

IN COUNCIL REGULAR MEETING JULY 6, 1992 VOL 54 PAGE 1

ROLL CALL: Councilor Soule called the meeting to order at 7 P.M. Mayor Howard was on vacation.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 6/15/92 meeting. Unanimous 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

Councilor Glynn read a memo from him to the Council regarding revaluation.

D. APPOINTMENT CALENDAR

1. ORDER#1-92/93-Board of Appeals, At-large (Glynn). Term to expire 7/23/95.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Avery to re-appoint Mark Farrington to this position. Unanimous 6-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. Marriott Corporation, d/b/a Portland Marriott Hotel, 200 Sable Oaks Drive, FSE/Hotel with liquor and Special Amusement Permit. 8/15/92 to 8/15/93. State and City license. Renewal.
3. Richard H. Gallant, d/b/a Ocean House Fish Market, 472 Ocean Street, FSE/Food Service Establishment. 7/6/92 to 3/1/93. New owner of existing business.
4. S. S. & G, d/b/a Little Caesars Pizza, Market Street, FSE/Food Service Establishment. 7/6/92 to 3/1/93. New City license.

VENDOR'S PERMIT

5. Greater Portland C.A.R.E.S. Organization. T-shirt, poster etc. sale at an exhibition booth at the Maine Mall. 7/11/92 to 7/12/92. New City license. Requests waiver of fee.

FIREWORKS DISPLAY

6. Leland P. Murray at Southern Maine Technical College, Fort Road on 7/18/92. City license. Renewal.

TEMPORARY STREET CLOSING

7. Pattie Locke, 7 Allen Road, requests to close off Allen Road on 7/25/92 from 12 Noon to 9 P.M. to hold a neighborhood party.

TAG DAYS AND OTHER SOLICITATION

8. CESP American Legion Baseball, Morrill Post. Can Days. 7/10/92 to 7/11/92. New City license.

The following people addressed this item:

Janice Doctor, 199 High Street
Thomas Glomski, Manager of Little Caesars

Motion was made by Councilor Dearborn and seconded by Councilor Avery for passage of the entire calendar. Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to set item 5 aside. Unanimous 6-0 passage. Unanimous 6-0 passage of the remainder of the consent calendar. Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage of #5. Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to amend the motion to deny the waiver. Unanimous 6-0 passage of amendment. Unanimous 6-0 passage of the license.

F. PUBLIC HEARINGS AND ACTION

9. ORDINANCE#20-91/92-amendment to Ch. 27, "Zoning," regarding shoreland zoning. Zoning map change. Given first reading on 6/15/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until 7/20/92. Unanimous 7-0 passage.

* * * * *

10. Papa Gino's, 198 Maine Mall Road. Pinball/Video license. Three (3) machines. 7/6/92 to 6/30/93. New City license.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

11. ORDER#2-92/93-acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Unanimous 6-0 passage.

* * * * *

12. ORDER#3-92/93-award of bid for the sale of two (2) used police cruisers.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 6-0 passage.

* * * * *

13. ORDER#4-92/93-amendment to the SPTV Manual of Policies and Regulations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the order in Section 2 Programming to include students. Unanimous 6-0 passage. Order, as amended, received passage by a 5-1 vote, with Councilor Fickett opposed.

* * * * *

14. ORDER#5-92/93-acceptance of Local Road Assistance Grant from the State of Maine.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Janice Doctor, High Street
Beulah Swiger, High Street
Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 6-0 passage.

H. CITIZENS DISCUSSION

Beulah Swiger, High Street, complained that the door of Evelyn's Tavern is being left open again. She said she thinks its the employees, not Evelyn who are doing it.

Alan Livingston, 235 Alfred Street, thanked the Council for granting the license for Tag Days to the Legion.

Clarence Beckwith, 51 Bonnybriar Road, said he is disappointed with the way the Council handled the tax acquired property issue. He cited a Supreme Court ruling on seizure of property in South Carolina.

John Howard, Highland Road, referred to the incident at the polls on June 9, adding that is was either a cowardly, premeditated attack or a genuine effort to uncover election inproprieties. He said he would still like to see the video tape made that night to judge for himself. He said that, if the participants do not show the tape, it must be because they have something to hide.

Ray Lee, Henry Street, said it's amazing how much commotion is being made over this election when it wasn't last year.

Janice Doctor, High Street, said she is opposed to the revaluation. She said California put a freeze on existing property taxes and charges a different rate to new people.

She said she is glad to see the State pay for the work on the Maine Mall Road.

I. EXECUTIVE SESSION

Motion was made by Councilor Dearborn and seconded by Councilor Avery to go into executive session to discuss an abatement of property tax request on account of infirmity or poverty. Council went into executive session at 8:21 P.M. by a unanimous 6-0 vote.

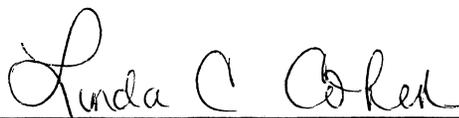
Motion was made by Councilor Avery and seconded by Councilor Glynn to come out of executive session. Council resumed open session at 9:32 P.M. by a 6-0 vote. The following action was taken on Abatement Requests #1-10:

- #1 Granted \$1,474, denied \$166.16 5-1 (Soule)
- #2 Denied 6-0
- #3 Denied 4-2 (Fickett, Glynn)
- #4 Denied 4-2 (Fickett, Glynn)
- #5 Denied 6-0
- #6 Denied 5-1 (Glynn)
- #7 Denied 3-1 (Glynn opposed, Dearborn abstained, Fickett absent)
- #8 Granted \$1,141.68 plus interest & costs 5-0
- #9 Denied 3-2 (Glynn, Boudreau)
- #10 Denied 4-1 (Glynn)

Motion was made by Council Avery and seconded by Councilor Glynn to adjourn. Council adjourned at 9:49 P.M. by a 5-1 vote, with Councilor Dearborn opposed.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING JULY 20, 1992 VOL 54 PAGE 5

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Soule and seconded by Councilor Boudreau to accept the minutes of the 7/6/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said he had received calls from Councilors who had received calls from Highland Avenue residents who were concerned about a rumor they heard regarding the City's intent to re-open the compost facility. Mr. Bryant said this rumor is absolutely untrue and a cruel thing to do to the people of this neighborhood. He said that it is proposed that a regional solution be found to sludge disposal by 12/95.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER #6-92/93-Board of Appeals, At-large (Howard). Term to expire 7/23/95.

There was no public discussion.

Motion was made by Mayor Howard and seconded by Councilor Boudreau to appoint Dennis Junkins to this position. Unanimous 7-0 passage.

* * * * *

2. ORDER #7-92/93-SPTV Advisory Committee. Term to expire 7/15/95.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to re-appoint Linda Mullin to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

MONTHLY REPORTS

3. Department reports for the month of June.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

4. Attendance reports for the month of June.

F. PUBLIC HEARINGS AND ACTION

5. ORDINANCE#20-91/92-amendment to Ch. 27, "Zoning," regarding shoreland zoning. Zoning map change. Given first reading on 6/15/92 and postponed on 7/6/92.

Motion was made by Councilor Dearborn and seconded by Mayor Howard to postpone this item until 8/3/92. Unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #8-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

7. ORDINANCE #1-92/93-amendment to Ch. 2, "Administration and Legislation. First reading. (Citizen initiated.)

Scott Garland, 52 Barnstable Road, addressed this item.

Motion was made by Councilor Glynn and seconded by Mayor Howard that this serve as first reading and be postponed until 8/3/92. Motion received passage by a 6-1 vote, with Councilor Soule opposed.

8. RESOLVE #1-92/93-regarding the election process.

The following people addressed this item:

Ray Lee, Henry Street
Nancy Lombardelli, 18 Danforth Road
Robert Blackwood, 16 Bluff Road
Bill Laidley, 374 Sawyer Street
Risa Garland, 52 Barnstable Road
Jane Eberle, Pilgrim Road

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

9. ORDER #9-92/93-adopting the Comprehensive Plan.

The following people addressed this item:

Risa Garland, 52 Barnstable Road
Ray Lee, Henry Street
Jim Michalec, 10 Ship Channel Road
Nancy Crowell, Fickett Street

Tex Haeuser, Planning Director
Bill Laidley, 374 Sawyer Street
Warren Morgan, 103 Chapel Street
Mal LaShay, Myrtle Avenue
Gary Massanek, Elm Street
Scott Garland, 52 Barnstable Road
Bob Blackwood, 16 Bluff Road

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

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the plan by adding, on page 64, "On December 16, 1991, the City Council directed that the City Manager cease all composting activity" and on page 79 under III (B) "#5. The City Council hereby finds that the facility shall remain closed and will not resume composting operation or sludge operation."

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the amendment to delete the reference to sludge storage. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

Amendment failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the plan by making its passage by ordinance and not order. Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority.

Comprehensive Plan was adopted by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

10. RESOLVE #2-92/93-supporting an application to the National Park Service from the South Portland Land Trust.

The following people addressed this item:

Bill Laidley, 374 Sawyer Street
Tom Blake, 195 High Street
Ray Lee, Henry Street
Tex Haeuser, Planning Director
Richard Holt, 21 Willard Street
Bernard Faunce, 98 Sawyer Street
Dan Taylor, Ocean Street
Warren Morgan, 103 Chapel Street
Phil Cheney, 162 Walnut Street
Bob Blackwood, 16 Bluff Road
Jane Eberle, Pilgrim Road

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

11. ORDINANCE #2-92/93-amendment to Ch. 27, "Zoning", relative to shoreland zoning.
First reading.

The following people addressed this item:

Bill Laidley, 374 Sawyer Street
Ray Lee, Henry Street
Janice Doctor, High Street
Bob Blackwood, 16 Bluff Road

Motion was made by Councilor Soule and seconded by Councilor Boudreau that this serve as first reading and be postponed until 8/3/92.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by changing the forty foot setback to twenty. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to amend the five foot setback to twenty. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this amendment until 8/3/92. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Amendment received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

Ordinance received first reading by a 6-1 vote, with Councilor Fickett opposed.

H. CITIZENS DISCUSSION

Mal LaShay, Myrtle Avenue, asked Councilor Glynn for the name of the Federal Official he spoke to regarding the National Parks item. He also said that Councilor Glynn misled the public regarding the Greater Portland Development Commission.

Tom Blake, 195 High Street, said he is upset with Councilors Fickett and Glynn. He said he took a group of fifth graders on a sightseeing tour of South Portland and showed them amenities that he is sure these two Councilors are not aware of. He said they killed the Land Trust's chances of getting Federal Assistance. He added that the Land Trust never walked across Mr. Wainwright's property, because he called and told them he didn't want them to.

Bill Laidley, 374 Sawyer Street, said that Mr. Wainwright thanked the city for the zone change. He said that zoning had allowed Mr. Fickett to raise a cash crop. He noted that all parts of the Comprehensive Plan had been severely put down and credited the Council for seeing through the short term political strategies.

Warren Morgan, 103 Chapel Street, said he has never heard talk of taking anyone's land for the Greenbelt unless it was done as a land swap, a gift or a voluntary easement. He said the Council has done pretty well by the City over the years - better than some municipalities.

Bernard Faunce, 98 Sawyer Street, asked if State jobs money has to be matched locally. He asked how many people were at District One on election night and how so many people can claim to know what happened when so few were really there. He said the city's sidewalks are falling apart.

Nancy Crowell, Fickett Street, said she is proud to be a product of the public school system and asked Councilor Fickett not to insinuate that publicly educated people are stupid or unable to think for themselves.

Ray Lee, Henry Street, said he's never seen in writing that the City or Federal Government will not take property by eminent domain. He said Mr. Blackwood wanted to circumvent the ordinances for his school project. He said there is pending litigation about activity at District One on election night and he wants City Clerk Linda Cohen and Ward Clerk Barbara Davis removed from office until Steffie Anderson has decided the case.

Gary Massanek, Elm Street, thanked the Councilors who voted in favor of the Comprehensive Plan.

Jane Eberle, Pilgrim Road, said she was at diistrict one on election night and the complaints against Councilor Glynn and School Board Member Julie Conroy are real. She said she's hearing a lot of screaming and yelling that's trying to take attention away from what the issues really are, but the public is not stupid, and it sees what's going on.

Bob Blackwood, 16 Bluff Road, said he is the head of a project to raise money for the tennis courts at the high school, and he knows he has to follow the bid process.

Beulah Swiger, 141 High Street, thanked Councilor Boudreau for getting the doors to the bar room closed. She thanked Assistant City Manager Jeff Jordan for his letter regarding the paving schedule and she praised Public Works Director Arvin Erskine.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Fickett to go into executive session to discuss the evaluation of the City Manager. Council went into executive session at 10:50 P.M. by a 7-0 vote.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to come out of executive session. Council came out of executive session at 11:03 P.M. by a 5-0 vote (Councilors Fickett and Glynn out of the room).

Motion was made by Councilor Boudreau and seconded by Councilor Soule to adjourn. Council adjourned at 11:04 P.M. by a 5-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING AUGUST 3, 1992 VOL 54 PAGE 10

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 7/20/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that the Annual Art in the Park Festival is this Saturday, and the Annual Spring Point Festival is the following Saturday. He asked that anyone interested in volunteering at the Branch Library please call. He recognized the retirement of long time City employees Edwin O. Berry, Director of Pollution Abatement, and Philip D. McGouldrick, Fire Chief.

C. PETITIONS AND COMMUNICATIONS

1. Communication from the Planning Board regarding a zone change at Brooklawn Memorial Park.

City Clerk Linda Cohen announced that nomination papers are available for the November municipal election

D. APPOINTMENT CALENDAR

None.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. Spring Point Festival Committee, temporary FSE/Food Service Establishment. 8/15/92 only at SMTC Athletic Field. City license. Renewal. Requests waiver of fee.
3. Art in the Park Committee, at Millcreek Park. Temporary FSE/Food Service Establishment. 8/8/92 to 8/9/92. City license. Renewal. Requests waiver of fee.

VENDOR'S PERMIT

4. Cottle Transport Inc., Rt.1, Box 213H, Magnolia, N.C., Door-to-Door Vendor of new household furniture. 8/3/92 to 12/31/92. New City license.
5. Alan and Timothy Broomhall, d/b/a Tab's Sub Shop, 91 Ocean Street, FSE/Retail Store with Malt. 8/3/92 to 12/31/92. New City license.
6. Rite Aid of Maine, Inc., d/b/a Rite Aid Pharmacy #3280, 51 Market Street, FSE/Retail Store with Malt and Vinous. 8/3/92 to 12/31/92. New City license.

FIREWORKS DISPLAY

7. Martin and Ware Corporation, d/b/a Central Maine Pyrotechnics, at SMTC for the National Association of Secretaries of State Conference. 8/10/92 only. New City license.

SIGN PERMIT

8. Dockside Productions requests six (6) off-premise directional signs advertising the "Annual In-Water Boat Show" at Spring Point Marina. 9/16/92 to 9/20/92. Renewal.

POLE AND/OR UTILITY PERMIT

9. New England Telephone - placement of conduit in Pleasant Avenue.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to take item 4 out and deal with it separately. Unanimous 7-0 passage.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of the rest of the consent calendar. Unanimous 7-0 passage.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone item 4 until the next meeting pending a written recommendation from the Police Chief and background on the company including where and when it has operated in the past. Councilor Boudreau also requested that a representative from the company be present at the next meeting. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

Motion was made by Councilor Avery and seconded by Councilor Soule to take item 12 out of order. Unanimous 7-0 passage.

12. ORDINANCE #2-92/93-amendment to Ch. 27, "Zoning", relative to shoreland zoning. Given first reading on 7/20/92.

There was no public discussion.

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

* * * * *

10. ORDINANCE#20-91/92-amendment to Ch. 27, "Zoning," regarding shoreland zoning. Zoning map change. Given first reading on 6/15/92 and postponed since 7/6/92.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

11. ORDINANCE #1-92/93-amendment to Ch. 2, "Administration and Legislation."
(Citizen initiated.) Given first reading on 7/20/92.

The following people addressed this item:

Dan Taylor, Ocean Street
Judy Carpenter, 25 Washington Avenue
Herb Haase, Winding Way
Bernard Faunce, 98 Sawyer Street
Bob Blackwood, 16 Bluff Road
Ray Lee, 28 Henry Street
Gary Massanek, Elm Street
Jane Eberle, Pilgrim Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage.
Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

G. ACTION ON OLD AND NEW BUSINESS

13. ORDER #10-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

14. ORDER#11-92/93-authorizing the purchase of computer equipment for the School Department through the Maine Computer Consortium.

There was no public discussion.

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

* * * * *

15. ORDINANCE#3-92/93-amendment to Ch. 27, "Zoning" regarding a zone change at Brooklawn Memorial Park. First reading.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn that this serve as first reading and be postponed until 8/17/92. Unanimous 7-0 passage.

* * * * *

16. ORDER#12-92/93-regarding Maine State Retirement System benefits for temporary, seasonal or part-time employees of the City.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said South Portland is not an individual district; it is an entire city. He said the new right to know form from Corporation Counsel shouldn't ask why an individual wants copies of documents. He also said that the Corporation Counsel and City Clerk shouldn't talk to the Press and that the City Manager and Council should be the only ones who do. He said that someday one of the former two will put their foot in the City Manager's mouth, and he won't be able to get it out.

Herb Haase, Winding Way, asked if the City sought funding for the Highland Avenue Connector Road. He said he has talked to the Mayor several times outside of Chambers and enjoyed those discussions, but he has a problem with the Mayor when he takes his seat in Chambers. He said the Mayor has made many disparaging remarks. He said he believes in the representative form of government, but not when the Council goes against the vote of the people like with the widening of Broadway, Highland Avenue and the petitions.

Gary Massanek, Elm Street, asked where the film is that was taken at District One on election night when Councilor Glynn and School Board Member Julie Conroy harassed Barbara Davis. He said that he was slandered by Councilor Glynn several years ago regarding citizen input at Planning Board meetings but, luckily, there was a tape of the meeting which was viewed by Council. He asked why the election tape hasn't been produced if Councilor Glynn is innocent. He said that not showing the tape will speak volumes about his guilt. He added that what goes around, comes around.

Ray Lee, Henry Street, said that every Councilor who voted against the petition tonight should be thrown out of office. He said they broke their oath of office, and he wishes someone would take out recall papers. He said he called a woman in Alabama regarding the right to know request form, and asked her why it was needed in Hoover. She said there was an investigation going on into local government corruption, and the people were getting too close. He said they were also being charged \$1.00 or more to have copies. He said that everyone at Hoover City Hall is being investigated by the State Attorney General. He asked what South Portland is covering up.

Judy Carpenter, 25 Washington Avenue, said this Council has forgotten why it is here, and that's to do City business. She said there is a campaign against Councilor Glynn. She said that, regarding the legal interpretation of the petition, it reminds her of the PROP 3 debate and how then Corporation Counsel Steve Fletcher and a School Board attorney worked against it. She said the City failed on PROP 3 and Councilor Fickett's ability to run for office. She said they have to pay for photocopies and that it shouldn't take five days to receive copies of documents, and that the citizens are not disrupting City employees because they work for the citizens.

Bob Blackwood, 16 Bluff Road, said the employees work for the entire city, not 4 or 5 citizens. He said he is glad to pay the cost for copies. He said the two defeated bond issues were for funding the projects not whether or not the citizens were in favor of the projects.

Jane Eberle, Pilgrim Road, said the City should just do the business of running the city, and the forms being used are just a way of doing that. She said she hasn't falsified any documents, but one frantic group doesn't mind fraudulently signing petitions or

stealing signs. She said she supports measures taken by the City to get back to business.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 9:03 P.M. by a unanimous 7-0 vote.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to come out of executive session. Council came out of executive session at 9:17 P.M. by a 6-0 vote (Councilor Boudreau left because she felt she had a conflict in voting on the abatement request).

Motion was made by Councilor Avery and seconded by Councilor Dearborn to deny the abatement request. Unanimous 6-0 passage.

Motion was made by Councilor Avery and seconded by Councilor Soule to adjourn. Council adjourned at 9:19 P.M. by a unanimous 6-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 8/3/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that there will be a workshop next Monday, primarily to review the bids for the Skillin School project.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

1. Thomas J. Flatley, d/b/a Tara South Portland, 363 Maine Mall Road. FSE/Hotel with Liquor and Special Amusement Permit. 10/8/92 to 10/8/93. State and City license. Renewal.
2. Wok Inn Corporation, d/b/a Wok Inn, 818 Main Street. FSE/Restaurant with Malt and Vinous. 9/20/92 to 9/20/93. State and City license. Renewal.
3. Mandarin House Corporation, d/b/a Mandarin House, 300 Main Street. FSE/Class A Restaurant with Liquor. 9/17/92 to 9/17/93. State and City license. Renewal.
4. Ocean House Fitness, 146 Ocean Street. FSE/Food Service Establishment. 8/17/92 to 3/1/93. New City license.

POLE AND/OR UTILITY PERMIT

5. New England Telephone - placement of conduit in Dracut Street.

MONTHLY REPORTS

6. Department reports for the month of July.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

7. Attendance reports for the month of July.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

8. ORDINANCE#3-92/93-amendment to Ch. 27, "Zoning" regarding a zone change at Brooklawn Memorial Park. Given first reading on 8/3/92.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #13-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

10. ORDER #14-92/93-award of bid to MMC Inc., of Chelmsford, MA., to enter into a contract for revaluation.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Scott Garland, 52 Barnstable Road
Gordon Chamberlain, 33 Deake Street
Elizabeth Cumback, City Assessor
Richard Romano, MMC

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the contract by deleting the \$15,800 allotted for taking pictures of residential properties. Motion failed by a 1-6 vote, with Councilor Glynn in the minority. Order received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

11. ORDER #15-92/93-award of bid to Town Auto Sales, of Ellsworth, ME., for the purchase of a passenger van for the School Department.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Lee Akerley, Assistant Superintendent of Schools
Ray Lee, Henry Street

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

* * * * *

12. ORDER #16-92/93-amending the 1992/93 Appropriation Resolve correcting an error in the foundation allocation for school purposes.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

13. ORDER #17-92/93-regarding the Freedom of Access Law.

The following people addressed this item:

Ray Lee, Henry Street
Mal LaShay, Myrtle Avenue
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority.

