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IN COUNCIL REGULAR MEETING VOL. 71 PAGE 1
JULY 6, 2009

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

A. Acceptance of Minutes

Motion to accept the minutes from the June 15th Council meeting was made by Councilor Soule and seconded by Councilor Beecher. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items:

- The City has received 2 armored Humvees that will be refurbished for the SWAT Team.
- Work on I-295 has started which will include 2 new lanes and a sound wall.
- The City is still accepting concerns or comments on the Elimination of certain street lights, forms are available online and at City Hall.
- Work on the Longcreek watershed has begun on Maine Mall Road with stimulus money received.
- He will be meeting with Dana Anderson and his attorney this week and will report back to Council the results. At this time Councilor Hughes made the motion to waive Standing Rules to apologize to Dana Anderson and welcome him back now that the investigation has been completed. The motion was seconded by Councilor Beecher. Councilor Boudreau stated it was important for Mr. Anderson to return and that the bottom line shows his performance was not challenged, she urged the Council to welcome him back. Councilor Soule felt uncomfortable with this discussion being held publicly, as it was a Personnel matter and should have been held in an Executive Session. Councilor Coward stated that Personnel matters should be handled by the City Manager. He said that the actions taken were appropriate and Council should not support the motion. Mayor Blake was also against the motion and stated that that the City does need Mr. Anderson back and has trust in the City Manager to resolve the matter. The motion was defeated 3-3 (Blake, Soule and Coward against).

C. Petitions and Communications

Mayor Blake addressed the following items:

- With the economy down South Portland was still a very busy community.
- Each Councilor sits on many committees as well as attending Council meetings and hearing from residents.
- Eight residents along with Councilor Smith, in conjunction with the Conservation Committee, are in the process of creating a new park on Sawyer Street at no cost to the tax payers.
- Councilors Smith and Coward are currently working to update the website.

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- The City Clerk and 10 others will be working together to find funding to hire a Volunteer Coordinator.
- The City Manager is working with a committee to update the Personnel Policy.
- After 3 years of negotiations the City is ready for the contract with the Library.
- The Library Advisory Board is working to have Chapter 13 updated.
- The Library has formed a Facilities Committee for repairs to the Main Library.
- The City, along with SMCC staff, has formed a committee to revitalize Fort Preble.
- In July and August the City will be looking for Volunteers to write a new Comprehensive Plan. Information is available on the website.
- A new live call in show “Fireside Chats” with the Mayor will begin on July 23rd at 6:00 P.M. on SPC-TV. The City Manager will be the first guest.

D. Appointment Calendar

1. ORDER #82-08/09 – Board of Assessment Review, District Three (Soule) for an expired term which expires on 03/16/12. Postponed since 01/21/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Donna Cavallaro, 26 Grove Avenue was made by Councilor Soule and seconded by Councilor Coward. The order passed 6-0.

2. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #2, #3, #4, #5 and #7 was made by Councilor Soule and seconded by Councilor Coward. Postponement passed 6-0.

3. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #2 for details

4. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #2 for details

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5. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #2 for details

6. ORDER #140-08/09 – Board of Appeals, District Three (Soule), to fill an unexpired term which expires on 07/23/11. Postponed since 06/15/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Shari Sobel of 371 Highland Avenue was made by Councilor Soule and seconded by Councilor Beecher. The order passed 6-0.

7. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Passage requires majority vote.

Postponed, see Item #2 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

Valerie Swiger, Soule Street announced the Run for the Fallen will take place on August 30, 2009 and invited the Council and all residents to come out and support the event. She also asked if the City would be willing to work with the organization next year.

John Kierstead, School Street, announced a Memorial Service for the Longcreek Tragedy will be held on Saturday, July 11th at the entrance to Redbank Village at 11:00 a.m.

Carin Dunay, Pilgrim Road, spoke on behalf of the Library Advisory Board. She stated that Chapter 13 must be updated because the Board was unable to carry out their duties due to the Ordinance. She requested that this be brought to a workshop as soon as possible.

Karen Westerberg, Fairlawn Avenue, asked why the City Manager is not answering questions regarding the Dana Anderson investigation. She stated that the Library Director should have a Masters Degree in Library Science, and was upset that there has been staff changes made without the Library Advisory Board being involved. Ms. Westerberg also wanted answers concerning the Willard Beach snack shack and why the previous lease was not renewed. She thanked Councilor Soule for his work on the Council.

