 election only. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 5-0.

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E. Consent Calendar

4. Street Closing

The residents of Colony Lane are requesting the closure of their street for a neighborhood party on June 17th from 2:00 – 9:30 P.M. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 5-0.

F. Citizen Discussion (First Part)

The following people spoke in support of putting the School Resource Officers back in the Junior High Schools;

Robert Schwartz, 35 Scammon Street
Chris Corson, non-resident works at Mahoney Middle School
Richard Rogers, 20 Hall Street
Mary Hunter, Ocean Street
Ronnie St. John, Student at Mahoney Middle School
Gayle Michalec, 10 Ship Channel Road

Gary Crosby, 2 Tanner Street – Mr. Crosby wanted to recognize Nancy Carol, long time school employee who recently passed away. He suggested that the revaluation should not pass. There is a proposed 15.3% increase in his home.

Dave Bourke, 61 Willow Street – Mr. Bourke said the School Board should reinstate School Resource Officers. He voiced objection to different proposed tax rates.

Laurie Bowring Michaud, 10 Hudson Road – Ms. Michaud said she is glad to be done with the public schools. She added that the School Resource Officers are vitally important to the system and that there is no “fluff” in the school department budget.

Dick Bernard, 5 E Street – Mr. Bernard announced that he would dress as Thomas Jefferson and that he would be reading the Declaration of Independence in Legion Square again this year on the Fourth of July.

Leo Robichaud, 33 Pilgram Road – Mr. Robichaud expressed concern about the amount of people that ran red lights. He said he was quite disheartened to learn

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that the police department was still maintaining the same staffing levels as in 1975.

G. Public Hearings and Actions

5. Business License

WK Enterprises, LLC d/b/a Costa Vida, 209 Western Avenue, upgrading from FE only license to a Class A Restaurant with Malt License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0.

6. ORDINANCE #19-05/06 – Amending Chapter 5, “Buildings,” regarding adopting the 2003 editions of the International Residential and Building Codes and setting permit fees. Passed first reading on 05/15/06. Passage requires majority vote.

There was no public discussion.

Read by Title only per motion by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0. Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed roll call vote 6-0.

7. ORDINANCE #20-05/06 – Amending Chapter 20, “Plumbing” regarding the Maine State Plumbing Code. Passed first reading on 05/15/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Motion to amend the order based on the suggested change outlined in the Position Paper was made by Councilor Boudreau and seconded by Councilor De Angelis. Amendment passed 6-0. Passed roll call vote as amended 6-0.

8. ORDINANCE #21-05/06 – Amending Chapter 25, “Swimming Pools and Wading Pools,” regarding permit fees. Passed first reading on 05/15/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0.

9. ORDINANCE #22-05/06 – Amending Chapter 27, “Zoning,” regarding Board of Appeals application fees. Passed first reading on 05/15/06. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0.

H. Action on Old and New Business

Councilor Boudreau made a motion to take the following items in the following order; Item 10, Item #11, Item #29, Item #15, Items #18 to #23 and then back to Item #12. Councilor De Angelis seconded the motion. Passed 6-0. See those items for action.

10. ORDER #183-05/06 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0.

11. ORDER #184-05/06 - Granting an easement in the right-of-way of E Street to 3 E Street. Passage requires majority vote.

The following people addressed this item in support of the easement;

Rommy Brown, 10 E Street
Kathy Bernard, 5 E Street
Dick Bernard, 5 E Street

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Motion to amend the easement was made by Councilor Boudreau and seconded by Councilor De Angelis to include the parking areas in the easement. Councilor Loring made a motion to postpone, however, these was no second so the motion failed. Amendment passed 5-1 (Loring). The main motion passed as amended 5-1 (Loring).

12. ORDER #185-05/06 – Setting the time for opening the polls for the June 13, 2006 Primary Election. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor De Angelis. Passed 6-0.

13. ORDER #186-05/06 – Authorizing the School Department to purchase laptop computers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor De Angelis. Passed 6-0.

14. ORDER #187-05/06 - Award of bid #206107 to Advance Technology, of Scarborough, ME for a CCTV System at South Portland High School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 5-1 (Boudreau).

15. ORDER #188-05/06 – Appropriating \$212,922 from the undesignated fund balance and award of bid #206099 to Mainland Structures, of Gorham, Maine for the roof replacement and lighting for the Municipal Pool. Passage requires majority vote.

The following people addressed this item;

Dave Bourke, 61 Willow Street – Mr. Bourke said the city should decide if it should be in the pool business before this item is passed.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker supported this project.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0.

16. ORDER #189-05/06 – Award of bid #206103 to Gray Meadows Trucking, Inc., of West Cumberland, ME, and Dick's Used Trucks and Equipment, of Chelsea, ME, for the sale of used vehicles. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0.