* * * * *

14. ORDER #18-92/93-referring an amendment to the Comprehensive Plan, relative to the compost facility, to the Planning Board.

The following people addressed this item:

Risa Garland, 52 Barnstable Road
Scott Garland, 52 Barnstable Road
Mike Komich, 77 Winding Way

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

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, complained about the obstacles on the Greenbelt Walkway, noting that his wife's wheelchair will not fit between the stantions, and the extra paving around the outside of them is uneven. He again said that the Corporation Counsel and City Clerk should not be allowed to talk to the Press, and that, if he was running a business and his employees did that, he would fire them. He said they should express their opinion through the Manager or Council.

Ray Lee, Henry Street, said the only time the Comprehensive Plan isn't etched in stone is when the Council doesn't want it to be. He asked why there is a lawsuit against the City regarding information that was destroyed, if people haven't been denied access to records. He said there is no reason why a taxpayer of this city shouldn't be able to come in and get information.

Mr. Bryant said that the City Clerk and Corporation have equal standing with the City Manager, because the three positions are appointed by the City Council. He said that anyone can file a lawsuit, but that the documents were destroyed according to State

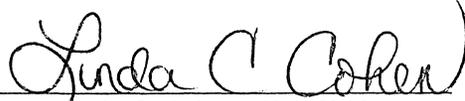
Statute. He said the City has filed its response, and there is no merit to this case, and the allegations are false.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application (s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 9:10 P.M. by a unanimous 7-0 vote. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to come out of executive session. Council came back into open session at 9:27 P.M. by a unanimous 7-0 vote. Motion was made by Councilor Avery and seconded by Councilor Dearborn to deny the abatement. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:30 P.M. by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



ROLL CALL: Mayor Howard called the meeting to order at 7:00 P.M. Councilor Soule was absent.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 8/17/92 meeting. Unanimous 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted the appointment of John True to the position of South Portland Fire Chief, effective September 7.

Mr. Bryant said he had received a lot of comments regarding the chip sealing process being used on the roads. He said this item will be discussed on the 9/28/92 workshop, along with the pavement management program.

Mayor Howard noted the passing last week of former Councilor Gerard St. Cyr. Mayor Howard enumerated the boards and committees on which Mr. St. Cyr had served and stated that he will be missed in the community.

C. PETITIONS AND COMMUNICATIONS

1. Planning Board report regarding expansion of a non-conforming use with respect to residential density.
2. Planning Board report regarding an amendment to the Comprehensive Plan.

D. APPOINTMENT CALENDAR

None.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

3. Dockside Productions Inc., d/b/a Dockside Productions, Spring Point Marina, FSE/Food Service Establishment/Temporary. 9/17/92 to 9/20/92. "Annual In-Water Boat Show". New City license.
4. Yankee Ribs, Inc., a Maine Corporation, d/b/a Tony Roma's A Place for Ribs, 671 Main Street. FSE/Class A Restaurant with Liquor. 9/30/92 to 9/30/93. City license. Renewal.

SECOND HAND DEALER

5. Madeline R. Ireland, d/b/a My Sister's Closet, 14 Cottage Road. 9/9/92 to 12/31/92. New owner of existing business.

VENDOR'S PERMIT

6. Linda Turner, d/b/a Forbes & Turner Antique Shows, South Portland Armory. 9/26/92 to 9/27/92. New City license.

TRUCKING, REFUSE REMOVAL

7. Troiano Waste Services, Inc., 197 Lincoln Street. 9/9/92 to 12/31/92. New City license.
8. Reynolds & Sons Disposal Inc., Portland, Maine. 9/9/92 to 12/31/92. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage. Unanimous 6-0 passage.

F. PUBLIC HEARINGS AND ACTION

9. Asia Inc., d/b/a Asia, 51 Market Street, FSE/Class A Restaurant with Liquor. 9/9/92 to 9/9/93. New State and City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage. Unanimous 6-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

10. ORDER #19 -92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

11. ORDER #20 -92/93-award of bid for expansion construction at Waldo Skillin Elementary School.

The following people addressed this item:

Reginald MacDonald, School Superintendent
Lyndon Keck, Portland Design Team
Clarence Beckwith, 51 Bonnybriar Road
Risa Garland, 52 Barnstable Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Unanimous 6-0 passage.

* * * * *

12. ORDER #-21-92/93-award of bid for the sale of 15 Preble Street.

There was no public discussion.

IN COUNCIL REGULAR MEETING SEPT. 9, 1992 VOL 54 PAGE 21

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion received passage by a 5-1 vote, with Councilor Glynn opposed.

* * * * *

13. ORDER #22-92/93-authorizing lease of Lincoln School with the Greater Portland Christian School.

The following people addressed this item:

Risa Garland, 52 Barnstable Road
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion was made by Councilor Avery and seconded by Councilor Boudreau to postpone this item until 10/5 so it could be further discussed at the 9/28 workshop. Motion received passage by a 4-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

14. ORDER #23-92/93-renaming Frederick Street to Frederick Road.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 6-0 passage.

* * * * *

15. RESOLVE #3-92/93-regarding the policy on public notice of public proceedings of the Education Department.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority.

* * * * *

16. ORDER #24-92/93-amending the Comprehensive Plan regarding the Compost facility.

The following people addressed this item and/or its amendments:

Laurette Haase, 71 Winding Way
Melvin Montpelier, 36 Smokehouse Circle
Risa Garland, 52 Barnstable Road
Ray Lee, Henry Street
Mark Arsenault, 4 Barnstable Road
Mal LaShay, Myrtle Avenue
Eileen Arsenault, 4 Barnstable Road
Terry Leydecker, 61 Barnstable Road
Male, 111 Barnstable Road
Rita Caron, Margaret Street

Clarence Beckwith, 51 Bonnybriar Road
Jane Martin, 33 Tamarack Drive
Judy Carpenter, 25 Washington Avenue
Sam DiPhillipo, 123 Brindle Circle
Scott Garland, 52 Barnstable Road

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the order by deleting the reference to Esco in the first paragraph and substituting the words "a licensed sludge disposal firm" and re-numbering the items in the second paragraph so that "finding alternative sludge disposal methods" becomes #3, and "paying for the needed expansions" becomes #4. Amendment received unanimous 6-0 passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order before the last sentence in 3 (II) B by adding "permanently cease composting activity on Highland Avenue." Amendment failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend before the period of the last sentence of the order by adding "and commit no additional funding to further expand or upgrade this facility." Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the amendment by changing the wording to state "no further expenditure of funds at the compost facility until all compost and sludge handling has ceased." Amendment to the amendment failed by a 3-3 vote, with Mayor Howard and Councilors Boudreau and Avery opposed. Councilor Glynn withdrew his amendment, and Councilor Fickett agreed. Order, as amended, received passage by a unanimous 6-0 vote.

* * * * *

17. ORDER #25-92/93-referring the petition initiated amendment to Ch. 2, "Administration and Legislation," to the November 3, 1992 ballot.

The following people addressed this item:

Ray Lee, 28 Henry Street(read letter from Daniel L.F. Taylor)
Jim Michalec, 10 Ship Channel Road
Laurette Haase, 71 Winding Way
Bernard Faunce, 98 Sawyer Street
Mal LaShay, 20 Myrtle Avenue
Clarence Beckwith, 51 Bonnybriar Road
Judy Carpenter, 25 Washington Avenue

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority.

* * * * *

Motion was made by Councilor Glynn and seconded by Mayor Howard to recess for 5 minutes. Unanimous 6-0- passage. Council recessed from 10:30 P.M. to 10:38 P.M.

* * * * *

18. ORDINANCE #4-92/93-authorizing the appropriation of \$2,035,000 for capital projects for the fiscal year ending June 30, 1993. First reading.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Mayor Howard that this serve as first reading and be postponed until 9/21/92. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend by deleting the Highland Avenue Connector Road and re-numbering subsequent paragraphs. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority. Ordinance received first reading by a 4-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

19. ORDINANCE #5-92/93- amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," Article III, "Taxicabs and Vehicles for Hire." First reading.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn that this serve as first reading and be postponed until 9/21/92. Unanimous 6-0 passage.

* * * * *

20. ORDINANCE #6-92/93-amendment to Ch. 9, "Garbage and Refuse," Article IV, "Sanitary Landfill," regarding freon using appliances. First reading.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ge Erskine, Director of Public Works

Motion was made by Councilor Boudreau and seconded by Councilor Fickett that this serve as first reading and be postponed until 9/21/92. Unanimous 6-0 passage.

* * * * *

21. ORDINANCE #7-92/93-amendment to Ch. 9, "Garbage and Refuse," regarding the disposal of leaves and yard wastes. First reading.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Herb Haase, Winding Way
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Boudreau and seconded by Councilor Avery that this serve as first reading and be postponed until 9/21/92. Unanimous 6-0 passage.

H. CITIZENS DISCUSSION

Clarence Beckwith, 51 Bonnybriar Road, congratulated Councilor Dearborn on his new job at Wal Mart and said he hopes Councilor Dearborn will now be more sympathetic to working people.

Herb Haase, Winding Way, said he would like to know the source of the quoted savings the Manager said would occur if leaves and yard waste are taken out of the waste

stream. He commended the Manager for trying to find ways to keep taxes down, but said it should be done sooner.

Peter Larsen, 406 Ocean Street, said he hopes this Council meeting has shown that the Mayor voted against the people's initiative and against sending something out to the public. He also stated that he expects Mayor Howard to treat Councilor Fickett with respect.

Bernard Faunce, 98 Sawyer Street, suggested the City not put pet projects out to bond but find the money somewhere like the Portland City Manager did for the ballfield. He told the City Clerk that a lot of people would like to have her job.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6)(E), pending litigation. Council went into executive session at 11:30 P.M. by a 5-1 vote, with Councilor Glynn opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to come out of executive session. Council came back into open session at 12:06 A.M. by a 5-0 vote (Councilor Glynn absent).

Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. Council adjourned at 12:07 A.M. by a 5-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 9/9/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant presented retiring Police Lieutenant Thomas Roche with a plaque, recognizing his 21 years of service. Mr. Bryant wished his wife a Happy Anniversary and thanked her for the last seven years, adding that he would do it all over again.

City Clerk Linda Cohen said she had received numerous phone calls regarding the new way the "Penny Saver" is being delivered; specifically, it is being tucked into the handles of doors or thrown on the property. Residents are concerned that this is an open invitation to burglars to enter because there is no one home. She said that anyone wishing to have his/her address removed from the delivery list should call Steve Waterhouse at 883-1735 or leave a message on his answering machine. She asked residents who do this and continue to have a problem with the delivery to please call her.

Mayor Howard noted that October 3 to October 10 is Coast Week '92, during which there will be a major clean-up of the waterfront areas. He encouraged people to participate.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER #26-92/93-appointment to the South Portland Housing Authority, to fill an unexpired term which expires 3/25/95.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

2. ORDER #27-92/93-appointment of Warden Pro-tempore, District 1, for November 3, 1992 only.

Mayor Howard and Councilor Glynn abstained from voting. Councilor Soule took the gavel for the Mayor.

The following people addressed this item:

Mal LaShay, Myrtle Avenue
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Barbara Davis to this position. Unanimous 5-0 passage.

3. ORDER #28-92/93-appointment of Warden Pro-tempore, District 5, for November 3, 1992 only.

The following people addressed this item:

Herb Haase, Winding Way
Jane Eberle, Pilgrim Road

Motion was made by Councilor Dearborn and seconded by Councilor Avery to appoint Lois Matthews to this position. Unanimous 5-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

4. Vana O'Connor, d/b/a Simply Vana's, 79 Ocean Street. FSE/Food Service Establishment. 9/21/92 to 3/1/93. New City license.
5. Mainely Beans, d/b/a Gloria Jean's Coffee Bean, 364 Maine Mall. FSE/Food Service Establishment. 9/21/92 to 3/1/93. New City license.

TRUCKING, REFUSE REMOVAL

6. Astro Waste Services, Old Orchard Beach, Maine. 9/21/92 to 12/31/92. New City license.

TAXICAB DRIVER

7. William Lerman, Rose Lerman, Russell Libby, Stuart Ryder and Gordon Morris, employed by South Portland Taxi, 165 Pickett Street. 9/21/92 to 6/30/93. New City licenses.

MONTHLY REPORTS

8. Department reports for the month of August.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

9. Attendance reports for the month of August.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of the consent calendar except for items 4 and 7 which would be dealt with separately. Unanimous 7-0 passage.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of item 4. Unanimous 7-0 passage.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to table item 7 until after item 14. Unanimous 7-0 passage.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to take item 14 out of order. Unanimous 7-0 passage.

14. William and Rose Lerman, d/b/a South Portland Taxi, 165 Pickett Street. Taxicab Certificate of Public Convenience. 9/21/92 to 9/21/93. New City license.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street

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

Motion was made by Councilor Avery and seconded by Councilor Dearborn to remove item 7 from the table. Unanimous 7-0 passage.

TAXICAB DRIVER

7. William Lerman, Rose Lerman, Russell Libby, Stuart Ryder and Gordon Morris, employed by South Portland Taxi, 165 Pickett Street. 9/21/92 to 6/30/93. New City licenses.

The following people addressed this item:

Gordon Morris, Raymond, Maine
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for approval of all licenses. Motion was made by Councilor Avery and seconded by Councilor Soule to exclude Mr. Morris from the list of approved licenses. Motion failed by a 3-4 vote, with Mayor Howard and Councilors Boudreau and Soule in the minority. Licenses were granted by a 4-3 vote, with Mayor Howard and Councilors Boudreau and Soule opposed.

F. PUBLIC HEARINGS AND ACTION

10. ORDINANCE #4-92/93-authorizing the appropriation of \$2,035,000 for capital projects for the fiscal year ending June 30, 1993. Given first reading on 9/9/92.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Boudreau and seconded by Councilor Soule to amend the ordinance in paragraph 7 by substituting the words "sludge loading facility" for "sludge storage and transfer facility." Amendment received unanimous 7-0 passage. Ordinance, as amended, received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Fickett to direct the Manager to put "this bond item will not phase out the complete handling and storage of compost at the Highland Avenue Compost facility." Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority.

* * * * *

11. ORDINANCE #5-92/93- amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," Article III, "Taxicabs and Vehicles for Hire." Given first reading on 9/9/92.

There was no public discussion.

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

* * * * *

12. ORDINANCE #6-92/93-amendment to Ch. 9, "Garbage and Refuse," Article IV, "Sanitary Landfill," regarding freon using appliances. Given first reading on 9/9/92.

The following people addressed this item:

Ray Lee, Henry Street
Ge Erskine, Public Works Director

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage.
Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

13. ORDINANCE #7-92/93-amendment to Ch. 9, "Garbage and Refuse," regarding the disposal of leaves and yard wastes. Given first reading on 9/9/92.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

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

G. ACTION ON OLD AND NEW BUSINESS

15. ORDER #29 -92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

16. ORDER #30 -92/93-award of bid to Bay State Ambulance Sales, of Malden, MA, for the purchase of two (2) rescue vehicles.

The following people addressed this item:

John Partridge, Custom Emergency Vehicles
Ray Lee, Henry Street
John True, Fire Chief

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

H. CITIZENS DISCUSSION

Herb Haase, Winding Way, thanked the Councilors who voted in favor of the taxi driver's license. He said the OUI can't be held against him forever. He suggested the Council might have to look at City Employees' records if it had denied the cab driver. He said he doesn't want to see millions of dollars be just a bandaid for sludge problems, and he doesn't want to waste taxpayers' dollars. He said he is the longest working citizen on this issue, and Councilor Glynn has been there every step of the way. He added that he appreciates the current course the Council is on regarding the compost facility.

Ray Lee, Henry Street, said that Councilor Soule has blown millions of tax dollars. He said the City has two decent people running for Council in Glynn and Michalec, and they will uphold the Constitution.

Bernard Faunce, 98 Sawyer Street, asked when the tax bills will be out, and Finance Director Ralph St. Pierre said the first week in October.

Robert Marston, 10 Powers Road, thanked Councilor Boudreau for her environmental concern and thanked SPTV for bringing him the Council meetings.

Clarence Beckwith, 51 Bonnybriar Road, said a smart man will change his mind when he knows he's wrong. He said the State pension fund fiasco bothers him. He noted that it looks like the City lost the jobs bond money. He said he is glad to see Kevin and Jim Michalec running for Council. He said he hopes whoever goes to Augusta this year votes down the temporary tax, and that Augusta needs people with no in their vocabulary. He said the current Mayor voted every year for a tax increase.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Soule to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6) (E), pending litigation. Council went into executive session at 9:39 P.M. by a 5-2 vote, with Councilor Avery and Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Avery to return to open session. Council returned to open session at 10:03 P.M. by a 7-0 vote. Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 10:04 P.M. by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 9/21/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted a Fire Safety Awareness Day at the South Portland Fire Department on 10/10/92. He noted that the City had received a donation of an American Flag from Mrs. Jeremiah O'Carroll. He said he had received calls from Councilors with questions regarding chip sealing. He said it costs \$18,000 per mile to chip seal and \$39,000 per mile for traditional bituminous paving.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER#26-92/93-South Portland Housing Authority, to fill an unexpired term which expires 3/25/95. Postponed on 9/21/92.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to appoint Frank Morong to this position. Unanimous 7-0 passage.

* * * * *

2. ORDER#31-92/93-Board of Assessment Review, District 5 (Dearborn). Term to expire 12/31/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

3. ORDER#32-92/93-Planning Board, At-Large (Glynn), to fill an unexpired term which expires 4/1/94.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone this item until the next meeting. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

4. Archibald Candy Corporation, d/b/a Fanny Farmer Candy, 224 Maine Mall, FSE/Food Service Establishment. 10/5/92 to 3/1/93. New owner of existing business.

5. Home Vision Video, Market Street, FSE/Food Service Establishment. 10/5/92 to 3/1/93. New City license.
6. General Mills Restaurants, Inc., d/b/a Red Lobster Restaurant, 200 Gorham Road, FSE/Class A Restaurant with Liquor. 10/24/92 to 10/23/93. State and City license. Renewal.
7. Fuji Inc., d/b/a Fuji Restaurant, 50 Maine Mall Road, FSE/Class A Restaurant with Liquor. 10/30/92 to 10/29/93. State and City license. Renewal.
8. SpringPoint Food and Beverage Inc., d/b/a SpringPoint Cafe, 175 Pickett Street, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 12/23/92 to 12/23/93. State and City license. Renewal.
9. Dork's Unlimited, d/b/a The Ground Round Restaurant, 195 Maine Mall Road. FSE/Class A Restaurant with Liquor. 10/15/92 to 10/15/93. State license only. Renewal.

MESSAGE ESTABLISHMENT AND/OR MESSAGE THERAPIST.

10. Tawnya Matthews, 322 Sawyer Street. Combined Therapeutic Massage Establishment/Therapist at 322 Sawyer Street. 9/30/92 to 9/30/93. City license. Renewal.
11. Louise Denney and Jonathan Titus, d/b/a Scarlet's Holistic Massage, 336 Broadway. Therapeutic Massage Establishment. 9/30/92 to 9/30/93. City license. Renewal.
12. Louise Denney, Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal.
13. April L. Moisan, of Biddeford, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal.
14. Nicole D. Sylvain, of Portland, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal.

POLE AND/OR UTILITY PERMIT

15. Northern Utilities Inc. - to install a gas main on Harriet Street and Fifth Street.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of the consent calendar. Motion was made by Councilor Avery and seconded by Councilor Boudreau to amend the motion to take items 11 through 14 out and deal with them separately. Unanimous 7-0 passage. The remaining consent calendar received unanimous 7-0 passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone items 11 through 14 until 10/19/92. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

16. ORDER#22-92/93-authorizing lease of Lincoln School with the Greater Portland Christian School. Postponed on 9/9/92.

There was no public discussion.

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

* * * * *

17. ORDER#33 -92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

18. ORDER#34-92/93-award of bid to Air Temp, of South Portland, ME, for the purchase and installation of a heating system in South Portland City Hall.

There was no public discussion.

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

* * * * *

19. ORDER#35-92/93-award of bid to the Town of Warren, VT. for the sale of surplus fire equipment.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

20. ORDER#36-92/93-authorizing the purchase of a stormwater grit and oil tank from Superior Concrete Co., Inc. for the Pollution Abatement Department.

William Laidley, 374 Sawyer Street, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion was made by Mayor Howard and seconded by Councilor Soule to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

21. ORDER#37-92/93-acceptance of thirteen (13) feet of Highview Avenue.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Unanimous 7-0 passage.

* * * * *

22. ORDER#38-92/93-acceptance of an easement grant for storm sewer and drainage purposes at 15 Bellaire Road.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

23. ORDINANCE#8-92/93-amendment to Ch. 10 "Health, Welfare and Sanitation Generally," prohibiting paid sexual contact. First reading.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Boudreau that this serve as first reading and be postponed until 10/19/92. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

24. ORDER#39-92/93-acceptance of a training facility grant for the South Portland Fire Department.

Fire Chief John True addressed this item.

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

H. CITIZENS DISCUSSION

Jane Eberle, Pilgrim Road, said the South Portland Fall Family Festival will be held in Mill Creek Park on October 18 from 11:30 A.M. until dusk. She invited everyone to come.

Bernard Faunce, 98 Sawyer Street, said he read in the American Journal that the Corporation Counsel said the Civil Service Commission always takes the side of the employee. He said that is not always true. He emphasized that he was speaking for himself, not for the commission.

Bill Laidley, 374 Sawyer Street, Secretary of the Ferry Village Neighborhood Conservation Association, noted that the group will be holding a pot luck supper on 10/8 at the Centerboard Yacht Club and invited anyone who is interested to come. He added that the South Portland Land Trust will be holding its annual meeting on 10/14 at the Elm Street Methodist Church at 7 P.M.