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G. Public Hearings and Action

8. ORDINANCE #22-08/09 – Amending Chapter 27, “Zoning,” regarding a zone text and map change from Non-Residential Industrial District (INR) to Conditional Non-Residential Industrial Municipal Solid Waste Transfer District 1 (INR-MSW-1) at 15 Runway Road. Passed first reading on 06/15/09. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Blake motioned to read the Ordinance by title only and was seconded by Councilor Beecher. Passed 6-0

Councilor Soule motioned for passage and Councilor Boudreau seconded. The ordinance passed roll call vote 6-0.

9. ORDINANCE #23-08/09 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding adult businesses and secondhand dealers. Passed first reading 06/15/09. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to read the Ordinance by title only and was seconded by Councilor Soule. Passed 6-0

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

H. Action on Old and New Business

10. ORDER #2-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Soule seconded. The order passed 6-0.

11. ORDER #3-09/10 – Approving a subordination agreement between the City of South Portland and John Renna. Passage requires majority vote.

Erik Carson, Assistant City Manager explained the process to the Council.

There was no public discussion.

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

12. ORDER #4-09/10 – Award of Bid # 03-10 to Casco Bay Ford, of Yarmouth, ME for the purchase of a plow truck for the School Department. Passage requires majority vote.

Polly Ward and Greg Marles from the School Department answered questions from the Council.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Coward seconded. The order passed 6-0.

13. ORDER #5-09/10 – Award of Bid #60-09 to Eastern Excavation of Westbrook, ME, for the Willard Square Sidewalk Project. Passage requires majority vote.

Tex Haeuser, Planning Director answered questions from the Council.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Hughes seconded. Councilor Soule motioned to postpone, there was no second. The order passed 5-1 (Soule).

14. ORDER #6-09/10 – Accepting a \$1,705.00 mini-grant from the Communities Promoting Health Coalition (CPHC) to be used by the Parks and Recreation Department. Passage requires majority vote.

There was no public discussion.

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

15. ORDINANCE #1-09/10 – Public hearing and consideration of a citizen initiated proposed amendment to Chapter 3, “Animals & Fowl” banning dogs from Willard Beach between the months of April 15 through October 15. Council first reading and postponement to July 20, 2009 for final action or referral to the November 3, 2009 municipal general election ballot. Passage requires majority vote.

The following people addressed this item:

Gary Crosby, Tanner Street spoke on behalf of Save Willard Beach and asked that Council refer this item to the November election.

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Dan Mooers, Ledge Road stated that he had never seen an issue that had generated this much discussion and ill will in the 45 years he has lived in South Portland. He requested that Council vote to allow the voters to decide.

Councilor Beecher motioned for passage of referring the Ordinance to the November 3, 2009 election and Councilor Hughes seconded. The motion passed 6-0.

16. ORDER #7-09/10 – Accepting a \$23,000 grant from the Casco Bay Estuary Partnership (CBEP) for the Coastal Communities Stormwater Management Manual project. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #8-09/10 – Award of Bid # 39-09 to Presidio Networked Solutions, of Woburn, MA, for the Disaster Recovery Phase II Project for the Information Systems Department. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #9-09/10 – Accepting \$4,820 or a portion thereof, under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Boudreau seconded. The order passed 6-0.

19. ORDER #10- 09/10 - Authorizing the City Manager to sign a License and Indemnification Agreement between the City of South Portland and Creative Landvest, LLC. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Councilor Boudreau motioned to postpone and seconded by Councilor Soule. The postponement passed 4-2. (Hughes, Coward)

I. Citizen Discussion (Second Part)

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J. Councilor's Round Robin

Councilor Blake commented on all the work going on in the Western part of the City. He also announced what would be discussed at the next workshop. This will include the Veteran's Bridge project, Exit 4, and a presentation from the Land Trust regarding a Pedestrian/Bike path.

Councilor Coward said he enjoyed spending the July 4th weekend at a camp near Millinocket. He was also excited by all the new projects going on. He stated he was impressed with all the Boards and Committees and felt that the City should be a facilitator for what the residents want as opposed to an instigator.