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17. ORDER #190-05/06 – Award of bid for the purchase of a dump truck with plow for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor De Angelis and seconded by Councilor Morgan. Postponed 6-0.

18. RESOLVE #10-05/06 – Approving the Appropriation Resolve for FY 2007. Passage requires majority vote.

The following people addressed this item;

Scott Duchara
Darlene Perry, 151 Granby Road
Dave Bourke, 61 Willow Street
Anton Hoecker, 183 Marriner Street
Jeff Temple, Director of Emergency Management
Ed Googins, Chief of Police
Frank Clark, Lt. Police Department

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Motion to amend to keep the pipeline officer was made by Mayor Beecher and seconded by Councilor De Angelis. This amendment would not add any dollars to the proposed budget. The amendment passed 6-0. The main motion passed as amended 6-0.

19. RESOLVE #11-05/06 – Approving the contribution to the total cost of funding public education from kindergarten through grade 12. Passage requires majority vote.

The following person addressed this item;

Dave Bourke, 61 Willow Street

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-1 (Loring).

20. RESOLVE #12-05/06 – Approving State non-funded debt service for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

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21. RESOLVE #13-05/06 – Approving additional local appropriation for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau Passed 6-0.

22. RESOLVE #14-05/06 – Approving the FY 2007 Appropriation Resolve for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-1 (Loring).

23. ORDER #191-05/06 – Setting the sewer user fees for FY 2007. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 5-0 (Loring out of room).

24. ORDINANCE #23-05/06 – Amending Chapter 8, “Fire Prevention” regarding fire alarm connection and maintenance fees. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

Councilor De Angelis motioned to take Items #27, #28 and #30 out of order. Councilor Boudreau seconded and this passed 6-0.

25. ORDER #192-05/06 – Authorizing a two and one-half percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 154
JUNE 05, 2006

26. ORDER #193-05/06 – Accepting silent second mortgages for Heron Cove condominiums at Brickhill. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 5-1 (Loring).

27. ORDER #194-05/06 - Authorizing the Finance Director to accept prepayment of FY 2007 property taxes. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

28. ORDER #195-05/06 - Authorizing the Finance Director to release city interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0.

29. ORDER #196-05/06 -- Accepting approximately 268 feet of Cumberland Road as a City street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0.

30. ORDER #197-05/06 – Award of bid #206106 to Moors & Cabot, Inc., of Boston, MA, for financial advisory services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-0 (Loring out of room).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

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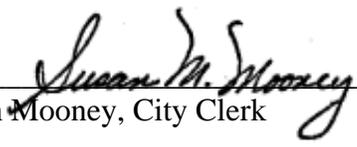
K. Executive Session

A motion may be made to go into executive session pursuant to 1 MRSA §405(6)(E) regarding pending litigation, City of South Portland v. John Papi.

Motion to adjourn was made at 11: 19 P.M. by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 67 PAGE 156
JUNE 19, 2006

Roll Call: Mayor Beecher called the meeting to order at 5:36 P.M. Having attained the majority vote in the Special Municipal Election of June 13, 2006, Ralph Baxter Sr. was sworn in to fill the remaining term from Councilor Fickett's resignation. Councilor Loring was absent.

K. Executive Session

A motion may be made to go into executive session pursuant 1 M.R.S.A. § 409 (6)(F), regarding hardship abatements, and pursuant to 1 MRSA §405(6)(E) consultation with Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

Motion was made at 5:39 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Loring absent)

Motion to return from executive session was made at 6:36 P.M. by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0 (Loring absent)

Motion to pass hardship abatement # 6-05/06 was made by Councilor Boudreau and seconded by Councilor Hughes. The hardship abatement passed 6-0 (Loring absent)

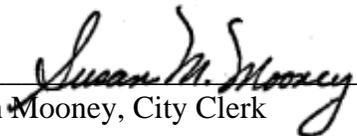
Motion to amend the agenda to go into executive session pursuant to 1 MRSA §405(6)(E) regarding pending litigation, City of South Portland v. John Papi was made by Councilor De Angelis and seconded by Councilor Baxter. Passed 6-0 (Loring absent)

Motion to return from executive session was made at 7:03 P.M. by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0 (Hughes out of room).

Motion to adjourn from the Special Meeting was made at 7:03 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 67 PAGE 157
JUNE 19, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:03 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from the June 3, 2006 Councilor Meeting was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following item;

- Spring Point Light Award – Presentation of the Spring Point Light Award to previous City Manager Jeff Jordan for all the accomplishments during his tenure to the City of South Portland.

C. Petitions and Communications

FY 2007 Capital Improvement Program

Department Reports for the month of May, 2006.

Attendance Reports for the month of May, 2006.