Beulah Swiger, High Street, said she wouldn't mind the chip sealed street if people would slow down; however, she is using the loose rocks to fill her driveway. She said she is still waiting for an answer regarding Marine Railways.

Jeff Jordan, Assistant City Manager, invited everyone to attend the meeting of the Casco Bay Estuary Committee to review the preliminary estuary plan. The meeting will be

this Saturday, from noon to 5:30 P.M. at the Holiday Inn by the Bay.
Mal LaShay, Myrtle Avenue, asked the status of the three pending cases regarding the petitions and election issues. He said it is imperative that these issues be resolved well before the election. He asked where the funds come from when the City is sued and has to

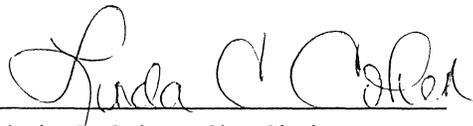
hire outside legal counsel.

Herb Haase, Winding Way, asked how many suits the City is currently involved in, and said that everyone wishes it were only three.

Judy Carpenter, 25 Washington Avenue, said she just attended a task force meeting at PRVTC regarding the school funding formula, and encouraged people to follow these meetings and go speak for a fair formula.

Motion was made by Councilor Boudreau and seconded by Mayor Howard to adjourn.
Council adjourned at 8:38 P.M. by a unanimous 7-0 vote.

A true copy.

ATTEST 
Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the October 5, 1992 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant read a letter from Assistant City Manager Jeff Jordan regarding combined sewer overflows.

Mr. Bryant noted that he had received numerous calls regarding what part of the grassy area in front of private property is City owned for the purpose of political sign placement. He said that political signs can be placed in the City right of way in front of people's houses.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Civil Service Ordinance Review Committee.

D. APPOINTMENT CALENDAR

2. ORDER#31-92/93-Board of Assessment Review, District 5 (Dearborn). Term to expire 12/31/92. Postponed on 10/5/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until 11/2/92. Unanimous 7-0 passage.

* * * * *

3. ORDER#32-92/93-Planning Board, At-Large (Glynn), to fill an unexpired term which expires 4/1/94. Postponed on 10/5/92.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to appoint Herbert Haase to this position. Motion received passage by a 4-3 vote, with Councilors Avery, Boudreau and Soule opposed.

* * * * *

4. ORDER#40-92/93-Library Advisory Board, District 3 (Soule), to fill an unexpired term which expires 12/31/93.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to appoint Robert Esterberg to this position. Unanimous 7-0 passage.

5. ORDER#41-92/93-approval of nominations to Governor for two appointments to the Greater Portland Public Development Commission.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Bernard Faunce, 98 Sawyer Street
Ray Lee, South Portland

Motion was made by Councilor Soule and seconded by Councilor Boudreau to nominate Wayne Ross and George DiMatteo. Unanimous 7-0 passage.

* * * * *

Motion was made by Councilor Avery and seconded by Councilor Soule to recess. Council recessed for five minutes at 7:28 P.M. by a 6-1 vote, with Councilor Glynn opposed.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to have a poster that they considered offensive taken down from the blackboard.

The following people were allowed to address this issue:

Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, 28 Henry Street, owner of poster
Mal LaShay, Myrtle Avenue
John Howard, Highland Road

Motion received passage by a 5-0 vote, with Councilors Fickett and Glynn abstaining.

E. CONSENT CALENDAR

MESSAGE ESTABLISHMENT AND/OR MESSAGE THERAPIST.

6. Louise Denney and Jonathan Titus, d/b/a Scarlet's Holistic Massage, 336 Broadway. Therapeutic Massage Establishment. 9/30/92 to 9/30/93. City license. Renewal. Postponed on 10/5/92.
7. Louise Denney, Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed on 10/5/92.
8. April L. Moisan, of Biddeford, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed on 10/5/92.
9. Nicole D. Sylvain, of Portland, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed on 10/5/92.

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

10. Webin Company Inc., d/b/a Haven's Candies, 200 Gorham Road. FSE/Food Service Establishment. 10/19/92 to 3/1/93. New City license.

11. VENDOR'S LICENSE

Camp Fire Inc., d/b/a Camp Fire Hitinowa Council, 336 BlackPoint Road, Scarborough, door-to-door sale of candy. 11/2/92 to 12/4/92. City license. Renewal. Requests waiver of fee.

MONTHLY REPORTS

12. Department reports for the month of September.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

13. Attendance reports for the month of September.

The following people addressed this item:

Bill Webster, owner of Haven's Candy
Neal Weinstein, Attorney for applicants in Item 6

Motion was made by Councilor Fickett and seconded by Councilor Soule for passage of the entire consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Soule to remove items 6, 7, 8, and 9 and deal with them separately. Motion received passage by a 6-1 vote, with Councilor Fickett opposed. The rest of the calendar received passage by a 7-0 vote.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to deny items 6 - 9. Both motions were withdrawn.

Motion was made by Councilor Avery and seconded by Councilor Soule to postpone item 6 until the next meeting. Motion failed by a 2-5 vote, with Councilors Avery and Boudreau in the minority. Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage of item 6. Motion received passage by a 4-3 vote, with Councilors Avery, Boudreau and Glynn opposed.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to postpone items 7 - 9 until the next meeting. Motion was made by Councilor Glynn and seconded by Councilor Fickett to go into executive session to discuss the legal rights and responsibilities of the Council. Council went into executive session at 8:07 P.M. by a 7-0 vote. Motion was made by Councilor Avery and seconded by Councilor Glynn to come out of executive session. Open meeting resumed at 8:27 P.M. by a 7-0 vote. Motion to postpone received passage by a 6-1 vote, with Councilor Glynn opposed.

F. PUBLIC HEARINGS AND ACTION

14. ORDINANCE#8-92/93-amendment to Ch. 10 "Health, Welfare and Sanitation Generally," prohibiting paid sexual contact. Given first reading on 10/5/92.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Motion was made by Councilor Avery and seconded by Councilor Dearborn to amend the ordinance in Section 10-901 replacing "section" with "article." Unanimous 7-0 passage. Ordinance, as amended, received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

G. ACTION ON OLD AND NEW BUSINESS

15. ORDER#36-92/93-authorizing the purchase of a stormwater grit and oil tank from Superior Concrete Co., Inc. for the Pollution Abatement Department. Postponed on 10/5/92.

There was no public discussion.

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

* * * * *

16. ORDER#38-92/93-acceptance of an easement grant for storm sewer and drainage purposes at 15 Bellaire Road. Postponed on 10/5/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to withdraw this item. Unanimous 7-0 passage.

* * * * *

17. ORDER#42-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

18. ORDER#43-92/93-accepting the warrants announcing the General State and Municipal Election of November 3, 1992 and setting the time for opening the polls.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

* * * * *

19. ORDER#44-92/93-accepting a Development Fund Grant of \$107,000 from the Maine Department of Economic and Community Development for the Ridgeland Senior Housing Project.

Bob Blackwood, 16 Bluff Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

H. CITIZENS DISCUSSION

Ray Lee, 28 Henry Street, said his civil rights were violated because he was forced to take his sign down. He mentioned the widening of Broadway and the Comprehensive Plan as other examples of the same. He asked who hired the attorney to fight honest elections in South Portland, adding that it's a waste of taxpayers' money. He asked how long the

City is going to pay cops for \$90.00 hand jobs. He said the City Clerk refused to hear complaints about activities of election workers in November, 1991.

Bernard Faunce, 98 Sawyer Street, asked the Manager how many flyers were sent out about leaves, how much they cost, and why they were sent to Cape Elizabeth.

Laurie Bower Michaud, 10 Hudson Road, said this was her first Council meeting. She said she started watching at home but had been enraged by Mr. Lee's sign. She questioned Councilor Fickett's and Councilor Glynn's reasons for voting against the ordinance earlier in the evening.

John Howard, Highland Road, said he had spoken to the South Portland Police and found out that it was only under threat of subpoena that the whole video tape of June 9th was given to them. He noted that the case went to the District Attorney, and there were no charges. He said Councilor Glynn had promised immediate airing of the video after the case, and that hasn't been done. He said he had watched a copy of the tape, and he now knows why Councilor Glynn doesn't want it shown. He said it shows a concerted and coordinated effort by Mrs. Conroy and Councilor Glynn to disrupt the process. He said their behavior was unbecoming of elected officials. He asked for an update on the petition investigation.

Clarence Beckwith, 51 Bonnybriar Road, said this is the most crucial election ever for homeowners. He said the Council decides things in workshop, without public input. He said that referendum votes are ignored and so are petitions. He urged voters to get out and vote. He said that Mal LaShay would make taxes worse, if he gets elected, and advised against putting someone on the Council who was part of the problems at the State level and ran for cover.

Robert Marston, 10 Powers Road, urged people to vote. He said he hopes all this foolishness will end after the election.

Bob Blackwood, 16 Bluff Road, asked how much has been spent in tax abatements to corporate entities. He asked about the range of disparity in assessed values and what the cutoff level is.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Soule to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6)(E), pending litigation. Council went into executive session at 9:30 P.M. by a 6-1 vote, with Councilor Glynn opposed.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to return to open session. Council returned to open session at 11:44 P.M. by a 5-0 vote (Councilors Glynn and Fickett having abstained from participating in the executive session for reason of a conflict and an appearance of a conflict, respectively). Motion was made by Councilor Soule and seconded by Councilor Avery to adjourn. Council adjourned at 11:44 P.M. by a 5-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 10/19/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that the Thornton Heights Lions Club will be picking up leaves for residents and are asking for a 25 cent donation per bag. He stated that Public Cable Company plans to increase its rates as of 1/1/93.

C. PETITIONS AND COMMUNICATIONS

1. Tax abatements for 1991/92 and 1992/93.

City Clerk Linda Cohen thanked the B.E.S.T. Foundation, the students of S.M.T.C. and Big Red Q on Ocean Street for sponsoring the Youth Vote on election day. She noted that Cellular One has donated a cellular phone for each district for election day. She demonstrated the proper way to make one's choice on Optech ballots.

D. APPOINTMENT CALENDAR

2. ORDER#31-92/93-Board of Assessment Review, District 5 (Dearborn). Term to expire 12/31/92. Postponed since 10/5/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

3. ORDER#45-92/93-Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires July 23, 1993.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

Hearing no objection, Mayor Howard took item 14 out of order.

14. PROCLAMATION#1-92/93-recognizing David Quaker, Keith Parsons and Jeremy Angell.

There was no public discussion.

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

E. CONSENT CALENDAR

MASSAGE THERAPIST.

4. Louise Denney, Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
5. April L. Moisan, of Biddeford, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
6. Nicole D. Sylvain, of Portland, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

7. David T. Lengel, d/b/a Willow's Pizza and Restaurant, 1422 Broadway, FSE/Restaurant with Malt and Vinous. 11/4/92 to 11/4/93. State and City license. Renewal.
8. Dollar Daze, Inc., d/b/a Deals for a Dollar, Millcreek Plaza, FSE/Food Service Establishment. 11/2/92 to 3/1/93. New City license.

TAXICAB DRIVER

9. Richard M. Waggenheim, employed by South Portland Taxi, 165 Pickett Street. New City license.
10. Robert E. Smith Jr., employed by South Portland Taxi, 165 Pickett Street. New City license.

SIGN PERMIT

11. South Portland Kiwanis Club, off premise signs at the corners of Broadway and Ocean Street and Broadway and Westbrook Street, advertising the Annual Penny Sale. Renewal. Requests waiver of fee.

POLE AND/OR UTILITY PERMIT

12. New England Telephone - placement of pole on Fickett Street.

Neal Weinstein, Attorney for Louise Denney, addressed the consent calendar.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion was made by Councilor Boudreau and seconded by Councilor Soule to amend the motion to postpone items 4, 5 & 6 until the next meeting. Unanimous 7-0 passage. Unanimous 7-0 passage, as amended.

F. PUBLIC HEARINGS AND ACTION

13. William Heller, d/b/a Quick Coffee, FSE/Pushcart, 27 Ocean Street. Requesting variance to operate within five hundred (500) feet of other licensed food service establishments.

The following people addressed this item:

William Heller, applicant
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage.
Motion received passage by a 6-1 vote, with Councilor Dearborn opposed.

G. ACTION ON OLD AND NEW BUSINESS

15. ORDER#46-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

16. ORDER#47-92/93-award of bid to O'Connor GMC, Augusta, ME. and Wier's Motor Sales, Kennebunkport, ME., for the purchase of trucks for the Pollution Abatement and Parks and Recreation departments.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street
Dana Anderson, Director of Parks and Recreation
Pat Cloutier, Director of Pollution Abatement

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

H. CITIZENS DISCUSSION

Mal LaShay, Myrtle Avenue, said he is one of six people running for the City Council, and voters get to vote for two. He said he would like to see the At Large election simplified, and thanked the volunteers who helped him.

Bill Laidley, 374 Sawyer Street, spoke as the Secretary of the Ferry Village Neighborhood Conservation Association. He said the next meeting is at the Centerboard Yacht Club on 11/12/92 at 7 P.M. He said he appreciates the acknowledgement of the Association's donation tonight, adding that the members believe in supporting worthwhile City projects.

John Howard, 94 Highland Road, said he was speaking as an attorney. He said he reviewed the file of the lawsuit filed by Councilor Glynn, and the suit is completely frivolous. He said it appears there are at least three different versions of the tape from June 9th, and it's still not clear whether the full tape has been turned over, adding that it is a criminal violation to withhold evidence of a criminal investigation. He said that Councilor Glynn has said he only wants the Court to order the City to follow laws, but the second part of his suit request the Court award monetary damages.

Clarence Beckwith, 51 Bonnybriar Road, reminded Mr. Howard that the District Attorney said she feels there were violations. He said there is a shadowy group running

this city, adding that they picked Mr. LaShay and Mr. Macomber to run for Council. He said Mr. Macomber was in Augusta for 12 years and, during that time, State Government went on a wild spending spree. He noted that Mr. LaShay approved large spending increases when he was on Council, and he passed harsh restrictions on private property.

He asked people to elect Glynn and Michalec to help Fickett.

Dan Taylor, Ocean Street, said that, in the November, 1991 Press Herald, Peter Larsen asked for an investigation. He said that Glynn, Michalec, Carpenter and Larsen should be elected because they are open.

Lori Bower Michaud, 10 Hudson Road, told everyone to remember who represents the fanatics in this community and urged a vote for positive change.

Ray Lee, South Portland, said a fantastic, clean campaign was run by Glynn and Michalec, adding that it dealt with the issues. He said there are a lot of millionaires in South Portland who wouldn't mind tax increases. He said that fixed income people would mind.

Bob Blackwood, 16 Bluff Road, said that Mr. Macomber has been a dedicated public servant to South Portland for decades, and he has served the city well. He said that, with regard to Mr. LaShay, wetland setbacks are State, not local. He said he believes it was Councilor LaShay who got the 50 foot lots separated. With regard to the revaluation, he stated that that is required by State Constitution. He said that Mr. Michalec had said he would make it illegal for the City to take property, and Mr. Glynn said he would reduce the salary of the Superintendent.

Bernard Faunce, 98 Sawyer Street, said he favors the selectman form of government but knows it couldn't possibly work in a city this size. He said the Council rubberstamps almost everything the Manager wants, and it should be the other way around. He said that workshops should be eliminated because things are decided there. He said he had received flip answers from the Manager, and he doesn't want to see the Manager find money to override his vote. He said he also doesn't want a man in Augusta who will override his vote.

Bob Mittel, an attorney from Danforth Road, said it appears that Mr. Glynn and Mrs. Conroy have lied under oath. He said he has been practicing law for 25 years, and he has dealt with a number of election cases. He said he is angry at Mr. Glynn's deposition, and the law suit is frivolous. He said that Corporation Counsel is named in the suit, and so is the City, which, ultimately, is the taxpayers who will spend about \$50,000 for a lawyer. He said there was no reason for Ms. Kahl to be sued. He said he has read the transcript and seen the movie, and it is quite clear the names of absentee voters were called off and the challenger can also be heard repeating the names; therefore, the affidavits of Mr. Glynn and Mrs. Conroy are false. He said this person is costing the City a lot of money. (In answer, Councilor Glynn said the Warden only checked the names off against the list that came with the ballots.)

Motion was made by Councilor Boudreau and seconded by Mayor Howard to adjourn. Council adjourned at 8:25 P.M. by a unanimous 7-0 vote.

A TRUE COPY

ATTEST


Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Soule and seconded by Councilor Boudreau to accept the minutes of the 11/2/92 meeting. Unanimous 6-0 passage (Councilor Avery arrived after the vote).

Mayor Howard presented City Council plaques to Mary Cullinan and Stella Briggs for years of service, by the former, on the Library Advisory Board and, by the latter, as District 5 Election Warden.

Plaques were also given in recognition of the following people's service on the Comprehensive Plan Committee: Sharon Benoit, Susan Avery, Thomas Blake, Linda Boudreau, Donald Chase, William Doane, Michael Farmer, Eugene Gendron, Brian Hanlon, Ronald Harris, Douglas Hubley, Jeanne Irwin, Linda Johnson, Myron Knights, William Laidley, J. Mallon LaShay, Gary Massanek, Steven Rosenblatt, David Scribner, Mavourneen Thompson, and David Wallace.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced the promotion of Lt. Miles T. Haskell to the position of Deputy Fire Chief.

He noted that City employees are volunteering to help residents apply for rent or tax relief several nights at City Hall.

He congratulated the South Portland High School Football team for winning the Class A Championship against Biddeford on Saturday, adding that it was one of the most exciting high school football games he had ever attended.

Finally, he noted that he had raked leaves and taken them to the landfill this weekend and was surprised to see how high the pile is getting. He said the Thornton Heights Lions Club will be collecting leaves again this weekend, and explained that residents wishing to use the service should contact Public Works or the City Clerk's office.

C. PETITIONS AND COMMUNICATIONS

1. Tax abatements for 1991/1992 and 1992/1993.

D. APPOINTMENT CALENDAR

2. ORDER#31-92/93-Board of Assessment Review, District 5 (Dearborn). Term to expire 12/31/92. Postponed since 10/5/92.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until 12/7/92. Unanimous 7-0 passage.

* * * * *

3. ORDER#45-92/93-Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/93.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to appoint Donald B. McMaster to this position. Unanimous 7-0 passage.

* * * * *

4. ORDER#48-92/93-Conservation Commission, District 5 (Dearborn). Term to expire 11/20/95.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until 12/7/92. Unanimous 7-0 passage.

* * * * *

5. ORDER#49-92/93-Conservation Commission, At-Large (Glynn). Term to expire 11/20/95.

Motion was made by Councilor Glynn and seconded by Mayor Howard to postpone this item until 12/7/92. Unanimous 7-0 passage.

* * * * *

6. ORDER#50-92/93-Conservation Commission, At-Large (Howard). Term to expire 11/20/95.

There was no public discussion.

Motion was made by Mayor Howard and seconded by Councilor Glynn to re-appoint Edward T. Richardson Jr. to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

MASSAGE THERAPIST.

7. Louise Denney, Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
8. April L. Moisan, of Biddeford, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
9. Nicole D. Sylvain, of Portland, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

10. George Roberts, d/b/a Ocean Street Exxon. FSE/Retail Store with Malt. 11/16/92 to 12/31/92. City license. New owner of existing business.
11. Edward M. Griffin, d/b/a Eddie Griffin Dugout Sports Grill , 62 Ocean Street. FSE/Class A Lounge with Liquor and Special Amusement Permit. 12/31/92 to 12/31/93. State and City license. Renewal.

IN COUNCIL REGULAR MEETING NOV. 16, 1992 VOL. 54 PAGE 46

12. Winchester & Co., Inc., d/b/a Winchester of Maine Mall, 518 Maine Mall. FSE/Class A Restaurant with Liquor. 12/11/92 to 12/11/93. State and City license. Renewal.
13. Jordan Marsh Store, d/b/a Jordan Marsh Garnishes, 100 Maine Mall Road. FSE/Class A Restaurant with Liquor. 12/31/92 to 12/31/93. State and City license. Renewal.
14. Pizza Hut, (two locations) Maine Mall Road and Waterman Drive, FSE/Restaurant with Malt. 12/31/92 to 12/31/93. State and City license. Renewals.

FLAMMABLE LIQUIDS

15. George Roberts, d/b/a Ocean Street Exxon. 11/16/92 to 4/1/93. City license. New owner of existing business.

BEANO AND GAMES OF CHANCE

16. Cheverus High School, at Samco Hall, 385 Main Street. 11/16/92 to 11/16/93. New City license.

SIGN PERMIT

17. South Portland/Cape Elizabeth Rotary Club requests two (2) signs in Mill Creek Park to advertise annual Christmas tree sale.

MONTHLY REPORTS

18. Department reports for the month of October.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

19. Attendance reports for the month of October.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage of the entire consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Soule to amend the motion to postpone items 7, 8 and 9 until 12/7/92. Unanimous 7-0 passage. Unanimous 7-0 passage of the amended calendar.

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

20. ORDER#51-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

21. PROCLAMATION#2-92/93-recognizing State Senator Barbara A. Gill.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to postpone this item until 12/7/92. Unanimous 7-0 passage.

* * * * *

22. PROCLAMATION#3-92/93-recognizing State Representative Harold M. Macomber.

There was no public discussion.

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

* * * * *

23. PROCLAMATION#4-92/93-recognizing State Representative Cushman D. Anthony.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to postpone this item until 12/7/92. Unanimous 7-0 passage.

* * * * *

24. ORDER#52-92/93-authorizing the City Manager to sign a sludge/biosolids handling agreement with Portland Water District and Regional Waste Systems, Inc.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item until the next meeting. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Motion was made by Councilor Soule and seconded by Councilor Boudreau to amend the agreement by making changes outlined in information passed out this evening to the Council. Motion received passage by a 6-1 vote, with Councilor Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order to include language stating that no composting activity will transpire on outer Highland Avenue. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Order received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

25. ORDER#53-92/93-acceptance of a planning grant from the New England Interstate Water Pollution Control Commission and the Casco Bay Estuary Project.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, 51 Bonnybriar Road
Ed Reidman, City Engineer

Motion was made by Councilor Soule and seconded by Mayor Howard for passage. Unanimous 7-0 passage.