Councilor Beecher thanked all the people who came out and voted for the Charter change, even though there were not enough total voters. She also thanked all the election workers and the Assessing office for their hard work.

Councilor Hughes announced that he would be at the Branch Library on Tuesday at to read to children and hoped people would join him.

Councilor Boudreau was at the "soft" opening at the Historical Society and was impressed with the event. She also commented on Bug Light Park and how it has grown and is always busy. She stated that the Park has grown mostly due to donations and not City money.

K. Executive Session

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

Motion to adjourn to executive session was made at 9:45 P.M. by Councilor Boudreau and seconded by Councilor Soule. Passed 6-0.

Motion to return from executive session was made at 10:17 P.M. by Councilor Beecher and seconded by Councilor Coward. Passed 6-0.

Motion to deny Hardship Abatement #2009/2010-1 for \$956.40 was made by Councilor Boudreau and seconded by Councilor Blake. Denied 6-0.

Motion to approve Hardship Abatement #2009/2010-2 for 2285.95 plus interest and fees was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0.

Motion to adjourn was made at 10:20 P.M. by Councilor Boudreau and seconded by Councilor Coward. Passed 6-0

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JULY 6, 2009

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

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JULY 20, 2009

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

A. Acceptance of Minutes

Motion to accept the minutes from the July 6th Council meeting was made by Councilor Soule and seconded by Councilor Smith. Passed 6-0

B. Communications from City Manager

There were no communications.

C. Petitions and Communications

The attendance and committee reports were submitted for Council review.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3, #4, #5 and #7 was made by Councilor Hughes and seconded by Councilor Coward. Postponement passed 6-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

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5. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed on 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #11-09/10 – Board of Appeals, District One (Coward), to fill a term which expires on 07/23/12. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to reappoint John Howard of 94 Loveitts Field Road. Councilor Soule seconded and the motion passed 6-0.

7. ORDER #12 -09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

8. Street Closing

Dan Hogan and Carol Fanning are requesting the closure of 3 – 10 E Street for a wedding on August 8, 2009 from 2:00 P.M. until 9:00 P.M. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Chris Kessler, 37 Cottage Road – Mr. Kessler raised concerns about graffiti and a lack of response from an email that he submitted.

G. Public Hearings and Action

9. Business License

Kevin Strout d/b/a Weenie Wagon II, for a variance to operate a FE/Mobile Vending unit within 500' of another City licensed Food Establishment. Passage requires majority vote.

The following person addressed this item;

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Nancy Richardson, Boothby Ave. – Ms. Richardson inquired if this was the same location that received a mobile vending license a short while back.

Councilor Beecher motioned for passage and Councilor Hughes seconded. Councilor Soule requested information on whether these units are being inspected by the Health Inspector and what kind of insurance coverage is required of them. The item passed 5-1 (Soule).

H. Action on Old and New Business

10. ORDER #10- 09/10 - Authorizing the City Manager to sign a License and Indemnification Agreement between the City of South Portland and Creative Landvest, LLC. Postponed on 07/06/09. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to postpone and Councilor Beecher seconded. The Order was postponed 6-0.

11. ORDER #13-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #14-09/10 - Award of sole source bid to Systems Engineering, of Portland, ME, for the purchase of wireless upgrades for the School Department. Passage requires majority vote.

The following people addressed this item;

Nancy Richardson, Boothby Ave. – Ms. Richardson stated that this seemed pretty pricey and questioned the necessity of these upgrades when people have been laid off.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo asked numerous questions such as whether a cost benefit analysis had been done. He suggested that the item be tabled to get more information.

Andrew Wallace, Director of Information Services for the School Department, provided additional information on the process and the benefits of this project.

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

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JULY 20, 2009

13. ORDER #15-09/10 – Award of sole source bid to Headlight Audio Visual, of Portland, ME, for the purchase of smartboards and speakers for the School Department. Passage requires majority vote.

The following people addressed this item;

Nancy Richardson, Boothby Ave. – Ms. Richardson inquired about the number of smartboards in the school system.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned the need for this purchase and suggested that projectors would be just as useful and much less expensive.