D. Appointment Calendar

1. ORDER #124-05/06 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/11. Postponed since 02/22/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint John S. Berube, of 696 Westbrook St., was made by Councilor Hughes and seconded by Councilor Morgan. Passed 7-0

2. ORDER #198-05/06 – Harbor Commission, Mayoral Appointment, for a term which expires 06/30/09. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Mark Gandolfo of 41 Sandy Hill Road was made by Mayor Beecher and seconded by Councilor De Angelis. Passed 7-0

E. Consent Calendar

IN COUNCIL REGULAR MEETING VOL. 67 PAGE 158
JUNE 19, 2006

F. Citizen Discussion (First Part)

There was no interest in the audience to participate in Citizen Discussion Part One.

G. Public Hearings and Actions

3. ORDINANCE #23-05/06 – Amending Chapter 8, “Fire Prevention” regarding fire alarm connection and maintenance fees. Passed first reading on 06/15/06. Passage requires majority vote.

Motion to move this item to the end of the meeting to accommodate Chief Guimond was made by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0.

The Council returned to this item at 9:35 P.M. after item #14. Chief Guimond and Mike Williams addressed the Council on this item.

Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed roll call vote 6-0 (Loring gone home).

H. Action on Old and New Business

4. ORDER #190-05/06 – Award of bid #206104 to CB Kenworth/International, of South Portland, ME for the purchase of a dump truck with plow for the Public Works Department. Postponed on 06/05/06. Passage requires majority vote.

There was no public discussion

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

5. ORDER #199-05/06 – Amending Order #5-05/06 – accepting a portion of Cumberland Road as a City Street. Passage requires majority vote.

There was no public discussion

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

6. ORDINANCE #24-05/06 – Amending Chapter 27, “Zoning”, creating a Village Commercial Zoning District for Willard Square. Passage requires majority vote.

Motion was made by Councilor Morgan and seconded by Councilor Loring to have the ordinance read by title only. Passed 7-0.

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The following people addressed this item;

Dave Bourke, 61 Willow Street – Mr. Bourke said his only objection to this project is parking. He encouraged the Council to not relax the ordinance requirements for parking.

Robert Johnson, owner of 416 Preble Street – Mr. Johnson fully supports the zoning change and the project being brought forward.

Mayor Beecher read into the record, an email from Angela Griffiths supporting the zone change and the project being brought forward.

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

7. ORDINANCE #25-05/06 – Amending Chapter 27, “Zoning”, for a zone map change creating a Village Commercial Zoning District for Willard Square. Passage requires majority vote.

The following person addressed this item;

David Bourke, 61 Willow Street – Mr. Bourke again addressed parking concerns in the area due to people using Willard Beach on hot summer days.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Loring gone home).

8. ORDER #200-05/06 – Appealing the denial of the Public Works’ Director for a curb cut on Cottage Road for Coastline Credit Union. Passage requires majority vote.

The following person addressed this item;

Lee Feldman, Sebago Technics – Offered to answer questions from the Council.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 5-0 (Morgan out of room, Loring gone home).

9. ORDER #201-05/06 – Authorizing the Interim City Manager to enter into a contract with the State Planning Office for an Implementation Grant in the amount of \$12,000. Passage requires majority vote.

There was no public discussion

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Motion for passage was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 6-0 (Loring gone home)

10. ORDER #202-05/06 – Authorizing the Interim City Manager to sign a lease with People’s Regional Opportunity Program (PROP) for the lease of Hutchins School. Passage requires majority vote.

The following person addressed this item;

Peter Stucky, PROP Representative – Mr Stucky thanked the Councilor for the support that has been provided to PROP over the years.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Loring gone home)

11. ORDINANCE #26-05/06 – Amending Chapter 30, “Control of Noise from New Development”, regarding noise levels. First reading. Passage requires majority vote.

There was no public discussion

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (Loring gone home).

12. ORDER #203-05/06 - Award of bid #206102 to Greenwood Emergency Vehicles, Inc., of North Attleboro, MA, for repairs to Willard Ladder Two truck. Passage requires majority vote.

There was no public discussion. Chief Guimond was available for questions.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Loring gone home).

13. ORDER #204-05/06 - Authorizing the appropriation of \$15,000 from National Semiconductor TIF funds for the purchase of AED's for the Police Department. Passage requires majority vote.

There was no public discussion. Chief Googins was available for questions.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0 (Loring gone home)

14. ORDER #205-05/06 - Setting the date for the first City Council meeting of July as Wednesday, July 5, 2006. Passage requires majority vote.

There was no public discussion

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This item was withdrawn. The Council meeting will stay scheduled for July 3rd.

- I. Citizen Discussion (Second Part)**
- J. Councilor's Round Robin**
- K. Executive Session**

A motion may be made to go into executive session pursuant to 1 MRSA §405(6)(E) regarding pending litigation, City of South Portland v. John Papi.