* * * * *

26. ORDER#54-92/93-acceptance of a storm water easement from the City of Portland.

There was no public discussion.

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

* * * * *

27. ORDINANCE#9-92/93-amendment to Ch. 14., "Licenses, Permits and Business Regulations Generally," Art. 3 "Taxi Cabs and Vehicles for Hire." First reading.

The following people addressed this item:

Jim Brewster, 1545 Broadway
Ray Lee, Henry Street

Motion was made by Councilor Fickett and seconded by Councilor Dearborn that this serve as first reading and be postponed until 12/7/92. Motion failed by a 2-5 vote, with Councilors Fickett and Dearborn in the minority.

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, asked about the project that the City is planning regarding the separation of sump pumps, roof drains and cellar drains from the sanitary system. He also asked why the street sweeper is not sweeping leaves out of the street.

Ray Lee, Henry Street, said that no one should say that things always come to an agenda after workshop, because the leaves didn't. He said a voided copy of the Bill of Rights should have been attached to the front of the Comprehensive Plan. He said the Bob Hanson has a conflict of interest because he contributed to Ralph Howard's campaign. He said that the people who violated the law should pay the costs. He said he saw laws broken at District One in November of 1991. He said the City Clerk refused to listen to complaints. He said that F. Lee Bailey would have been a better choice.

Clarence Beckwith, 51 Bonnybriar Road, said he hopes Councilor Glynn's lawsuit gets a fair hearing. He asked if the two attorneys who spoke at the last Council meeting were paid to do so. He asked if the City has tried to resolve the lawsuit out of court. He said the voters again voted down borrowing money for the bypass road, and he hopes the Council doesn't come up with the money. He suggested giving the Director of Public Works \$100,000 to build a conveyor system at the Treatment Plant. He noted that the City has spent \$28,000 in outside attorney fees this year, and that doesn't include the suit brought by Councilor Glynn.

Jim Brewster, 1545 Broadway, said he was very pleased with the election results. He said he is proud to have served on the Comprehensive Plan Committee and glad the City had one.

Robert Thurston, Portland, said the new bridge design will not work and a better design would cost \$65,000,000 less.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to adjourn.
Council adjourned at 9:25 P.M. by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 49

Mayor Howard in Chair	Invites the Reverend John McCall to offer the invocation.
Mayor Howard	Calls the meeting to order.
Mayor Howard	Asks Clerk for Roll Call.
Clerk Cohen	Calls the Roll.
Mayor Howard	Asks Councilors-elect Glynn and Macomber to take their oath of office.
Clerk Cohen	Administers the Oath.
Clerk Cohen	Declares Councilors Glynn and Macomber duly qualified Councilors.
Mayor Howard	Announces "nominations for Mayor for year 1992/93 are in order."
Councilor Boudreau	Nominates Councilor Soule.
Councilor Dearborn	Seconds the motion.
Mayor Howard	Asks if there are "any other nominations?"
Mayor Howard	Asks Clerk Cohen to Call the Roll.
Clerk Cohen	Calls the Roll.
Mayor Howard	Announces Councilor Soule as Mayor for 1992/93 by a 5-0 vote, with Councilors Fickett and Glynn abstaining.
Mayor Soule	Presents Official Gavel to out-going Mayor Howard.
Clerk Cohen	Reads Proclamation #5-92/93
Councilor Macomber	Moves for passage of Proclamation #5-92/93
Councilor Boudreau	Seconds the motion
Mayor Soule	Takes the vote and declares "Proclamation #5-92/93 duly passed." Unanimous 7-0 vote.

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 50

Mayor Soule	Presents Inaugural Address.
Councilor Boudreau	Moves that "Inaugural Address be spread on the records."
Councilor Fickett	Seconds the motion.
Mayor Soule	Takes the vote and Orders "Inaugural Address shall be spread on the records." Unanimous 7-0 vote.
Councilor Boudreau	Reads and moves for passage of RESOLUTION #4 -92/93 establishing time and place of meetings.
Councilor Macomber	Seconds the motion
Mayor Soule	Takes the vote and Declares "Resolution duly passed." Unanimous 7-0 vote.
Councilor Macomber	Moves the "the Rules of City Council as enumerated in Chapter 2 of the Code of Ordinances, City of South Portland, which said codification became effective January 1, 1973 and amended May 18, 1987, shall remain in effect as therein set forth until further amended."
Councilor Dearborn	Seconds the motion. (Councilor Glynn made a motion seconded by Councilor Fickett to postpone this item until the next meeting. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.)
Mayor Soule	Takes the vote and announces" The Rules of the City Council are continued in effect." By a 5-2 vote, with Councilors Glynn and Fickett opposed.
Councilor Dearborn	Moves that "Council recess until 7:00 p.m."
Councilor Boudreau	Seconds the motion.
Mayor Soule	Asks for a vote and then "Declares the Council recessed until 7:00 p.m. this evening." Unanimous 7-0 vote.

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 51

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the November 16, 1992 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said that a printed History of South Portland will soon be available for purchase.

He also read a letter he had written regarding the Cumberland County budget.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER#31-92/93-Board of Assessment Review, District 5 (Dearborn). Term to expire 12/31/95. Postponed since 10/5/92.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to appoint Mark G. Sullivan to this position. Unanimous 7-0 passage.

* * * * *

2. ORDER#48-92/93-Conservation Commission, District 5 (Dearborn). Term to expire 11/20/95. Postponed on 11/16/92.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to appoint Cecile M. Chapin to this position. Unanimous 7-0 passage.

* * * * *

3. ORDER#49-92/93-Conservation Commission, At-Large (Glynn). Term to expire 11/20/95. Postponed on 11/16/92.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to appoint James V. Michalec to this position. Motion received passage by a 6-1 vote, with Councilor Avery opposed.

* * * * *

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 52

4. ORDER#55-92/93-Regional Waste Systems Biosolids Management Committee.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Herbert Haase, Winding Way

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to appoint Councilor Dearborn, Jerre Bryant and Pollution Abatement Director Patrick M. Cloutier to this committee. Motion was made by Councilor Glynn and seconded by Councilor Fickett to divide the question and vote on the nominees individually. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Order received passage by a unanimous 7-0 vote.

E. CONSENT CALENDAR

MASSAGE THERAPIST.

5. Louise Denney, Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
6. April L. Moisan, of Biddeford, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.
7. Nicole D. Sylvain, of Portland, ME. Therapeutic Massage Therapist at Scarlet's Holistic Massage, 336 Broadway. 9/30/92 to 9/30/93. City license. Renewal. Postponed since 10/5/92.

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

8. VFW Post #832, 50 Peary Terrace, FSE/Club with Liquor and Special Amusement Permit. 12/31/92 to 12/31/93. State and City license. Renewal.
9. General Mills Restaurants Inc., d/b/a The Olive Garden, 200 Gorham Road. FSE/Class A Restaurant with Liquor. 12/31/92 to 12/31/93. State and City license. Renewal.
10. Yankee Ribs Inc., d/b/a Tony Roma's A Place for Ribs. State license only. 1/12/93 to 1/12/94. Renewal.
11. Hu Ke Lau Corporation, d/b/a Hu Ke Lau Restaurant, Maine Mall. FSE/Class A Restaurant with Liquor. 12/31/92 to 12/31/93. State and City license. Renewal.
12. Bridgeway Inc., d/b/a Bridgeway Restaurant, 71 Ocean Street. FSE/Class A Restaurant with Liquor and Special Amusement Permit. 12/31/92 to 12/31/93. State and City license. Renewal.
13. Howard Young, d/b/a Jester's Tavern, 173 Ocean Street. Amended application to increase hours of operation.

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 53

GOING OUT OF BUSINESS

14. Anderson-Little, 319 Maine Mall. 12/8/92 to 2/5/93.
15. Empire Clothing Co., d/b/a Owen Moore, Maine Mall. 12/7/92 to 1/26/93.

TRUCKING, REFUSE REMOVAL

16. Leonard Disposal Inc., Falmouth, Maine. 12/7/92 to 12/31/93. New City license.

BEANO AND GAMES OF CHANCE

17. Renewals for 1/1/93 to 12/31/93. Some fee waivers requested.

Judy Carpenter, 25 Washington Avenue, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the entire consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the motion to exclude items 5, 6, 7 and 11 and deal with them separately. Motion was made by Councilor Avery and seconded by Councilor Boudreau to amend the amendment to include item 13. Amendment to the amendment received passage by a 6-1 vote, with Councilor Fickett opposed. Amendment received unanimous 7-0 passage. The remainder of the consent calendar received unanimous 7-0 passage.

Motion was made by Mayor Soule and seconded by Councilor Dearborn for passage of item 5. Motion failed by a 3-4 vote, with Councilors Dearborn, Fickett and Glynn in the minority.

Motion was made by Councilor Avery and seconded by Councilor Macomber to deny the license for item 6. Motion received passage by a 4-3 vote, with Councilors Glynn, Dearborn and Fickett opposed.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to deny the license for item 7. Motion received passage by a 4-3 vote, with Councilors Glynn, Dearborn and Fickett opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone item 11 until the next meeting. Unanimous 7-0 passage.

Roy Brockman, representing Jester's, addressed item 13.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of item 13. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

18. PROCLAMATION#2-92/93-recognizing State Senator Barbara A. Gill. This item was postponed on 11/16/92.

There was no public discussion.

IN COUNCIL INAUGURAL MEETING DEC. 7, 1992 VOL. 54 PAGE 54

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Motion was made by Councilor Avery and seconded by Councilor Dearborn to amend the proclamation by replacing "Mayor Howard" with "Mayor Soule." Unanimous 7-0 passage. Proclamation, as amended, received unanimous 7-0 passage.

* * * * *

19. PROCLAMATION#4-92/93-recognizing State Representative Cushman D. Anthony. This item was postponed on 11/16/92.

Cushman Anthony, 195 Margaret Street, addressed this item after passage.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend the proclamation by replacing "Mayor Howard" with "Mayor Soule." Proclamation, as amended, received unanimous 7-0 passage.

* * * * *

20. PROCLAMATION#6-92/93-recognizing accomplishments of the South Portland High School athletic teams.

Coach Rita Brown addressed this item after passage.

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

* * * * *

21. PROCLAMATION#7-92/93-recognizing accomplishments of the South Portland High School Marching Band.

Amy Bettencourt, Head Drum Major, addressed this item after passage.

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

* * * * *

22. PROCLAMATION#8-92/93-recognizing the Thornton Heights Lions Club.

James Sheppard, President of the Thornton Heights Lions Club, and Public Works Director Ge Erskine addressed this item after passage.

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

* * * * *

23. ORDER#56-92/93-acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

24. ORDER#57-92/93-award of bid to Morbark of New England, of Auburn, ME., for the purchase of a wood chipper for the Parks and Recreation/Public Works Departments.

The following people addressed this item:

Mary Fendall, 26 Coach Road
Bernard Faunce, 98 Sawyer Street

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

* * * * *

25. ORDER#58-92/93-authorizing an application to the State of Maine for a Land and Water Conservation Fund Grant.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Dana Anderson, Parks and Recreation Director
James Michalec, 10 Ship Channel Road
Bob Blackwood, 16 Bluff Road
Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street
Mary Fendall, 26 Coach Road

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

* * * * *

26. ORDER#59-92/93- easement to the Portland Water District for a water main extension in Roosevelt Street.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, referenced a letter he had received from the City Clerk regarding events at District 1 during the November, 1991 election. He said that Secretary of State Bill Diamond is aware of the events in South Portland and doesn't care. He said he took the information to an attorney in York County who said it would cost \$20,000 to \$50,000 if Mr. Lee wanted to pursue his allegations. Mr. Lee said he is looking for an attorney to take the case, but he can't afford one.

Herb Haase, Winding Way, said he takes issue with the City spending \$200,000 taking

videos of people's houses for the revaluation. He asked how much the on-going program to maintain this information would cost. He said these pictures are an invasion of privacy, if not legally, then ethically and morally. He said he holds a current State of Maine Broker's license, and he has never seen an accurate assessment done from the outside.

Bernard Faunce, 98 Sawyer Street, said he had asked the Manager some time ago about private concerns picking up the trash. He asked if any South Portland rubbish trucks were taken off the road by the State Police and if one had been towed. He said it is a waste of time and money and an invasion of privacy to expect to go into people's homes to reroute the storm drains.

James Michalec, 10 Ship Channel Road, said his term as President of the Taxpayers' Association is coming to an end, but he plans to run again. He thanked the Council for its patience and understanding in the last year, adding that he has learned a lot. He said that the City might have to pay the property owner for the use of the picture of the home.

Bob Blackwood, 16 Bluff Road, commended the City for trying to save money on sewers and the reassessment. He said that, with regard to the alleged voter fraud last year, attorneys can take a case on a contingency or fee basis. He said they only take them on a fee basis when they think the case is weak.

Clarence Beckwith, 51 Bonnybriar Road, congratulated the Council for rejecting Councilor Avery's attempt to restrict a Councilor's appointment and political signs. He said a very important property rights case was just decided in Sanford. He said he attended an RWS board meeting and that it had passed two expensive programs.

Mary Fendall, 26 Coach Road, asked who will pay for the fundraising for the tennis courts and what happens if the goal of \$50,000 is not reached. She asked if they need a license. She said the revaluation should be done carefully so that taxes go down and not up.

Ed Fendall, Coach Road, asked how taxes are affected by the revaluation. He said the Council votes unanimously on easy issues but 5-2 on the ones that matter, and he would like to see that change. He said that Councilors Fickett and Glynn vote in favor of the people.

I. EXECUTIVE SESSION

Motion was made by Councilor Dearborn and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application (s) for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A., Section 405 (6)(E), pending litigation. Motion was made by Councilor Glynn and seconded by Councilor Fickett to name the litigation. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Council went into executive session at 10:00 P.M. by a 5-2 vote, with Councilors Fickett and Glynn opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to return to open session. Council returned to open session at 11:01 P.M. by a 7-0 vote.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to approve Abatement #13 -92/93 for \$1,197.09 plus interest, costs and fees to date. Motion received passage by a 6-0 vote, with Councilor Dearborn abstaining due to conflict.

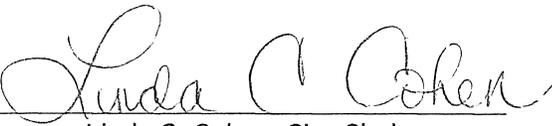
Motion was made by Councilor Boudreau and seconded by Councilor Macomber to deny Abatement #14-92/93. Unanimous 7-0 passage.

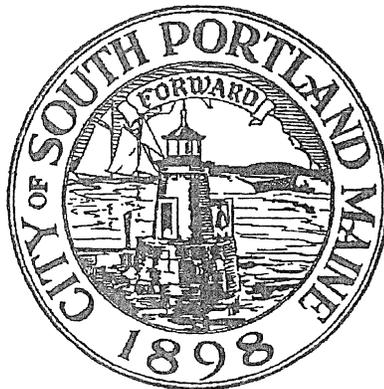
Following the votes on the abatement requests, the Council discussed the issue of whether Councilor Glynn would remove himself from an executive session regarding litigation in which he is the plaintiff.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to adjourn. Council adjourned at 11:27 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 12/7/92 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said the new History of South Portland sold out today, but more copies would be available soon.

Mr. Bryant said that the new Fire pumper, in the backyard this evening, was purchased through donations from Portland Pipeline and other marine terminal operators.

Mr. Bryant noted the promotion of Michael Holmes to the position of Lieutenant in the South Portland Fire Department.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Planning Board regarding a zone change at 1123 Highland Avenue.
2. Report from the Planning Board regarding a zone change at 50 Foden Road.
3. Report from the Planning Board regarding a zone change at Clark's Pond.

D. APPOINTMENT CALENDAR

4. ORDER #60-92/93 - Board of Assessment Review, District 1 (Boudreau). Term to expire 12/31/95.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to re-appoint Maureen Hasson to this position. Unanimous 7-0 passage.

* * * * *

5. ORDER #61-92/93 - Board of Assessment Review, At-Large (Glynn) Term to expire 12/31/95.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to re-appoint Clarence Beckwith to this position. Unanimous 7-0 passage.

* * * * *

6. ORDER #62-92/93 - Board of Assessment Review, At-Large (Macomber). Term to expire 12/31/95.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to re-appoint Eugene Gendron Jr. to this position. Unanimous 7-0 passage.

* * * * *

7. ORDER #63-92/93 - Library Advisory Board, District 2, (Avery). Term to expire 12/31/95.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to re-appoint Marian Peterson to this position. Unanimous 7-0 passage.

* * * * *

8. ORDER #64-92/93 - Library Advisory Board, District 4, (Fickett). Term to expire 12/31/95.

Motion was made by Councilor Fickett and seconded by Councilor Dearborn to postpone this item until 1/4/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

9. Hu Ke Lau Corporation, d/b/a Hu Ke Lau Restaurant, Maine Mall. FSE/Class A Restaurant with Liquor. 12/31/92 to 12/31/93. State and City license. Postponed on 12/7/92. Renewal.
10. S-A South Corporation, d/b/a Sizzler Restaurant, 465 Maine Mall Road, FSE/Restaurant with Malt and Vinous. 1/6/93 to 1/6/94. State and City license. Renewal.

TAXICAB DRIVER

11. Thomas A. Garnett, South Portland Taxi, 165 Pickett Street. 12/21/92 to 6/30/93. New City license.
12. Raymond E. Haynes, South Portland Taxi, 165 Pickett Street. 12/21/92 to 6/30/93. New City license.

USED CAR LOT

13. Renewals for 1993.

POLE AND/OR UTILITY PERMITS

14. Central Maine Power- pole easement on Westcott Road.

MONTHLY REPORTS

15. Department reports for the month of November.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

16. Attendance reports for the month of November.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage of the entire consent calendar. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

17. Jerrerd Benjamin, d/b/a Benjamin Building and Wrecking Co., Jackson Street, Automobile Graveyard and/or Junkyard Permit. 12/31/92 to 12/31/93. Renewal.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

18. ORDER #65-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

19. ORDER #66-92/93 - Council approval of joint purchase with the State Police of (3) cruisers for the South Portland Police Department.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

20. ORDER #67-92/93 - award of bid to Weir's Motor Sales, of Kennebunkport, ME., for the purchase of a van for the School Department.

There was no public discussion.

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

* * * * *

21. PROCLAMATION #9-92/93 - recognizing the 100th anniversary of the Engine 1 Call Company.

There was no public discussion.

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

* * * * *

22. PROCLAMATION #10-92/93 - recognizing the 100th anniversary of Engine and Ladder Company 2.

There was no public discussion.

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

* * * * *

23. ORDINANCE #10-92/93 - amendment to Ch. 27, "Zoning," for a map change at 1123 Highland Avenue. First reading.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

24. ORDINANCE #11-92/93 - amendment to Ch. 27, "Zoning," for a map change at 50 Foden Road. First reading.

There was no public discussion.

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

* * * * *

25. ORDINANCE #12-92/93 - amendment to Ch. 27, "Zoning" for a map change at Clark's Pond Subdivision. First reading.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Macomber that this serve as first reading and be postponed until 1/20/92. Unanimous 7-0 passage.

* * * * *

26. ORDINANCE #13-92/93 - amendment to Ch. 27, "Zoning," Sec. 27-16(c), Expansion of a Nonconforming Use with respect to Residential Density. First reading.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Bill Laidley, 374 Sawyer Street
Ray Lee, 28 Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage of the first reading. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the ordinance to include language, suggested by the Planning Director, that was in the City Manager's position paper. Motion to amend received passage by a 4-3 vote, with Mayor Soule and Councilors Fickett and Glynn opposed. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item and refer it back to the Planning Board. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Fickett and Glynn opposed.

* * * * *

27. ORDINANCE #14-92/93 - amendment to Ch. 27, "Zoning," Sec. 27-55 "Definitions," and Sec. 27-16 "Nonconformance" regarding dormers. First reading.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Glynn for passage of the first reading. Motion received passage by a 6-1 vote, with Mayor Soule opposed.

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said there are a lot of inconsistencies in this city, he, personally, called the Governor and asked him to look into them. He disagreed with Councilor Fickett that the City Manager is handling this whole lawsuit issue well. He said the Manager started the problem by hiring the attorney. He said he heard that voter registration files are being cleaned out and he wonders why. He said he also wonders about vote tampering in South Portland and whether Sue Avery really won.

Laurie Bower Michaud, 10 Hudson Road, said she has come to the conclusion that the Taxpayers group and Councilors Fickett and Glynn are like naughty children who act out just to get attention, any kind of attention. She said that everyone needs rules or there is total chaos.

Bill Laidley, 374 Sawyer Street, said that the zone in which Councilor Glynn lives was changed from 17 to 10 residential units by the Council, after citizen input. He said this is a representative form of government. He said the developer benefits when there is a land donation tied to public policy, adding that he doesn't think that Joe Boulos' arm can be twisted.

Ron Harris, 57 Wild Rose Avenue, thanked Mayor Soule for taking that position again and said he appreciates the fact that Harry Macomber ran and now brings considerable talent back to the Council. He said he finds it intriguing but disconcerting when people subvert things for their own purposes.

Rick Shinay, 29 Carroll Street, expressed concern that Councilor Glynn is preventing the citizens of South Portland from having a private discussion with legal counsel regarding the lawsuit in which he is the plaintiff. He said it is totally outrageous and embarrassing for Mr. Glynn to say he has a right to be in executive session to hear the plans for defense against the suit brought by him. He asked the Council to aggressively pursue the suit and whatever steps necessary to have discussion with legal counsel without the plaintiff.

Robert Fickett, Highland Avenue, said that his neighbors wanted to keep the farms, but their rights were taken away. He said that lost rights are never gotten back, and he thinks they deserve compensation. He said that the general public had nothing to do with it.

Jane Eberle, Pilgrim Road, said that the actual facts behind the lawsuit are that Kevin and Julie set up a disruption of the voting process in District One, filmed it and brought a lawsuit. She said they are the ones who are costing the City money.

Clarence Beckwith, 51 Bonnybriar Road, said he read that the DEP may consider relaxing some wetland restrictions. He said that people should at least be compensated when zoning takes land away. He asked whether Councilors get retirement benefits.

I. EXECUTIVE SESSION

Motion was made by Councilor Avery and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6)(E), pending litigation. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to name the litigation. Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority. Council went into executive session at 9:24 P.M. by a 5-2 vote, with Councilors Fickett and Glynn opposed.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to return to open session. Council resumed open session at 9:30 P.M. by a 7-0 vote.

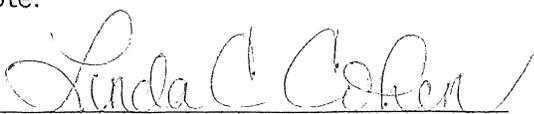
Mayor Soule noted that the litigation being discussed is Glynn and Conroy vs. The City of South Portland, and Councilor Glynn won't leave.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to allow Mr. Bryant to meet with legal counsel to discuss the case and the options available to the Council. Both motions were withdrawn.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to authorize Attorney Hanson to do what is necessary to obtain the right of the Citizens of South Portland to meet with legal counsel without the presence of the plaintiff. Motion received passage by a 5-1 vote, with Councilor Fickett opposed and Councilor Glynn abstaining.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:55 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING JAN. 4, 1993 VOL. 54 PAGE 64

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the December 21, 1992 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted the 10th Anniversary of the South Portland Bus Service and gave the names of the original employees who are still employed by the City, either at the Bus Service or in some other department.

He commended the crews of the Public Works Department for their hard work during the last 8 days. The crews had to deal with icy streets and rubbish pick-up, and they did an excellent job at both with little sleep.

He noted that Christmas trees can be recycled at Greater Portland Christian School, Public Works and Memorial Middle School. In addition, the Thornton Heights Lions club will pick up trees on 1/9 and 1/10 for a 3 dollar donation. Anyone interested should call Public Works by 1/8.

He stated that the landfill has closed, per order of the Department of Environmental Protection, but he is hoping that it is only for a short time. He said that residents can take waste to Portland's Hamlin Pit on Riverside Drive, and he noted that a fee schedule and map will be available tomorrow at the City Clerk's office and at the gate of the old landfill. He said the Legislature needs to be convinced to extend the closing of the City's landfill by one year.

C. PETITIONS AND COMMUNICATIONS

1. Tax abatements for 1991/92 and 1992/93.

Mayor Soule presented Sue Lambe with a plaque for her term on the Conservation Commission, and noted that Jeanne Irwin, who was not present, would also receive a plaque.

D. APPOINTMENT CALENDAR

2. ORDER #64-92/93 - Library Advisory Board, District 4, (Fickett). Term to expire 12/31/95. Postponed on 12/21/92.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item until the next meeting. Unanimous 7-0 passage.

E. CONSENT CALENDAR

GOING OUT OF BUSINESS SALE

3. The Plum Tree, 235 Maine Mall. 1/5/93 to 3/5/93.

IN COUNCIL REGULAR MEETING JAN. 4, 1993 VOL. 54 PAGE 65

VENDOR'S PERMIT

4. Kennebec Girl Scout Council, 138 Gannett Drive, sale of Girl Scout Cookies, door-to-door. 1/15/93 to 4/1/93. Renewal. Requests waiver of fee.

TRUCKING, REFUSE REMOVAL

5. William Harris, d/b/a Harris Trucking, Scarborough, ME. 1/4/93 to 12/31/93. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage of the entire calendar. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

6. ORDINANCE #10-92/93 - amendment to Ch. 27, "Zoning," for a map change at 1123 Highland Avenue. Given first reading on 12/21/92.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

7. ORDINANCE #11-92/93 - amendment to Ch. 27, "Zoning," for a map change at 50 Foden Road. Given first reading on 12/21/92.

Steven Mohr, representing the property owners, addressed this item.

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

* * * * *

8. ORDINANCE #14-92/93 - amendment to Ch. 27, "Zoning," Sec. 27-55 "Definitions," and Sec. 27-16 "Nonconformance" regarding dormers. Given first reading on 12/21/92.

The following people addressed this item:

Guy Maiorano, 69 Willow Street
Clarence Beckwith, 51 Bonnybriar Road
Tex Haeuser, Planning Director

Motion was made by Councilor Glynn and seconded by Councilor Avery for passage. Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to postpone this item and refer it back to the Planning Board as a possible Special Exception. Motion to postpone received passage by a 4-3 vote, with Councilors Glynn, Fickett and Macomber opposed.

IN COUNCIL REGULAR MEETING JAN. 4, 1993 VOL. 54 PAGE 66

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #68-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Unanimous 6-0 passage (Councilor Fickett left - ill).

* * * * *

10. ORDER #69-92/93 - granting tax abatement #18-92/93 for Map 53, Lot 305, in the amount of \$155.40 for tax years 90/91 and 91/92.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Unanimous 6-0 passage.

* * * * *

11. ORDER #70-92/93 - granting consent of a change in partial ownership of Public Cable Company.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion was made by Councilor Avery and seconded by Councilor Glynn to amend the second paragraph of the order by changing 13.2% to 23%. Unanimous 6-0 passage. Order, as amended, received passage by a 5-1 vote, with Councilor Glynn opposed.

* * * * *

12. ORDER #71-92/93 - amending Order #47-90/91 regarding non-union employee health insurance premium deductions.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Laurie Michaud, 10 Hudson Road, showed the Council a miniature playscape proposed to be placed at Brown School, once the funding is in place. She said the concept began a couple years ago with the Brown School PTA. She said that children with physical disabilities will be able to play there.

Ray Lee, Henry Street, cited an ordinance regarding notification by certified mail. He said it is illegal for a police officer to leave something in a person's mailbox. He asked why it isn't illegal to keep lobster traps, or boats, etc. on one's property if it is illegal to keep a car there. He said that the City should reimburse property owners for taxes if it can dictate what is on their property.

Richard Holt, 21 Willard Street, said he would like to see some development on South Portland's waterfront instead of all of it taking place on Portland's.

Clarence Beckwith, 51 Bonnybriar Road, asked several questions about the proposed RWS recycling plant in Gorham. He said he is glad to see the elderly development proceeding on Ridgeland Street. He asked why the insurance program through the Maine Municipal Association isn't covering legal representation in the Glynn case.

Bob Blackwood, 16 Bluff Road, cited an article from the Reporter's Notebook in the Portland Press Herald regarding campaign expenditures by the recent Council candidates. He also said that most people like to have the Council put controls in to insure their property investments.

I. EXECUTIVE SESSION

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application (s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 9:12 P.M. by a unanimous vote. Motion was made by Councilor Avery and seconded by Councilor Boudreau to come back into open session. Open session resumed at 10:05 P.M. by a unanimous vote.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to deny abatement request #15-92/93. Motion received passage by a 5-1 vote, with Councilor Glynn opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to approve abatement request #16-92/93 in the amount of \$858.36 plus interest and costs to date. Motion received passage by a 4-2 vote, with Mayor Soule and Councilor Avery opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to approve abatement request #17-92/93 in the amount of \$1,498.97 plus interest and costs to date. Motion received passage by a 5-1 vote, with Mayor Soule opposed.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to adjourn. Council adjourned at 10:09 P.M. by a unanimous vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 1/4/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant welcomed John Chapin's government students from the high school who were attending this evening's meeting to learn about local government.

He noted that he has been to Augusta and is hoping to work out a resolution with the Department of Environmental Protection regarding the closing of the landfill.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER #64-92/93 - Library Advisory Board, District 4, (Fickett). Term to expire 12/31/95. Postponed since 12/21/92.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

2. ORDER #72-92/93 - Waterfront Advisory, to fill an unexpired term which expires 3/20/94.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to appoint Lt. Gerald A. Green to this position. Unanimous 7-0 passage.

* * * * *

3. ORDER #73-92/93 - Republican Representative to the Board of Voter Registration to fill an unexpired term which expires 5/1/94.

Peter Larsen, 406 Ocean Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Geraldine Bissonette to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

4. Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 198 Maine Mall Road. FSE/Restaurant with Malt and Vinous. 2/3/93 to 2/3/94. State and City license. Renewal.
5. Imperial China Corporation, 220 Maine Mall Road. FSE/Class A Restaurant with Liquor. 2/6/93 to 2/6/94. State and City license. Renewal.

COIN-OPERATED DEVICE

6. Jordan's South Portland Inc., d/b/a Jordan's Seafood Restaurant, 700 Main Street. 1/20/93 to 6/30/93. One machine. New City license.

MONTHLY REPORTS

7. Department reports for the month of December.

BOARDS AND COMMITTEES ATTENDANCE REPORTS

8. Attendance reports for the month of December.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

9. ORDINANCE #12-92/93 - amendment to Ch. 27, "Zoning" for a map change at Clark's Pond Subdivision. Given first reading on 12/21/92.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

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

* * * * *

10. Jordan's South Portland Inc., d/b/a Jordan's Seafood Restaurant, 700 Main Street. FSE/Class A Restaurant with Liquor and Special Amusement Permit. 1/20/93 to 1/20/94. New State and City license.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to grant the license. Unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

11. ORDER #74-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

12. ORDER #75-92/93 - authorizing an exchange of deeds between the City and three owners of property abutting the Greenbelt.

There was no public discussion.

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

* * * * *

13. ORDER #76-92/93 - approving the by-laws of the Regional Waste Systems Biosolids/Sludge Management Committee.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item:

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

* * * * *

14. RESOLVE #5-92/93 - regarding Council endorsement of the 1994/95 transportation improvement program.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

15. ORDINANCE #15-92/93 - amendment to Ch. 15, "Motor Vehicles and Traffic", regarding handicap parking and junk vehicles. First reading.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone the first reading until the next meeting. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Ordinance received first reading by a 5-2 vote, with Councilors Fickett and Glynn opposed.

16. RESOLVE #6-92/93 - pursuant to Section 612 of the City Charter determining details of issue of \$2,300,000 principal amount of bonds.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion received passed by a 6-0 vote, with Councilor Boudreau out of the room for the vote.

H. CITIZENS DISCUSSION

Robert Marston, 10 Powers Road, said he was glad to see handicapped parking enforced more. He said he finds the words "nazi" and "Hitler" offensive and wishes the person who uses those words would think about it and not use them again.

Bernard Faunce, 98 Sawyer Street, asked why the City put buses on the ballot if there was another source for the money. He said the City is going too far with the junk cars, adding that he finds stinking lobster traps offensive, but he would never say anything to a neighbor. He said that property owners are losing more and more of their rights.

Ray Lee, Henry Street, told Mr. Marston he doesn't like those terms either, but he calls things as he sees them. He said there are a lot of houses for sale in South Portland and he researched why. He said people are tired of taxes, the schools in this city, and they think the Council government in South Portland stinks. He accused the Mayor of holding an illegal, secret meeting last week when the Mayor held a press conference and two other Councilors attended. He said Councilor Glynn's lawsuit is not against the citizens of South Portland, but Mary Kahl's lawsuit against Saco named the inhabitants of Saco. He said that Linda Cohen ignored complaints she was given during the day of the June Primary about election law violations.

Jane Eberle, Pilgrim Road, read a letter she is sending to the Press Herald regarding the Glynn and Conroy suit against the City. She said it is not enough for them to apologize and pay the Court costs; they should resign immediately from their positions that they have continually abused.

Rick Brown, 420 Cottage Road, asked what happens to junk cars that are towed.

Clarence Beckwith, 51 Bonnybriar Road, said he was upset at the joint Council/School Board workshop when Councilor Macomber said he doesn't want to hold the line on spending. He also said the schools should not close so that staff can meet when they could meet when school is over. He said that all debts should be shown to the public.

Janice Doctor, 199 High Street, said there has been a junk car ordinance in South Portland for years. She said she had an old car, but she kept it running and registered. She said that she, too, is offended by people calling Councilors "nazi" and "Hitler."

Motion was made by Councilor Dearborn and seconded by Councilor Avery to adjourn. Council adjourned at 9:43 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

ROLL CALL: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Fickett was absent, and Councilor Glynn arrived late.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Avery to accept the minutes of the 1/20/93 meeting. Unanimous 5-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that, due to the snow storm, trash scheduled to be picked up today will be picked up next Monday.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER #64-92/93 - Library Advisory Board, District 4, (Fickett). Term to expire 12/31/95. Postponed since 12/21/92.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item until 2/17/93. Unanimous 5-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. Virginia DiBiase, d/b/a The Doctor's, 565 Westbrook Street. FSE/Class A Restaurant with Liquor and Special Amusement Permit. 2/21/93 to 2/21/94. State and City license. Renewal.

FLAMMABLE LIQUIDS

3. Division of Kramer Chemicals, Inc., d/b/a W. H. Shurtleff Company, One Runway Road. 2/1/93 to 4/1/93. City license. New owner of existing business.

COIN-OPERATED DEVICE

4. Roland J. Charlton, d/b/a Hops and Barley, 173 Ocean Street. 2/1/93 to 6/30/93. Two machines. New City license.

TAXICAB DRIVER

5. William W. Cameron, South Portland Taxi, 165 Pickett Street. 2/1/93 to 6/30/93. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the entire consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Avery to withdraw Item 3 at the applicant's request. Unanimous 6-0 passage. The remaining calendar received unanimous 6-0 passage.

F. PUBLIC HEARINGS AND ACTION

6. ORDINANCE #15-92/93 - amendment to Ch. 15, "Motor Vehicles and Traffic," regarding handicap parking and junk vehicles. Given first reading on 1/20/93.

The following people addressed this item:

Ray Lee, 28 Henry Street
Gerald Merriman, 59 Deake Street
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Macomber to amend Sections 15-251, 15-253 and 15-254(a) by adding the last sentence "this section shall not apply to any vehicles that are either duly registered, have current inspection stickers or valid license plates." Motion failed by a 1-5 vote, with Councilor Glynn in the minority. Motion was made by Councilor Glynn and seconded by Councilor Macomber to amend the sections above by adding "this section shall not apply to any vehicles which are either covered while being stored or being restored by the owner." Motion failed by a 2-4 vote, with Councilors Glynn and Macomber in the minority. Ordinance received passage by a 5-1 vote, with Councilor Glynn opposed.

* * * * *

7. Roland J. Charlton, d/b/a Hops and Barley, 173 Ocean Street. FSE/Tavern with Malt. 2/1/93 to 2/1/94. New State and City license.

There was no public discussion.

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

* * * * *

8. RESOLVE #7-92/93 - endorsing the South Portland Bus Service Americans With Disability Act (ADA) compliance plan.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 6-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #77-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 6-0 passage.

IN COUNCIL REGULAR MEETING FEB. 1, 1993 VOL. 54 PAGE 74

10. PROCLAMATION #11-92/93 - recognizing Patrolman Kenneth Cronin as South Portland Police Officer of the Year for 1992.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Unanimous 6-0 passage.

* * * * *

11. PROCLAMATION #12-92/93 - recognizing the South Portland History Committee.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone this item until 2/17/93. Unanimous 6-0 passage.

* * * * *

12. ORDER #78-92/93 - authorizing the City Manager to sign an engineering and design agreement with the Maine Department of Transportation for the Maine Mall Road construction project.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion received passage by a 5-1 vote, with Councilor Glynn opposed.

* * * * *

13. ORDER #79-92/93 - authorizing the City Manager to sign a Jobs Bond contract with the Department of Community and Economic Development for the Maine Mall Road project.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Motion received passage by a 5-1 vote, with Councilor Glynn opposed.

* * * * *

14. ORDER #80-92/93 - authorizing a contract with OEST Associates for engineering and design services.

There was no public discussion.

Councilor Boudreau said she would abstain from voting because her brother works for OEST Associates.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion received passage by a 4-1 vote, with Councilor Glynn opposed and Councilor Boudreau abstaining.

H. CITIZENS DISCUSSION

Ray Lee, 28 Henry Street, said he was delivering a message to Mayor Soule from an elderly man who couldn't attend the meeting. He said Mayor Soule would be a "proctologist's delight." He said there was a meeting in Sanford where it was recommended that the elected officials on the Board of Voter Registration be done away with. He asked Corporation Counsel Mary Kahl about a book she wrote regarding election fraud.

Bernard Faunce, 98 Sawyer Street, said the Mayor should not allow one of the Councilors to tell someone to shut up. He said that, if a citizen wants Councilor Glynn to resign, a recall petition should be taken out. He asked about RTP in South Portland and how it is funded. He stated that he is glad Portland got the rail station because now it's having a hard time coming up with money.

Clarence Beckwith, 51 Bonnybriar Road, said he respects Councilor Macomber's feeling that he would rather raise taxes than have layoffs, and he hopes the Councilor respects his right to disagree. He said he never called Councilor Macomber a name, and if he did, he apologizes. He said the junk car ordinance was presented totally differently this time than from the first time. He asked what good it is to belong to MMA if the City can't get insurance coverage for attorneys.

Kevin Glynn, 89 Park Avenue, said he is frustrated by the Council's rules. He also said that having only one workshop a month restricts Councilors from representing their districts, because items need to go to workshop first, but there's no room on the agenda. He said he would like the Council to review the rules and "amend them out." He also said that, anytime a motion to appeal is made, it should be addressed immediately.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application (s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 9:17 P.M. by a unanimous 6-0 vote.

Motion was made by Councilor Glynn and seconded by Councilor Avery to come back into open session. Executive session ended at 9:55 P.M. by a 6-0 vote.

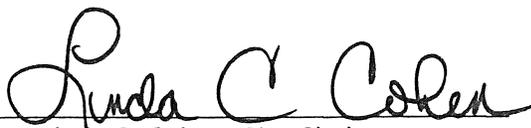
Motion was made by Councilor Glynn and seconded by Councilor Macomber to grant Abatement request #18 in the amount of \$749.34 plus interest and costs. Unanimous 6-0 passage.

Motion was made by Councilor Avery and seconded by Councilor Macomber to deny Abatement request #19. Unanimous 6-0 passage.

Motion was made by Councilor Macomber and seconded by Councilor Glynn to adjourn. Council adjourned at 9:56 P.M. by a 6-0 vote.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING FEB. 17, 1993 VOL. 54 PAGE 76

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 2/1/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

Once again, City Manager Jerre Bryant recognized and commended the municipal employees involved in snow plowing over the last couple of days. He noted that they had worked around the clock and still did trash pick up. He pointed out that, in addition to employees from Public Works, staff from Parks, Electrical, Bus and the School Departments had also helped in plowing. He said that crews will be hauling snow tonight and tomorrow night and asked the public to assist by observing the midnight to 6 A.M. parking ban that exists in South Portland and by not plowing their driveways into the streets or sidewalks. He also asked residents to check the catch basins near their property for clogs.

C. PETITIONS AND COMMUNICATIONS

1. Department reports for the month of January.
2. Attendance reports for the month of January.

D. APPOINTMENT CALENDAR

3. ORDER #64-92/93 - Library Advisory Board, District 4, (Fickett). Term to expire 12/31/95. Postponed since 12/21/92.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber to appoint Hugh Stearns to this position. Unanimous 7-0 passage.

* * * * *

4. ORDER #81-92/93 - Civil Service Commission, District 1, (Boudreau). Term to expire 3/1/98.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Bill Laidley, 374 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road, read a letter from Ray Lee, 28 Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to appoint John Howard to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

5. Allie's Lodge Inc., d/b/a Allie's Lodge, 365 Gorham Road. FSE/Class A Restaurant with Liquor. 3/16/93 to 3/16/94. State and City license. Renewal.
6. FSE/Food Service Establishments requesting fee waiver. Renewals for 1993.
7. Michael J. Ferrante, d/b/a Rudy's All Star Diner Inc., 449 Main Street. FSE/Food Service Establishment. 2/17/93 to 3/1/94. New City license.

AMPLIFYING DEVICE

8. Private Brian K. Crockett, 1286 Broadway. 2/27/93 only. New City license.

BEANO AND GAMES OF CHANCE

9. VFW Post #832, 50 Peary Terrace. 3/11/93 to 3/11/94. City license. Renewal.
10. Scarborough Ice Hockey Boosters Club, 385 Main Street. 3/16/93 to 3/16/94. City license. Renewal.

UTILITY AND/OR POLE PERMITS

11. Northern Utilities Inc. - replacement of a gas main in Ocean Street at Waterman Drive.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage of the entire consent calendar. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

12. Allie's Lodge Inc., d/b/a Allie's Lodge, 365 Gorham Road. Special Amusement Permit. 2/17/93 to 3/16/94. New City license.

There was no public discussion.

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

* * * * *

13. FSE/Food Service Mobile Units/Pushcart. Renewals for 1993. Thornton Heights Lions Club requesting a waiver of fee; all requesting variances to operate within five hundred (500) feet of other licensed food service establishments.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Fickett for passage. Unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

14. PROCLAMATION #12-92/93 - recognizing the South Portland History Committee.
Postponed on 2/1/93.

Mayor Soule presented Hildreth Cass and Grace Corey, two members of the committee, with copies of the proclamation.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

* * * * *

15. ORDER #82-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

16. ORDER #83-92/93 - accepting a donation of land at Clark's Pond.

The following people addressed this item:

Jane Hartnett, representing BDH Realty Trust
Bill Laidley, 374 Sawyer Street

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

* * * * *

17. ORDER #84-92/93 - accepting a \$10,000 donation from BDH Realty Trust.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Bill Laidley, 374 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Motion was made by Councilor Avery and seconded by Councilor Glynn to amend the agreement to reflect deletions suggested by the City Manager and passed out to the Council. Motion was made by Councilor Glynn and seconded by Councilor Fickett to appeal the Mayor's decision not to open the amendment up to public discussion. Motion failed by a 3-4 vote, with Councilors Glynn, Fickett and Macomber in the minority. Amendment received passage by a 7-0 vote. Order received passage by a unanimous 7-0 vote.

* * * * *

IN COUNCIL REGULAR MEETING FEB. 17, 1993 VOL. 54 PAGE 79

18. ORDER #85-92/93 - notice of adoption of City Council Standing Rules.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Unanimous 7-0 passage.

* * * * *

19. ORDER #86-92/93 - authorizing the City Manager to retain legal counsel for personnel matters.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Fickett and seconded by Councilor Glynn (wording provided by Corporation Counsel) to amend the order to delete, in the last line, "on certain personnel and labor matters" and replace it with "on the case currently pending for appeal before the Civil Service Commission." Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority. Motion was made by Councilor Boudreau and seconded by Councilor Avery to move the question. Motion failed by a 4-3 vote, with Councilors Macomber, Fickett and Glynn opposed. Order received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

20. ORDINANCE #16-92/93 - amendment to Ch. 22, "Sewers and Drains," Art. V. "Private Sewage Disposal." First reading.

Ray Lee, 28 Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery that this serve as first reading and the item be postponed until 3/1/93. Unanimous 7-0 passage.

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, thanked former Councilor LaShay for appointing him to the Civil Service Commission, adding that he has learned a lot in the last five years. He said he appreciates the hard work of the Public Works Department, but is concerned about the crews operating equipment when they are so tired. He suggested taking money from the School Department this year and giving it to the Public Works Department.

Laurie Bowers Michaud, 10 Hudson Road, said there will be an auction on 2/28/93 to raise money for the Highland Playland. She gave the Council tickets. She noted how pleased she is with the South Portland plowing efforts, especially after being stuck in her car on an unplowed Cape Elizabeth street.

Clarence Beckwith, 51 Bonnybriar Road, said he receives calls from people who are afraid to come to a Council meeting for fear of retaliation. He said he served in the Army and was promoted many times, and he thinks he has a right to come to Council meetings and speak without being called names. He, too, complimented Public Works, adding that

he is pleased to see other departments called in to help. He suggested using school bus drivers to drive trash trucks. He noted that sometimes it's necessary to hire outside help. He said he hopes the City's attorney is not using City funds to pay for her lawsuit against the County attorney.

Bill Laidley, 374 Sawyer Street, suggested that people who speak so often at Council meetings should run for office and see how people feel about their ideas. He said he never heard complaints, either when he was on the Planning Board or when he was running for Council, about a lack of opportunity to make comments. He said that most people don't know what's going on in the city and don't care. He said he didn't agree with the Manager when he decided to eliminate an attorney. He asked the status of the inventory of paper streets and what happened to the funds from the failed sale of City property to Gavin Ruotolo. He said he applauds the Council and doesn't know how the Councilors put up with everything but urged them to hang in there.

Ray Lee, Henry Street, said he read in the American Journal that Councilor Boudreau wants the Greenbelt plowed. He said it's okay to maintain the walkway as long as it's done with private funds. He said he sold his junk car, though, when first asked, he had said he wanted to keep it because it bothers the City.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery, pursuant to 1 M.R.S.A., Section 405 (6)(D), to go into executive session to discuss labor negotiations. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to include the names of the bargaining units. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Council went into executive session at 9:34 P.M. by a 6-1 vote, with Councilor Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Executive session ended at 10:52 P.M. by a 5-0 vote (Councilors Dearborn and Boudreau out of the room). Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Meeting was adjourned at 10:53 P.M. by a 6-0 vote (Councilor Boudreau out of the room).

A TRUE COPY.



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MARCH 1, 1993 VOL. 54 PAGE 81

ROLL CALL: Mayor Soule called the meeting to order at 7:00 P.M. (Councilor Avery arrived after the discussion on item 3.)

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to accept the minutes of the 2/17/93 meeting. Unanimous 6-0 passage.

Mayor Soule presented a plaque to Bernard Faunce in appreciation of his five years on the Civil Service Commission.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

1. Board of Harbor Commissioners regarding proposed revision of regulations.

D. APPOINTMENT CALENDAR

None.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. South Portland American Little League, at VFW, 50 Peary Terrace. FSE/Food Service Establishment. 3/1/93 to 3/1/94. New City license. Requests waiver of fee.
3. American Legion Post 35, 413 Broadway. FSE/Food Service Establishment. 3/1/93 to 3/1/94. New City license. Requests waiver of fee.
4. Fraternal Order of Eagles #3875, 741 Broadway, FSE/Club with Liquor and Special Amusement Permit. 4/15/93 to 4/15/94. State and City license. Renewal.
5. Pizzeria Uno Inc., d/b/a Pizzeria Uno Restaurant and Bar, 280 Maine Mall Road. FSE/Class A Restaurant with Liquor. 4/22/93 to 4/22/94. State and City license. Renewal.

BEANO AND GAMES OF CHANCE

6. South Portland Music Boosters, John Roberts Road. 4/30/93 to 4/30/94. City license. Renewal. Requests waiver of fee.

VENDOR'S PERMIT

7. Melissa G. Enterprises, d/b/a Impulse, door-to-door vending of books and toys. 3/1/93 to 12/31/93. New City license.

The following people addressed the consent calendar:

Glen Maners, Commander of the American Legion
Ray Lee, Henry Street
Chris Gaddis, Melissa G. Enterprises

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage of the consent calendar. Motion was made by Councilor Macomber and seconded by Councilor Glynn to take item 7 out to be discussed separately; at Councilor Boudreau's suggestion, Councilor Macomber added item 3 to the motion. Unanimous 6-0 passage. The remainder of the consent calendar received unanimous 6-0 passage.

3. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to grant the license. Unanimous 6-0 passage.

7. Motion was made by Councilor Macomber and seconded by Councilor Dearborn to deny the license. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item until 3/15/93. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

F. PUBLIC HEARINGS AND ACTION

8. ORDINANCE #16-92/93 - amendment to Ch. 22, "Sewers and Drains," Article V. "Private Sewage Disposal." Given first reading on 2/17/93.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend the ordinance to set the interest rate at 5%. Amendment received passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed. Ordinance, as amended, received unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #87-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

10. ORDER #88-92/93 - award of bid to Ledgemere Transportation, Inc., of Wells, ME, for the purchase of a school bus.

The following people addressed this item:

Judy Carpenter, 25 Washington Avenue
Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

Laurie Bower Michaud, 10 Hudson Road
Charles Hamlin, Higgins Lane
Burt Edwards, 138 Pennsylvania Avenue, School Board Member
Lee Akerley, Asst. Superintendent of Schools

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

* * * * *

11. ORDER #89-92/93 - award of bid to Aries Industries, Inc., of Sussex, WI, for the purchase of a sewer line video inspection vehicle.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Judy Carpenter, 25 Washington Avenue
Ray Lee, Henry Street
Mark Lorello, Director of Sewer Maintenance

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to be re-bid without the van. Motion failed by a 3-4 vote, with Councilors Glynn, Fickett and Dearborn in the minority. Order received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

12. ORDER #90-92/93 - amendment to City Council Standing Rules.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Judy Carpenter, 25 Washington Avenue
Janice Doctor, 199 High Street
Ray Lee, Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage.
Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to delete the proposed changes to rules 24 and 25. Motion received passage by a 6-1 vote, with Councilor Macomber opposed. Order failed to receive passage by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

* * * * *

13. ORDER #91-92/93 - amendment to City Council Standing Rules.

The following people addressed this item:

Ray Lee, Henry Street
Judy Carpenter, 25 Washington Avenue
Clarence Beckwith, 51 Bonnybriar Road
Laurie Bower Michaud, 10 Hudson Road
Jane Eberle, Pilgrim Road

Janice Doctor, 199 High Street
Gary Massanek, Elm Street (by letter read by the Mayor)

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to delete proposed changes to rule 34. Unanimous 7-0 passage. Order, as amended, failed to receive passage by a 3-4 vote, with Councilors Glynn, Fickett and Macomber in the minority.

* * * * *

14. ORDINANCE #17-92/93 - amendment to Ch. 10 "Health, Welfare and Sanitation Generally," regarding public indecency. First reading.

Motion was made by Councilor Boudreau and seconded by Mayor Soule to waive the reading of the ordinance and allow the City Manager to summarize the ordinance. Unanimous 7-0 passage.

The following people addressed this item:

Judy Carpenter, 25 Washington Avenue
Bernard Faunce, 98 Sawyer Street

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

* * * * *

15. ORDINANCE #18-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding obscenity. First reading.

Motion as made by Councilor Macomber and seconded by Councilor Boudreau to waive the reading of the ordinance and allow the City Manager to summarize. Motion received passage by a 5-2 vote, with Councilors Dearborn and Glynn opposed.

Janice Doctor, 199 High Street, addressed this item.

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

* * * * *

16. ORDINANCE #19-92/93 - amendment to Ch. 2, "Administration and Legislation," §46, "Questions to be decided without debate;" §47, "Debate allowed," and §50, "Speaking of members regulated." First reading.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage of the first reading. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

17. ORDINANCE #20-92/93 - amendment to Ch. 2, "Administration and Legislation," Article V, "Fiscal Controls." First reading.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage of the first reading. Motion received passage by a 5-2 vote, with Councilors Avery and Boudreau opposed.

H. CITIZENS DISCUSSION

Herb Haase, Winding Way, said he has known Councilor Macomber for forty years and knows him to be a man of integrity, so he excludes him from his comments about the Council. He said the Council, as a whole, is missing the point on the Standing Rules. He said that a large portion of the public is concerned that they are being ignored by the Council and there is a huge amount of mistrust. He said he submitted two petitions to the Clerk in support of Councilor Glynn's changes to the rules, and he campaigned for Councilor Glynn, finding tons of people who support him, at least 5,000. He said the majority of voters chose not to widen Broadway and the minority overturned it. He said these rules will end up on the ballot.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to recess. Motion failed by a 3-4 vote, with Mayor Soule and Councilors Avery and Boudreau in the minority.

Geraldine Bissonnette, Bellaire Road, said there hasn't been anyone working in Voter Registration for three months. She said the Chairman of the Republican Party addressed this with the Mayor, and it should have been on tonight's meeting and isn't. She asked if the money the Council appropriates goes to the Departments. She said there is money to pay her salary, but there is a clerk doing filing instead of her. She said no one is overseeing the voting records. She noted that her son registered and voted through the mail, and no one checked it.

Laurie Bower Michaud, 10 Hudson Road, said she turned on SPTV this weekend, and found a speaker, David Barton, put on by the Concerned Taxpayers, saying the most sexist, racist and discriminatory things she has ever heard. She said there was reference to living lives by Christian standards, but this country is a melting pot of all religions, and Christianity should not be forced on everyone.

Clarence Beckwith, 51 Bonnybriar Road, praised the Public Works Department again for the job it has done this winter. He said it proves that efficiency can be initiated in City government and a good job can still be done. He noted that the State is making real cuts, especially in the DEP. He said he sees where the School Superintendent is not abiding by the wishes of the Council with his budget. He said he attended the Civil Service hearing last week, and it is a real black eye for the City. He said that could have been taken care of by City officials, and it was handled badly. He asked why the City Manager's car doesn't have municipal plates on it. He asked about furnishing Councilors with pension and health benefits, adding that most part time jobs don't offer benefits. He suggested cutting the City Council's pay to \$500.

Ray Lee, Henry Street, said the Constitution predates Robert's Rules. He said there is pornography in the schools with respect to sex education. He said the attorney who worked on the Blake hearing had been working for the City for several weeks before Council approval. He asked Mayor Soule when he received the letter from Mr. Larsen.

He concluded that Councilor Glynn should take heart, because three Councilors' terms are up this year.

Janice Doctor, 199 High Street, said that obscenity has been dealt with by the Council in the past, and the library argued against enacting an ordinance. She asked if the library could be exempt.

Bernard Faunce, 98 Sawyer Street, said it was inappropriate for Mayor Soule to read Mr. Massanek's letter during the Council discussion portion of an item because he couldn't comment on it. He asked why people are afraid to let others speak on items, noting that he stayed at the Civil Service hearing until 2:30 A.M. He said the attorneys did most of the talking. He said that people tell him they don't come to Council meetings because they're not being listened to and everything is decided at workshop. He said South Portland can't have a town meeting form of government because it is too big, but people should be able to express their opinion.

Jane Eberle, Pilgrim Road, said there are a great number of people at home who agree with the vote tonight and don't understand why the rules are again being discussed. She said people don't come down to the meeting because they are afraid of being heckled and the meetings are long and boring. She said it is easier to watch at home and turn off the television. She said she can't believe how concerned Councilor Glynn says he is with taxpayers' dollars when he filed a lawsuit against the City and has never said a word about its cost.

Judy Carpenter, 25 Washington Road, said that people who speak out against the majority of this Council are being labelled. She said that many of the things the Council does are objectionable, and it's sad that people can't come down and speak without being made to feel bad. She said she saw the Concerned Taxpayers video referred to earlier and found it very interesting. She said this country lost a lot of its morality in the 60's.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by the Mayor to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application(s) for abatement of property taxes on account of infirmity or poverty and, pursuant to 1 M.R.S.A., Section 405 (6)(D), labor negotiations. Motion was made by Councilor Glynn and seconded by Councilor Fickett to divide the question. Motion failed by a 2-5 vote, with Councilor Fickett and Glynn in the minority. Council went into executive session at 11:55 P.M. by a 6-1 vote, with Councilor Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Avery to return to open session. Executive session ended at 12:14 A.M. by a 5-0 vote, with Councilors Boudreau and Fickett absent. Motion was made by Councilor Dearborn and seconded by Councilor Avery to grant abatement request #20-92/93. Motion failed by a 1-4 vote, with Councilor Glynn in the minority.

Motion was made by Councilor Macomber and seconded by Councilor Avery to adjourn. Council adjourned at 12:15 A.M. (3/2/93) by a 5-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

ROLL CALL: In the absence of Mayor Soule, Councilor Boudreau called the meeting to order at 7:00 P.M. and acted as chair. Mayor Soule was on vacation.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the 3/1/93 meeting. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the minutes by changing the motion and vote on the tax abatement to "to deny the abatement. Motion passed by a 4-1 vote, with Councilor Glynn opposed."

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant commended the Public Works Department for doing an excellent job during the weekend blizzard.

1. 1993/94 Municipal Budget.

C. PETITIONS AND COMMUNICATIONS

2. Department reports for the month of February.
3. Attendance reports for the month of February.

D. APPOINTMENT CALENDAR

4. ORDER #92-92/93 - Planning Board, District 4 (Fickett). Term to expire 4/1/96.

Motion was made by Councilor Fickett and seconded by Councilor Avery to postpone this item until 4/5/93. Unanimous 6-0 passage.

* * * * *

5. ORDER #93-92/93 - Planning Board, District 5 (Dearborn). Term to expire 4/1/96.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until 4/5/93. Unanimous 6-0 passage.

* * * * *

6. ORDER #94-92/93 - South Portland Housing Authority (Avery). Term to expire 3/25/98.

Motion was made by Councilor Avery and seconded by Councilor Fickett to postpone this item until 4/5/93. Unanimous 6-0 passage.

* * * * *

7. ORDER #95-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to postpone this item until 4/5/93. Unanimous 6-0 passage.

* * * * *

8. ORDER #96-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to re-appoint L. Bradford Thompson to this position. Unanimous 6-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

9. Channel Crossing Restaurant, 231 Front Street. FSE/Class A Restaurant with Liquor and Special Amusement Permit. 4/1/93 to 4/1/94. State and City license. Renewal.
10. Ricetta's Inc., d/b/a Ricetta's Brick Oven Pizzeria, 29 Western Avenue. FSE/Restaurant with Malt and Vinous. 4/3/93 to 4/3/94. State and City license. Renewal.
11. G.E. McFarquhar, d/b/a Millcreek Cafe, 9 Q Street. FSE/Food Service Establishment. 3/15/93 to 3/1/94. City license. New owner of existing business.

VENDOR'S PERMIT

12. Empire Oriental Rugs at the Sheraton Tara Hotel. 4/24/93 to 4/25/93. New City license.

POLE AND UTILITY PERMIT

13. New England Telephone - attachments to existing poles on Main Street.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage of the consent calendar in its entirety. Unanimous 6-0 passage.

F. PUBLIC HEARINGS AND ACTION

14. ORDINANCE #17-92/93 - amendment to Ch. 10 "Health, Welfare and Sanitation Generally," regarding public indecency. Given first reading on 3/1/93.

The following people addressed this item:

Patricia Dow, 10 Wainwright Circle
Virginia DiBiase, owner of The Doctors

Ray Lee, Henry Street
Reverend Dunlop, Senior Pastor of the Church of the Nazarene

Motion was made by Councilor Macomber and seconded by Councilor Avery for passage.
Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item until 4/5/93 so that all holders of Special Amusement permits could be notified and sent a copy of the proposed ordinance. Unanimous 6-0 passage.

* * * * *

15. ORDINANCE #18-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding obscenity. Given first reading on 3/1/93.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to withdraw this item. Unanimous 6-0 passage.

* * * * *

16. ORDINANCE #20-92/93 - amendment to Ch. 2, "Administration and Legislation," Article V, "Fiscal Controls." Given first reading on 3/1/93.

The following people addressed this item:

Ray Lee, Henry Street
Bob Blackwood, 16 Bluff Road
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage.
Motion failed by a 3-3 vote, with Councilors Boudreau, Avery and Dearborn opposed.

G. ACTION ON OLD AND NEW BUSINESS

17. ORDER #97-92/93 - acceptance of miscellaneous donations.

Laurie Bower Michaud, 10 Hudson Road, addressed this item.

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

* * * * *

18. ORDER #98-92/93 - authorizing a contract for personal property revaluation.

The following people addressed this item:

Ray Lee, Henry Street
Ralph St. Pierre, Finance Director
Brian Pelletier, Vice President, Real Estate Research Consultants

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage.
Motion received passage by a 4-2 vote, with Councilors Fickett and Glynn opposed.

19. ORDER #99-92/93 - authorizing an addendum to the Roosevelt School lease for installation of an elevator.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
David Lockery, President, Richmond Corporation
Bob Blackwood, 16 Bluff Road
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Laurie Bower Michaud, 10 Hudson Road

Motion was made by Councilor Avery and seconded by Councilor Macomber for passage. Unanimous 6-0 passage.

* * * * *

20. RESOLVE #8-92/93 - authorizing a grant application to the United States Department of Transportation to fund equipment and facilities for the South Portland Bus Service.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Dearborn for passage. Unanimous 6-0 passage.

* * * * *

21. ORDER #100-92/93 - setting April 6, 1993 as the date for public hearing at Memorial Middle School for the 1993/94 budget.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Laurie Bower Michaud, 10 Hudson Road
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Macomber for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order to change the date to Saturday, April 3, 1993 at 10 A.M. Amendment received passage by a 5-1 vote, with Councilor Macomber opposed. Order, as amended, received passage by a 5-1 vote, with Councilor Macomber opposed.

H. CITIZENS DISCUSSION

Laurie Bower Michaud, 10 Hudson Road, said she has many concerns about cutting the educational budget.

Patricia Dow, 10 Wainwright Circle, said she lives in South Portland Gardens, and The Doctors is practically in her backyard. She said the police have been called to the business, and she can't believe that the Council would defend businesses over residents. She urged the Council to pass the indecency ordinance when it comes back in April.

Bob Blackwood, 16 Bluff Road, said that Mr. Glynn was opposed to property revaluation

because he was afraid taxes would go up for residents. He said he had a chance tonight to fix that by approving the revaluation of personal property, but he voted against it. He said that Spurwink School gets more money per pupil so Richmond Corporation can afford to fix up the building. He said he is not pleased with the City Manager for taking money away from the school budget, adding that the Manager usurped the power of the School Board.

Clarence Beckwith, 51 Bonnybriar Road, congratulated the Manager for making the cut the School Superintendent didn't make. He said that, if the School Department gets an extra million dollars in revenue, that's that much less the taxpayers will have to pay. He said that drastic cuts are being taken everywhere, but the Superintendent is proposing more administrators.

Ray Lee, Henry Street, said that two School Board members wouldn't vote to accept the Superintendent's budget, because he didn't come in at the requested level. He said he applauds the Manager but asked why he didn't cut more. He noted that Councilor DiPietro has a bill being heard tomorrow regarding elections, and it is full of ratholes. He made reference to written testimony that City Clerk Linda Cohen had given the commission formed by the Secretary of State to look into elections. He noted that Councilor Macomber had previously made the statement that he would rather raise taxes than cut the budget.

Bernard Faunce, 98 Sawyer Street, commended the City Manager.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to adjourn. Council adjourned at 9:48 P.M. by unanimous vote.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING APRIL 5, 1993 VOL. 54 PAGE 92

ROLL CALL: Mayor Soule called the meeting to order at 7:03 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 3/15/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced the Book Walk to be held on 4/25/93 to raise money for the library.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Tax Assessor regarding tax abatements.

City Clerk Linda Cohen noted that the warrant regarding late dog license renewals will be going to Council on 4/21/93, after which late licensees will receive a summons and be charged a \$10.00 late fee.

D. APPOINTMENT CALENDAR

2. ORDER #92-92/93 - Planning Board, District 4 (Fickett). Term to expire 4/1/96. Postponed on 3/15/93.

Motion was made by Councilor Fickett and seconded by Councilor Glynn to postpone this item until 4/21/93. Unanimous 6-0 passage (Councilor Boudreau out of the room).

* * * * *

3. ORDER #93-92/93 - Planning Board, District 5 (Dearborn). Term to expire 4/1/96. Postponed on 3/15/93.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to appoint Leone Allen to this position. Unanimous 6-0 passage.

* * * * *

4. ORDER #94-92/93 - South Portland Housing Authority (Avery). Term to expire 3/25/98. Postponed on 3/15/93.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Dearborn to re-appoint Grace Keaney to this position. Unanimous 7-0 passage.

IN COUNCIL REGULAR MEETING APRIL 5, 1993 VOL 54 PAGE 93

5. ORDER #95-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96.
Postponed on 3/15/93.

Motion was made by Councilor Avery and accepted by Councilor Glynn to postpone this item until 4/21/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

6. Richard P. McCallum III, d/b/a Mac's Deli Delite, 333 Clark's Pond Parkway, FSE/Food Service Establishment. 4/5/93 to 3/1/94. New City license.
7. Dorks Unlimited, d/b/a Ground Round, 195 Maine Mall Road, FSE/Class A Restaurant with Liquor. 4/28/93 to 4/28/94. City license. Renewal.
8. Green Meadow Golf Club Inc., d/b/a Sable Oaks Country Club, 505 Country Club Road, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 4/22/93 to 4/22/94. State and City license. Renewal.
9. South Portland Marketplace Restaurant Inc., d/b/a South Portland Marketplace Restaurant, 100 Maine Mall Road, FSE/Class A Restaurant with Liquor. 4/25/93 to 4/25/94. State and City license. Renewal.
10. Cap'n Newick's Lobster House, 740 Broadway, FSE/Class A Restaurant with Liquor. 6/30/93 to 6/30/94. State and City license. Renewal.
11. SPMI Inc., d/b/a South Portland Motor Inn, 461 Maine Mall Road, FSE/Class A Lounge with Liquor. 6/16/93 to 6/17/94. State and City license. Renewal.

POLE AND/OR UTILITY PERMIT

12. New England Telephone - placement of a conduit in John Roberts Road.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

Motion was made by Councilor Glynn and seconded by Councilor Avery to take item 16 out of order. Unanimous 7-0 passage.

16. PROCLAMATION #13-92/93 - recognizing the South Portland High School Drama Club.

There was no public discussion.

Mayor Soule presented the proclamation to the members of the Drama Club and their coach.

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

13. ORDINANCE #17-92/93 - amendment to Ch. 10 "Health, Welfare and Sanitation Generally," regarding public indecency. Given first reading on 3/1/93. Postponed on 3/15/93.

The following people addressed this item:

Patricia Dow, Wainwright Circle
Virginia DiBiase, owner of The Doctor's
Ray Lee, Henry Street
Mrs. Fendal, 26 Coach Road
Larry Tenan, Sawyer Street
Wayne Broderick, Jr., 14 Union Street
Roland Dunlop, Pastor, Nazarene Church
Kevin DiBiase, owner of The Doctor's
Steve Caron, Capisic Street, Portland
Russell Coughlin, 112 Wainwright Circle, Bartender - The Doctor's
Bob Porter, 1303 Broadway
Steve Daniels, Westbrook Street
Wayne Broderick, Sr., 14 Union Street
Mike Lano, 26 Grandview Avenue
Beverly Smith, 970 Sawyer Street
Ms. Sylvester, 43 Coolidge Avenue
Female, 112 Wainwright Circle West, Waitress - The Doctor's
Robert Morong, 43 Cannon Road
Cora Simpson, by letter
Robert Marston, 10 Powers Road
Barbara Davis, 3 Willard Haven Road
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road

Councilor Dearborn informed the Council that he and Kevin DiBiase are second cousins and asked the Council if it felt he had a conflict. He said he has no financial interest, nor does he have any bias or prejudice. Motion was made by Councilor Glynn and seconded by Councilor Fickett that Councilor Dearborn had no conflict of interest. Motion received unanimous 6-0 passage.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the ordinance. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend §1003(b) to not hold the owner of the property responsible when the property is leased out. Motion failed by a 3-4 vote, with Councilors Glynn, Fickett and Dearborn in the minority. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend §1002(d) to exclude "the showing of the female breast...nipple." Motion was made by Councilor Fickett and seconded by Councilor Glynn to postpone the ordinance. Motion failed by a 3-4 vote, with Councilors Fickett, Glynn and Dearborn in the minority. Motion to amend failed by a 2-5 vote, with Councilors Fickett and Dearborn in the minority. Ordinance received passage by a 4-3 vote, with Councilors Dearborn, Fickett and Glynn opposed.

* * * * *

14. Cafe Brix, Inc., d/b/a Cafe Brix, 343 Gorham Road, FSE/Class A Restaurant with Liquor. 4/5/93 to 4/5/94. New State and City license.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Dearborn for passage.
Unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

15. ORDER #101-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

17. ORDER #102-92/93 - declaring a malfunctioning sewage system at Map 5, Lot 1, to be a public nuisance, authorizing repairs by the City and repayment by the property owner over time.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street

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

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he was out of town for the budget hearing but he hopes the City takes whatever money it gets from Augusta and gives it to the municipal side and not the school side of the budget. He said the chip sealed roads are a mess, and sidewalks need repair. He said Councilor Boudreau does not speak for everyone in District One, and that a lot of people would like to see businesses come in to that district.

Bernard Faunce, 98 Sawyer Street, said it was illegal for a parent to send letters home with school children through the school. He asked if the City is getting a refund on Hinckley Drive. He asked if the City could have a transfer vehicle for trash like Cape Elizabeth does.

Mike Richard, 118 Boothby, said the drain pipe on Providence Avenue is in decay, and he also asked that an old piece of culvert pipe be removed from the pit.

Clarence Beckwith, 51 Bonnybriar Road, said he couldn't attend the budget hearing, but he hopes any state funds received will reduce the taxpayers' burden for the school side of the budget. He said he was pleased to see the new fire rescue unit. He said he is concerned about RWS and the endless amount of money planned to be spent. He asked if the City was pursuing getting reimbursed from Maine Municipal for the money spent defending the lawsuit filed by Councilor Glynn.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., Section 841, application(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 10:05 P.M. by a unanimous 7-0 vote.

Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Executive session ended at 10:35 P.M. by a 4-0 vote (Councilors Boudreau, Dearborn and Macomber out of the room).

Motion was made by Councilor Avery and seconded by Councilor Soule to deny the abatement request. Motion failed by a 3-4 vote, with Mayor Soule and Councilors Boudreau and Avery in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant the abatement. Motion passed by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Meeting adjourned at 10:38 P.M. by a unanimous 7-0 vote.

ATTEST.

A True Copy



Linda C. Cohen, City Clerk



Roll Call: Mayor Soule called the meeting to order at 7:14 P.M. All Councilors were present.

APPOINTMENT CALENDAR

1. ORDER #103-93/94 - Democratic Alternate to the Board of Voter Registration for a term which expires 5/1/94.

The following people addressed this item:

Geraldine Bissonnette, Republican Member of the Board of Voter Registration
Ray Lee, 28 Henry Street
Peter Larsen, 406 Ocean Street

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Keron Kerr to this position. Unanimous 7-0 passage.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. The special meeting adjourned at 7:50 P.M. by a 6-1 vote, with Councilor Dearborn opposed. Council then resumed its workshop.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Dearborn to accept the minutes of the regular meeting of April 5, 1993 and the special meeting of April 12, 1993. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that the streets will be swept, starting next week, and asked residents to keep their cars off the streets at night. He added that property owners can sweep the sand off the sidewalks in front of their homes to the curb to help the city.

C. PETITIONS AND COMMUNICATIONS

1. Department reports for the month of March.
2. Attendance reports for the month of March.

Councilor Glynn read a letter sent to the City's legislative delegation from the South Portland Joint Legislative Affairs Committee.

Mayor Soule presented a plaque to former Planning Board member Edward Beecher.

D. APPOINTMENT CALENDAR

3. ORDER #92-92/93 - Planning Board, District 4 (Fickett). Term to expire 4/1/96. Postponed since 3/15/93.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber to appoint Judy Carpenter to this position. Unanimous 7-0 passage.

* * * * *

4. ORDER #95-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96. Postponed since 3/15/93.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to postpone this item until the next meeting. Unanimous 7-0 passage.

* * * * *

5. ORDER #104-92/93 - South Portland Housing Authority (Soule), to fill an unexpired term which expires 3/25/96.

There was no public discussion.

Motion was made by Mayor Soule and seconded by Councilor Macomber to appoint Hazel

St. Cyr to this position. Unanimous 7-0 passage.

* * * * *

6. ORDER #105-92/93 - Republican Alternate to the Board of Voter Registration. Term to expire 5/1/94.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Avery to appoint Theresa Low to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

7. Hartread Inc., d/b/a Mister Bagel Millcreek, 50 Market Street, FSE/Food Service Establishment. 4/21/93 to 3/1/94. New City license.

FLAMMABLE LIQUIDS

8. Environmental Compliance Corporation, d/b/a ECC of New England, 106 Main Street. 4/21/93 to 4/1/94. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage of the consent calendar. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

9. Jennie S. Mitchell, d/b/a Mariner's Grille, 1 Spring Point Drive, FSE/Class A Restaurant with Liquor. 4/21/93 to 4/21/94. Reclassification from FSE/Restaurant with Malt and Vinous.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

10. ORDER #106-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

11. ORDER #107-92/93 - award of bid to various vendors for furnishings for Skillin Elementary School.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Lee Akerley, Assistant School Superintendent
Ray Lee, Henry Street
Judy Carpenter, 25 Washington Avenue

Motion was made by Councilor Dearborn and seconded by Councilor Avery for passage.
Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this
item. Motion failed by a 1-6 vote, with Councilor Glynn in the minority. Order
received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

12. ORDER #108-92/93 - award of bid to Cascade Pump Company, of Santa Fe Springs, CA,
for 3 overflow pumps for the Wastewater Treatment Plant.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, 51 Bonnybriar Road

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

* * * * *

13. ORDER #109-92/93 - setting fees for the Municipal Golf Course, effective 4/22/93.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Judy Carpenter, 25 Washington Avenue
Ray Lee, Henry Street

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

* * * * *

14. ORDER #110-92/93 - authorizing the City Manager to sign a Construction and
Demolition Debris Agreement with the City of Portland.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Richard Holt, 21 Willard Street
Ge Erskine, Public Works Director

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

* * * * *

15. ORDER #111-92/93 - approving changes in heavy rubbish collection services.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street
Richard Holt, 21 Willard Street
Laurie Bower Michaud, 10 Hudson Road
Robert Marston, 10 Powers Road
John Lowe, Cottage Road
Bernard Faunce, 98 Sawyer Street
Jane Eberle, Pilgrim Road
Rita Caron, Margaret Street

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

* * * * *

16. ORDINANCE #21-92/93 - amendment to Chapter 6, "Elections," re-establishing the boundary line between Districts 2 and 3. First reading.

John Howard, Highland Road, addressed this item:

Motion was made by Councilor Avery and seconded by Councilor Boudreau that the ordinance have first reading. Unanimous 7-0 passage.

* * * * *

17. ORDER #112-92/93 - authorizing the City Clerk to sign a certification of municipal vote to collect State funds for FY 1993/94.

There was no public discussion.

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

* * * * *

18. ORDER #113-92/93 - acceptance of the State of Maine Municipal Warrant for Prosecuting Unlicensed Dog Owners/Keepers.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Motion received passage by a 6-1 vote, with Councilor Dearborn opposed.

H. CITIZENS DISCUSSION

Robert Marston, 10 Powers Road, asked if a microphone could be made available at a lower level for him and other handicapped individuals who might want to speak at Council meetings.

Bernard Faunce, 98 Sawyer Street, said it's okay to trust the employees, but the Council should still keep its eyes on them. He reminded the Council of the Treasurer who cost the city a lot of money years ago.

John Howard, Highland Road, noted that Kevin Glynn's lawsuit against the city had been dropped because it was considered frivolous. He said that Mr. Glynn owes the citizens of South Portland and the public officials he sued an apology. He said the judge made it clear that it was her opinion that Mr. Glynn had no right to attend executive sessions to discuss this case, but she didn't have the authority to make that decision unless the City filed a new suit.

Dan Fowler, Ocean Street, said the City spent about 6 1/2 thousand dollars trying to exclude Councilor Glynn from executive sessions. He said the judges are the people who re-elected him.

Gerry Bissonnette, Bellaire Road, asked by what authority the Mayor gave a press release to the Press Herald regarding the fact that she voted against appointing a deputy to the Board of Voter Registration. She said she will not vote for a deputy to pass on her duties. She asked what the total being paid to Maine Municipal is and why Councilor Glynn had to hire his own attorney. She said he shouldn't apologize.

Ray Lee, Henry Street, suggested areas in which to cut the budget. He said there are more lawsuits coming. He said Mr. Bryant is responsible for the bill for Mr. Hanson and it should come out of his salary. He said he is proud of Mr. Glynn, and there must be a lot of people who agree with what he is doing.

Laurie Bower Michaud, 10 Hudson Road, said she spent her freshman year in high school being grounded because she, a liberal, disagreed with her parents who were conservative. She said her mother has since told her it wasn't what she said but how she said it. She said that Julie and Kevin could have presented their findings in a more appropriate way that wouldn't have cost the city thousands of dollars.

Clarence Beckwith, 51 Bonnybriar Road, said the top cost to the city is the \$10,000 deductible. He said that Kevin had to have his attorney help him convince the court to let him attend executive sessions. He said the City was trying to keep him from performing his duties. He asked the Mayor to stop belittling him like he did in a recent workshop. He reminded Mayor Soule that a political newcomer who gave a vacant lot as his address almost beat him in the race for Council.

Rick Shinay, 29 Carroll Street, said that three separate judges have ruled in favor of the city. He said the ruling on executive session was not a separate lawsuit, and the Court said it was not in the proper form for the court to make that call. He said that all they succeeded in doing was getting attention, wasting court services, municipal services and tax dollars, and most importantly, impugning the character and honesty of three officials who have done a lot of good for the city. He noted that, in a democracy, losers play by majority rule, adding that, though the city won't see one, it deserves an apology.

John Low, Cottage Road, said all he sees at Council meetings are smoking mirrors. He said he doesn't always agree with Councilor Glynn. He said Mayor Soule called him stupid on the phone when he suggested combining Parks and Public Works. He said the military cross-trains. He said that closing the pool would pay for some police officers.

Jane Eberle, Pilgrim Road, said the lawsuit is not over, because the motion for sanctions is yet to be heard and a motion to make the plaintiffs responsible for fees incurred. She said that what she saw at District One violated her rights as a voter far more than anything the plaintiffs saw that night. She said there should be an apology. She asked the Council to accept School Superintendent MacDonald's budget as he turned it in. She said the class sizes are growing and there are more children with special needs.

Jill Blackwood, Bluff Road, said she feels that \$10,000 is a lot of money, and asked if the city's premium will go up because of the large claim. She said she has seen a pattern with Kevin and Julie of creating artificial demons. They get a lot of attention from the public trying to convince the public that they've chased the demons away, when there really weren't any to begin with. She said this lawsuit is one example and another example was the sex education films being shown to the fifth graders. The parents liked them. She said an apology is due the citizens of South Portland.

Skip Lucarelli, Washington Avenue, commended Kevin for doing such a great job with the lawsuit. He said the judge said that a citizen couldn't bring that kind of lawsuit against the city. He said the attorney's fees were a kangaroo bill, and the apology should come from the Council to Kevin. He said the judge in the case is the same one who wanted a zone change in District Five. He said more suits are coming, but this time they'll be filed by the right people.

Judy Carpenter, 25 Washington Avenue, said that someone dropped their couch off on her lawn a couple years ago during spring pickup. She said it happens and not necessarily out of revenge. She said if she hears the word frivolous one more time she will burst. She said the calls on the telephone bills were ridiculous, because they were trying to discredit Kevin. She said the Council owes an apology to the citizens of South Portland.

Motion was made by Councilor Avery and seconded Councilor Boudreau to adjourn. Council adjourned at 10:23 P.M. by a 5-1 vote, with Councilor Glynn opposed and Councilor Macomber out of the room.

A True Copy.

Attest 
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MAY 3, 1993 VOL. 54 PAGE 104

ROLL CALL: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Dearborn was absent.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the 4/21/93 meeting. Unanimous 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that a mistake in today's Press Herald listed tonight's meeting as being a joint workshop with the School Board when, in fact, it is tomorrow night.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Tax Assessor regarding tax abatements.

D. APPOINTMENT CALENDAR

2. ORDER #95-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96. Postponed since 3/15/93.

Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item until 5/17/93. Unanimous 6-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

3. Dennis T. Dalphonse, d/b/a Mr. D, 46 Linton Street, FSE/Food Service Establishment. 5/3/93 to 3/1/94. New City License.

VENDOR'S PERMIT

4. South Portland High School, Project Graduation, 637 Highland Avenue. Sale of helium balloons. 5/31/93 only. Requests waiver of fee.

BEANO AND GAMES OF CHANCE

5. Alsac St. Jude Children Research Hospital, Cash Corner Bingo Hall, 385 Main Street. 6/30/93 to 6/30/94. City license. Renewal. Requests waiver of fee.

POLE AND/OR UTILITY PERMIT

6. Portland Water District - installation of a water main in Market Street.

F. PUBLIC HEARINGS AND ACTION

7. ORDINANCE #21-92/93 - amendment to Chapter 6, "Elections," re-establishing the boundary line between Districts 2 and 3. Given first reading on 4/21/93.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage.
Unanimous 6-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

8. ORDER #114-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Unanimous 6-0 passage.

* * * * *

9. ORDER #115-92/93 - award of bid for sale of surplus equipment.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Unanimous 6-0 passage.

H. CITIZENS DISCUSSION

Robert Marston, 10 Powers Road, said it had been less than two weeks since he asked for a floor microphone, and he was impressed that it was available tonight for him. He thanked Mr. Bryant and said it makes it easier for him and others in the city.

Kevin Battle, Sandy Hill Road, complained about the chip sealed road by his house and said he feels cheated. He said it is hard on the kids when they fall, and the rocks end up in the front yard.

Ray Lee, Henry Street, asked why a recent personnel issue regarding the use of City property hadn't been made public. He said the Council should micromanage the city. He said he's going to call Stefie Anderson.

Clarence Beckwith, 51 Bonnybriar Road, congratulated Councilor Glynn and School Board member Conroy on not having to pay attorney fees in the lawsuit they brought against the City. He said the ultra-liberal, big spenders will destroy this city. He said the Council is restoring things in the budget that the Manager had cut, and it looks like the School Department will prevail, too. He said the Superintendent's out of control spending habits threaten to drive people out of their homes. He said he hopes the Council will keep in mind that State Aid to Education is supposed to keep taxes down.

David Conroy, 87 Winding Way, said he is married to Julie Conroy and made allegations that complaints about election law violations for the last couple of years have been ignored. He congratulated Councilor Glynn and Mrs. Conroy.

Jane Eberle, Pilgrim Road, said that Kevin Glynn and Julie Conroy approach government with a "let's break it, and someone else will have to fix it, and we will take the credit attitude." She said she's very sympathetic to the budget problems of the city, but the City needs to pay for the things it needs, and it needs school improvement. She said that society expects more from its graduating students than it did in the past, and

the majority of people in South Portland are willing to pay for the things needed to keep it a vital and important city.

Bob Blackwood, 16 Bluff Road, said that the facts Mr. Conroy read were misfacts, and that, on four occasions, the court found there was no case. He said the future of this community lies in its school children, and he has a lot of confidence in the Superintendent.

Bernard Faunce, 98 Sawyer Street, said the School Board members are blackmailing the Council with their statements in the paper. He said the teacher aides are ridiculous, noting that they only have twenty children in a classroom, whereas, when he was in school, the teacher had to control thirty. He said he would like to see the Superintendent resign.

Judy Carpenter, 25 Washington Avenue, congratulated Councilor Glynn and School Board member Conroy. She said she's pleased they stuck it out. She said the school budget has always increased the most, and this year there are more volunteers in the schools than ever.

I. EXECUTIVE SESSION

Motion was made by Councilor Avery and seconded by Councilor Boudreau to go into executive session to discuss labor negotiations, pursuant to 1 M.R.S.A., Section 405 (6)(D), and to discuss a public employee's employment status, pursuant to 1 M.R.S.A., Section 405 (6)(A). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to name the bargaining units. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority. Council failed to go into executive session by a 3-3 vote, with Councilors Macomber, Fickett and Glynn opposed.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Council adjourned at 8:00 P.M. by a 4-2 vote, with Mayor Soule and Councilor Avery opposed.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MAY 17, 1993 VOL. 54 PAGE 107

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the May 3, 1993 meeting. Unanimous 7-0 passage.

Mayor Soule presented a plaque to retiring Planning Board member Thomas England.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant introduced Officer Bob Ryder who addressed a recent editorial by Fred Nutter on WCSH. He said that the South Portland Police Department had been accused of illegal activity, but explained that it had a solicitation permit, and the money raised goes to DARE, Toys for Tots and other programs for the city's youth.

Mr. Bryant noted that PROP will be holding a Volunteer Service Day on May 22 and 23 at its South Portland Child Development Center on Pleasant Street. Volunteers are sought to help with the playground.

Mr. Bryant expressed appreciation to Fleet Bank for selecting South Portland for its new financial resource center and investing \$1,400,000 in its Mill Creek property and donating \$2,000 to South Portland High School for a Computer Science project.

Mayor Soule read a letter from M. Anne Szostak, President of Fleet Bank.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Planning Board regarding a zone change at 150 Western Avenue.
2. Communication from the City Clerk regarding a citizen petition to repeal Ordinance #17-92/93.
3. Communication from Councilor Macomber regarding the CATV Regulatory Board.
4. Report from the Tax Assessor regarding tax abatements.
5. Department Reports for the month of April.
6. Attendance Reports for the month of April.

D. APPOINTMENT CALENDAR

7. ORDER #96-92/93 - Waterfront Advisory (Mayor). Term to expire 3/20/96. Postponed since 3/15/93.

Motion was made by Mayor Soule and seconded by Councilor Avery to postpone this item until 6/7/93. Unanimous 7-0 passage.

IN COUNCIL REGULAR MEETING MAY 17, 1993 VOL. 54 PAGE 108

8. ORDER #116-92/93 - Conservation Commission, District 4 (Fickett), to fill an unexpired term which expires 11/20/94.

Motion was made by Councilor Fickett and seconded by Mayor Soule to postpone this item until 6/7/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

9. WPL Inc., d/b/a International Caterers, 9 Q Street, State liquor application for off-premise catering. 6/30/93 to 6/30/94. Renewal.
10. Evelyn Urbano, d/b/a Evelyn's Tavern, 121 Sawyer Street, FSE/Class A Lounge with Liquor. 6/18/93 to 6/18/94. State and City license. Renewal.
11. Spring Point Museum, Fort Road, FSE/Temporary Food Service. 5/29/93 only. New City license. Requests waiver of fee.
12. Amanda Inc., d/b/a Bodge's Broadway Market, 323 Broadway, FSE/Retail Store with Malt and Vinous. 5/17/93 to 12/31/93. New City license.

BEANO AND GAMES OF CHANCE

13. South Portland Ice Hockey Boosters, 206 John Roberts Road. 6/30/93 to 6/30/94. Renewal. Requests waiver of fee.

VENDOR'S PERMIT

14. Spring Point Museum, Fort Road, sale of helium balloons. 5/29/93 only. New City license. Requests waiver of fee.

AMPLIFYING PERMIT

15. Spring Point Museum, Fort Road, 5/29/93 only, "Family Day." New City license.

SECOND HAND DEALER

16. Penny L. Gikas, d/b/a Hand Me Downs, 138 Ocean Street. 5/17/93 to 12/31/93. New City license.

The following people addressed this item:

Robert Marston, 10 Powers Road
Linda Johnson, 27 Rhode Island Avenue
Timothy Bodge, applicant for item #12

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage of the entire consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend items 11, 14 and 15 to include a rain date of 5/30. Unanimous 7-0 passage. Unanimous 7-0 passage of the consent calendar.

F. PUBLIC HEARINGS AND ACTION

17. Snow Squall Restaurant, 18 Ocean Street, Special Amusement Permit. 5/17/93 to 7/16/93. New City license.

There was no public discussion.

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

* * * * *

18. Jennie S. Mitchell, d/b/a Mariner's Grille, 1 Spring Point Drive, Special Amusement Permit. 4/21/93 to 4/21/94. New City license.

Jennie S. Mitchell, addressed this item.

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

G. ACTION ON OLD AND NEW BUSINESS

19. ORDER #117-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

20. ORDER #118-92/93 - award of bid to Criteria, Inc., of Raymond, NH, and Business Equipment Unlimited, of Portland, ME, for school furniture.

There was no public discussion.

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

* * * * *

21. ORDER #119-92/93 - award of bid to Maietta Construction, of South Portland, ME, for construction of a storm sewer in Lincoln Street.

There was no public discussion.

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

22. RESOLVE #9-92/93 - pursuant to §416 of the City Charter adopting an emergency appropriation of \$278,000 from unappropriated available revenues, to fund property tax abatements.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road
Alton Morgan, 117 Granby Road
Ray Lee, Henry Street
Elizabeth Cumback, Assessor

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

23. RESOLVE #10-92/93 - pursuant to §612 of the City Charter, determining details of issue of \$4,000,000 principal amount of bonds.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road
Bob Blackwood, 16 Bluff Road

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

* * * * *

24. RESOLVE #11-92/93 - pursuant to §612 of the City Charter, determining details of issue of \$500,000 principal amount of bonds.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ralph St. Pierre, Finance Director

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

* * * * *

25. ORDER #120-92/93 - repavement of streets in Country Gardens Subdivision.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Gordon Mitchell, 83 Coach Road
Cynthia Dunn, Settler Road
Joe Ward, 109 Settler Road
Alton Morgan, 117 Granby Road
Ray Lee, Henry Street

Kathleen Aceto, 156 Settler Road
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Macomber and seconded by Councilor Glynn for passage.
Motion received passage by a 6-1 vote, with Councilor Fickett opposed.

* * * * *

26. ORDER #121-92/93 - limiting the use of the chip seal process to collector and minor arterial streets.

The following people addressed this item:

Bob Blackwood, 16 Bluff Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage.
Motion received passage by a 5-2 vote, with Councilors Avery and Macomber opposed.

* * * * *

27. ORDER #122-92/93 - discontinuing the use of chip sealing in South Portland.

The following people addressed this item:

Ray Lee, Henry Street
Mary Fendall, 26 Coach Road
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Macomber and seconded by Councilor Avery for passage.
Motion failed by 3-4 vote, with Councilors Macomber, Avery and Dearborn in the minority.

* * * * *

28. ORDINANCE #22-92/93 - amendment to Ch. 27 "Zoning," for a map change at 150 Western Avenue. First reading.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Avery that the first reading receive passage. Unanimous 7-0 passage.

* * * * *

29. ORDER #123-92/93 - setting June 7, 1993 as the date for reconsideration of Ordinance #17-92/93, amendment to Ch. 10, "Health, Welfare and Sanitation Generally," pursuant to citizen referendum.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn for passage. Motion received passage by a 6-1 vote, with Councilor Avery opposed.

H. CITIZENS DISCUSSION

Shula St. Laurent, 53 Keswick Road, said she is not against the indecency ordinance but would like to see language added that would protect lactating mothers.

Clarence Beckwith, 51 Bonnybriar Road, asked for a list of accounts and their balances from the City Manager. He said it bothers him that the Manager keeps finding money. He asked the Council to think long and hard before finally acting on the budget.

Mary Fendall, Coach Road, said the street sweeper had to make a second trip to get the rocks out of the gutter. She said the chip seal has worn through to the blacktop in some areas.

Bernard Faunce, 98 Sawyer Street, said he saw the ad in the paper for a supervisor for the Treatment Plant and questioned whose position it was. He said he has not seen the street sweeper in the Village. He asked the City Clerk about the importance of the right address for voters signing petitions.

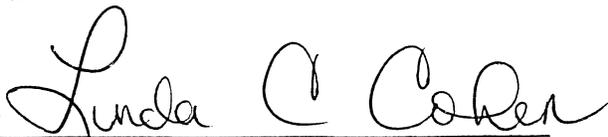
Alton Morgan, 117 Granby Road, thanked the Council for voting to repave Country Gardens.

Ray Lee, Henry Street, told everyone not to contribute to the Police Department because 70% of the funds go to a consultant group outside the State. He said he received 66 telephone calls regarding the backhoe issue, and all felt that the Supervisor or Department Head should have been fired.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., § 841, application(s) for abatement of property taxes on account of infirmity or poverty; pursuant to 1 M.R.S.A., §405(6)(D), labor negotiations, pursuant to 1 M.R.S.A., §405(6)(C), acquisition of real property and, pursuant to 1 M.R.S.A. §405(6)(A), a public employee's employment status. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to include the names of the bargaining units. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Council went into executive session at 11:24 P.M. by a 5-2 vote, with Councilors Fickett and Glynn opposed. Motion was made by Councilor Avery and seconded by Councilor Boudreau to come out of executive session. Executive session ended at 12:45 A.M. by a 7-0 vote. Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant abatement #22-92/93 in the amount of \$2,198.98 plus interest and costs. Unanimous 7-0 passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant abatement #23-92/93 in the amount of \$2,459.16 plus interest and costs. Motion received passage by a 5-2 vote, with Mayor Soule and Councilor Avery opposed. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 12:47 A.M. by a 7-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to accept the minutes of the May 17, 1993 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

1. ORDER #96-92/93 - Waterfront Advisory Committee (Mayor). Term to expire 3/20/96. Postponed since 3/15/93.

There was no public discussion.

Motion was made by Mayor Soule and seconded by Councilor Boudreau to appoint Mark Fuller to this position. Unanimous 7-0 passage.

* * * * *

2. ORDER #116-92/93 - Conservation Commission, District 4 (Fickett), to fill an unexpired term which expires 11/20/94. Postponed on 5/17/93.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Glynn to appoint Daniel Fortin to this position. Unanimous 7-0 passage.

* * * * *

3. ORDER #124-92/93 - Board of Assessment Review, District 4 (Fickett). Term to expire 3/16/96.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber to re-appoint Paul Cloutier to this position. Unanimous 7-0 passage.

* * * * *

4. ORDER #125-92/93 - Republican member to the Board of Voter Registration to fill an unexpired term which expires 5/1/94.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to postpone this item until 7/21/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

5. Marriott Corporation, d/b/a Portland Marriott Hotel, 200 Sable Oaks Drive, FSE/Hotel with Liquor and Special Amusement Permit. 8/15/93 to 8/15/94. State and City license. Renewal.
6. Uncle Billy's Southside BBQ Inc., d/b/a Uncle Billy's Southside BBQ, 60 Ocean Street, FSE/Restaurant with Malt and Vinous. 6/18/93 to 6/18/94. State and City license. Renewal.
7. Snow Squall Inc., d/b/a Snow Squall Restaurant, 18 Ocean Street, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 7/16/93 to 7/16/94. State and City license. Renewal.

PINBALL/VIDEO MACHINES

8. Renewals for 6/30/93 to 6/30/94.

TAXICAB DRIVER

9. Janet L. Kelij, at South Portland Taxi, 165 Pickett Street. 6/7/93 to 6/30/94. New City license.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau for passage of the entire consent calendar. Unanimous 7-0 passage.

F. PUBLIC HEARINGS AND ACTION

10. ORDINANCE #22-92/93 - amendment to Ch. 27 "Zoning," for a map change at 150 Western Avenue. Given first reading on 5/17/93.

There was no public discussion.

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

* * * * *

11. Mandarin House Restaurant, 300 Main Street, one (1) Pinball/Video machine, 6/7/93 to 6/30/94. New City license. Requires waiver; establishment is within 250 feet of residential zone.

There was no public discussion.

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

12. Evelyn Urbano, d/b/a Evelyn's Tavern, 121 Sawyer street. Renewal of Pinball/Video machine license with an increase in number from one (1) to two (2) machines. 7/1/93 to 6/30/94.

There was no public discussion.

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

* * * * *

13. Hoyt's Cinema Corporation, 333 Clark's Pond Parkway. Renewal of Pinball/Video machine license with an increase in number from five (5) to nine (9) machines. 7/1/93 to 6/30/94. Requires waiver; request is in excess of five (5) machine limit.

There was no public discussion.

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

* * * * *

14. Frank F. Nava, d/b/a Nava's Vending, 6 King Street, Biddeford, Me., FSE/Mobile Food Service. 6/7/93 to 3/1/94. Requires variance to operate within 500 feet of other food service establishments.

The following people addressed this item:

Joseph Ball, 65 Washington Avenue
Wayne Broderick, 14 Union Street
Frank Nava, applicant

Motion was made by Councilor Dearborn and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Avery to amend the motion deleting the three stops requiring variances. Unanimous 7-0 passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to table this item until later in the evening when legal counsel would be present. Motion received passage by a 5-2 vote, with Mayor Soule and Councilor Macomber opposed.

G. ACTION ON OLD AND NEW BUSINESS

15. PROCLAMATION #14-92/93 - recognizing the 100th Anniversary of Engine 3, Pleasantdale.

There was no public discussion.

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

* * * * *

16. ORDER #126-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

Motion was made by Councilor Glynn and seconded by Councilor Avery to take item 14 off the table. Unanimous 7-0 passage.

14. Frank F. Nava, d/b/a Nava's Vending, 6 King Street, Biddeford, Me., FSE/Mobile Food Service. 6/7/93 to 3/1/94. Requires variance to operate within 500 feet of other food service establishments.

Motion was made by Councilor Dearborn and seconded by Councilor Avery to amend the amendment to add "at the applicant's request." Unanimous 7-0 passage. Application, as amended, received passage by a 6-1 vote, with Councilor Macomber opposed.

* * * * *

17. ORDER #127-92/93 - accepting the donation of a playscape at Brown Elementary School.

The following people addressed this item:

Laurie Bower Michaud, 10 Hudson Road
Linda Wade, 131 Stanford Street

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the order by hyphenating High-Land and including between the words Playland and located "a community playground." Unanimous 7-0 passage. Order, as amended, received unanimous 7-0 passage.

* * * * *

18. ORDER #128-92/93 - repeal of Ordinance #17-92/93, amendment to Ch. 10, "Health, Welfare and Sanitation Generally," pursuant to citizen referendum.

The following people addressed this item:

Wayne Broderick, 14 Union Street
Schyla St. Laurent, 53 Keswick Road
Joseph Ball, 65 Washington Avenue
Wayne Broderick, Jr. , 14 Union Street
Laurie Bower Michaud, 10 Hudson Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Virginia DiBiase, Scarborough, local business owner

Motion was made by Councilor Glynn and seconded by Councilor Dearborn for passage. Motion failed by a 3-4 vote, with Councilors Fickett, Dearborn and Glynn in the minority.

* * * * *

19. ORDER #129-92/93 - authorizing the implementation of 911 Emergency Telephone Service.

The following people addressed this item:

Robert Marston, 10 Powers Road
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Linda Wade, 131 Stanford Street
Kathryn Bialorucki, 99 Westbrook Street
Clarence Beckwith, 51 Bonnybriar Road
Loretta Mills, Highland Avenue
Robert Schwartz, Police Chief

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage.
Motion received passage by a 6-1 vote, with Councilor Macomber opposed.

* * * * *

20. ORDER #130-92/93 - amending fees for emergency rescue service.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Linda Wade, 131 Stanford Street
Wayne Broderick, 14 Union Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage.
Motion received passage by a 4-3 vote, with Councilors Macomber, Fickett and Glynn opposed.

* * * * *

21. ORDER #131-92/93 - establishing the date of election at which citizen referendum for repeal of Ordinance #17-92/93 will be decided.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Beulah Swiger, 141 High Street, complained about dogs running loose in Ferry Village.
She suggested a five minute limit for Councilors who talk too much.

Ray Lee, Henry Street, spoke against the policy implemented by the City Manager to charge for the use of City Hall rooms by outside groups. He said he hasn't heard anything about the backhoe being in Portland for three months.

Laurie Bower Michaud, 10 Hudson Road, said she always felt South Portland was a close community until the last two years. She said the budget process was a farce and Councilors shouldn't condemn other officials when they weren't at the meetings.

Clarence Beckwith, 51 Bonnybriar Road, said he wants the Mayor or Manager to keep the public up to date on what happens at RWS meetings.

Lisa Pecoraro, 237 Walnut Street, said she believes Mr. Glynn's sincerity, but his methods upset her. She said children need more information, especially with AIDS, and she urged him to be more thoughtful and not use issues as political footballs.

Bernard Faunce, 98 Sawyer Street, said he has no problem with people making a decent wage, but the teachers have helpers and don't work a full year. He said only the popular sports were mentioned as being cut.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6)(E), pending litigation and 1 M.R.S.A., Section 405 (6)(C), acquisition of real property. Council went into executive session at 11:02 P.M. by a 5-2 vote, with Councilors Macomber and Glynn opposed. Motion was made by Councilor Avery and seconded by Councilor Glynn to return to open session. Executive session ended at 11:40 P.M. by a 6-0 vote (Councilor Macomber out of the room). Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 11:41 P.M. by a 6-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING JUNE 21, 1993 VOL. 54 PAGE 119

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 5/17/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

C. PETITIONS AND COMMUNICATIONS

City Manager Jerre Bryant read letters from Councilors Glynn and Avery regarding Councilor Glynn's resignation from the CATV Regulatory Board. (At the end of the meeting, Councilor Glynn agreed to stay on the Board.)

1. Communication from the Planning Board regarding an amendment to Chapter 27, "Zoning" - Site Plan Review.
2. Department Reports for the month of May.
3. Attendance Reports for the month of May.

D. APPOINTMENT CALENDAR

4. ORDER #125-92/93 - Republican member to the Board of Voter Registration to fill an unexpired term which expires 5/1/94. Postponed on 6/7/93.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone this item until 7/7/93. Unanimous 7-0 passage.

5. ORDER #132-92/93 - Harbor Commission. Term to expire 6/30/96.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to re-appoint Daniel Coffey, Sr. to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

6. Spring Point Festival at SMTC, Fort Road, FSE/Food Service-Temporary. 8/21/93 only. Renewal. Requests waiver of fee.

COIN-OPERATED DEVICE

7. Fraternal Order of Eagles, 741 Broadway, 6/30/93 to 6/30/94. Renewal. Requests waiver of fee.

POLE AND/OR UTILITY PERMITS

8. Northern Utilities - installation of a gas main in Woodland Road.
9. Northern Utilities - installation of a gas main in B Street.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

10. ORDER #133-92/93 - acceptance of miscellaneous donations.

There was no public discussion.

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

11. ORDER #134-92/93 - award of bid to Northeast Mechanical Corporation for the replacement of a metal chimney at South Portland High School.

Lee Akerley, Assistant School Superintendent, addressed this item.

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

12. ORDER #135-92/93 - award of bid to Kelley Associates Inc., for the purchase and installation of replacement water heaters at Beal Gymnasium.

There was no public discussion.

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

13. ORDER #136-92/93 - award of bid for the sale of police cruisers.

There was no public discussion.

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

14. RESOLVE #12-92/93 - Appropriation Resolve for the 1993/94 fiscal year.

The following people addressed this item:

Ray Lee, Henry Street
Richard Campbell, Stanwood Park
Jane Eberle, Pilgrim Road
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road
Bob Blackwood, 16 Bluff Road
Reginald MacDonald, School Superintendent

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend the resolve by cutting two million dollars. Amendment failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by cutting \$53,379 from the school portion. Amendment failed by a 3-4 vote, with Mayor Soule and Councilors Glynn and Fickett in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by cutting \$79,000 from the school portion. Amendment failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Resolve received passage by a 4-3 vote, with Councilors Dearborn, Fickett and Glynn opposed.

* * * * *

15. ORDER #137-92/93 - establishing sewer user rates for the 1993/94 fiscal year.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, 51 Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

Motion was made by Councilor Glynn and seconded by Councilor Fickett to reconsider item #12. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority (Councilor Boudreau out of the room).

* * * * *

Hearing no objections from the Council, Mayor Soule took item 20 out of order.

20. ORDINANCE #18-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding obscenity. First reading.

At the request by the Mayor that the reading of the ordinance be waived, motion was made by Councilor Glynn and seconded by Councilor Fickett that the entire ordinance be read. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item indefinitely. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the

minority.

The following people addressed this item:

Robert Esterberg, Karynel Drive, Chairman of Library Advisory Board
Ray Lee, Henry Street
Roland Dunlop, Pastor at the Church of the Nazarene, 525 Highland Avenue
Clarence Beckwith, 51 Bonnybriar Road
Nancy Crowell, Fickett Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance in §10-1102(d) by adding "this ordinance should not be interpreted to exclude the free exchange of ideas or expression." Amendment failed by a 3-4 vote, with Councilors Glynn, Fickett and Dearborn in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance, adding language that would require a majority vote of the Council to invoke prosecution of violators of the ordinance. Motion failed by a 3-4 vote, with Councilors Glynn, Fickett and Dearborn in the minority. Ordinance received first reading by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

16. ORDER #138-92/93 - authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 1993 to June 30, 1994.

There was no public discussion.

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

* * * * *

17. ORDER #139-92/93 - authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed.

Bob Blackwood, 16 Bluff Road, addressed this item.

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

* * * * *

18. ORDER #140-92/93 - authorizing the City Manager to sign a collective bargaining agreement with the Fire Command Officers Collective Bargaining Unit.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

19. ORDER #141-92/93 - adoption of a new personnel policy.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Macomber and seconded by Councilor Glynn to amend the policy by substituting "City Manager" for "Department Head" on page 45, Sec. 3, regarding suspensions. Amendment received passage by a 5-2 vote, with Councilors Avery and Boudreau opposed. Personnel Policy, as amended, received unanimous 7-0 passage.

* * * * *

21. ORDINANCE #23-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding nursing women. First reading.

Schyla St. Laurent, 53 Keswick Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the first reading. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

22. ORDER #142-92/93 - authorizing the City Manager to sign an agreement to participate in Maine Municipal Association's Workers' Compensation Fund.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he is disturbed to see a smoking policy passed by non-smokers. He said he was followed downstairs tonight by the Assistant City Manager to see if he was smoking inside. He said that Mr. Glynn takes care of his father, who just had by-pass surgery, and his mother, who is in an advanced stage of Alzheimer's, and that's why he couldn't make the early morning CATV Regulatory Board meetings. He said he brought down the name of an alternate to the Board of Voter Registration last week and wondered why it wasn't on this evening's agenda.

Nancy Crowell, Fickett Street, noted that, in reference to the history of the obscenity ordinance, she makes calls to various City Halls and asks questions about unusual topics, but that doesn't mean she's looking to open up a business. She said the Mayor stated he had delayed the ordinance because of Library Director William Alexander's statements, but it is his job to deal with First Amendment rights. She said this is not a ban books issue.

Bernard Faunce, 98 Sawyer Street, said it is about time the City told the School Superintendent not to come back asking for items to be voted on as bond issues.

Bob Blackwood, 16 Bluff Road, said that the magazine Mr. Glynn made reference to at the last meeting was pulled before Mr. Glynn's performance. He noted that the results of the

reevaluation were not as bad as everyone thought, even though Mr. Glynn told everyone they would be.

Clarence Beckwith, 51 Bonnybriar Road, thanked the American Journal for bringing forward RWS' expenditures. He said he would like the public to attend this Thursday night's meeting regarding the stump dump. He said he notices that the Press Herald always gets a packet for the Council meetings and he thinks the American Journal should. He said if he was Mr. Glynn, he would charge the City with violation of the American With Disabilities Act. He asked the Council not to let the School Department use money for other things it wasn't budgeted for.

Dan McGillvray, American Journal Reporter, said he always gets a Council packet from the City, but sometimes he picks his up before the meeting.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., § 841, application(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 10:48 P.M. by a 6-1 vote, with Councilor Macomber opposed. Motion was made by Councilor Avery and seconded by Mayor Soule to return to open session. Executive session ended at 11:10 P.M. by a 7-0 vote. Motion was made by Councilor Avery and seconded by Councilor Dearborn to deny Case #24-92/93. Motion received passage by a 4-3 vote, with Councilors Glynn, Macomber and Fickett opposed. Motion was made by Councilor Avery and seconded by Councilor Boudreau to deny case #25-92/93. Unanimous 7-0 passage.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to adjourn. Council adjourned at 11:15 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