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

14. ORDER #16-09/10 – Accepting a Target National Night Out Grant for \$500.00 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #17-09/10 – Accepting \$3,500 or a portion thereof, under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #18-09/10 – Accepting a compensation fee from Portland Jetport to be used for a remote parking lot located in the Long Creek Watershed. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Nancy Richardson, Boothby Ave. – Ms. Richardson said she likes that South Portland is a technology leader, however she is disappointed in the money that has been spent when layoffs have occurred. She inquired whether Mr. Anderson's management style would be addressed now that he has returned.

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J. Councilor's Round Robin

Councilor Smith thanked citizens who have volunteered to be on the website committee. She welcomed Cape Elizabeth as a Cool Community and reminded folks that they don't have to leave their engine idling when waiting when the bridge is up.

Councilor Beecher attended the Redbank Commemorative Crash Ceremony. She noted that another medication collection project would be coming up soon.

Councilor Hughes thanked Public Works and the Water Resource Department for sending trucks for demonstration to the Library when he was a volunteer reader.

Councilor Boudreau announced that Mayor Blake would be hosting his first call in show on Thursday at 6:30 P.M. She reminded folks of the Target Night Out scheduled for August 4th, Art in the Park scheduled for August 8th and of the concerts in the park on Wednesday evenings.

Councilor Soule raised issues with damage from road salt to the esplanades in the Adelbert Street and Richards Street area.

Councilor Coward commented on the flourishing business activity in the Willard area due to nice weather and people utilizing the beach area. He commented on what a great resource our Library is and talked about this being the 40th anniversary of mankind walking on the moon.

K. Executive Session

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

Motion to adjourn to executive session was made at 8:28 P.M. by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0.

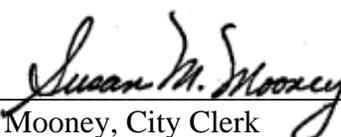
Motion to return from executive session was made at 8:50 P.M. by Councilor Coward and seconded by Councilor Smith. Passed 5-0 (Soule absent).

Motion to deny Hardship Abatement #2009/2010-3 was made by Councilor Beecher and seconded by Councilor Smith. Passed 5-0 (Soule absent).

Motion to adjourn was made at 8:52 P.M. by Councilor Smith and seconded by Councilor Hughes. Passed 5-0 (Soule absent)

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ATTEST


Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 14
AUGUST 3, 2009

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

A. Acceptance of Minutes

Motion to accept the minutes from the July 20th Council meeting was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Discussion on health insurance for City Councilors will occur at the August 17th Council Meeting
- The members of the Sport Fishing and Boating Partnership Council will be visiting Thomas Knight Park early Thursday morning. This Council was largely responsible for the grant funding through the Department of Interior and the U.S. Fish and Wildlife Service which funded the renovations to the Park.
- The Southbound ramp of Exit 4 will be closed for approximately 30 days
- National Night Out, Tuesday August 4th. Public is invited to the Community Center for food, raffles and events.
- Maine Cancer Foundation is hosting Tri for a Cure triathlon on August 9, 2009 from 10:30 A.M. - 12:30 P.M
- 30th Annual Art in the Park show scheduled for August 8, 2009 for 9:00 A.M. to 5:00 P.M. Mary Kahl, the Director of the show provided details of the event.

C. Petitions and Communications

Mayor Blake recognized Robert Schwartz for his nine years of service to the Civil Service Commission and presented him with a plaque from the Council.

The City Clerk announced that petition papers are now available for the November 3rd Election. Details have been posted on the City website.

The City Clerk reported provided answers to questions raised by Councilor Soule at the previous Council meeting regarding Mobile Vending Units. He requested a workshop item to address concerns regarding a need for further clarification regarding insurance coverage.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

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AUGUST 3, 2009

There was no public discussion.

Motion to postpone items #1, #2, #4, #5, #6 and #7 was made by Councilor Hughes and seconded by Councilor Smith. Postponement passed 6-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #106-08/09 – Conservation Commission, District Three (Soule) to fill an unexpired term which expires on 11/20/09. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Neil Jordan of 35 Greeley Street was made by Councilor Soule and seconded by Mayor Blake. The order passed 6-0.

4. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #12 -09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed on 7/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

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AUGUST 3, 2009

8. South Portland Music Boosters are requesting the closure of Mountain View Road and Nutter Road to through traffic on Saturday, September 26, 2009 from 3:00 PM – 10:30 P.M. Passage requires majority vote.

The following person addressed this item;

Mike Fletcher, 5 Briarwood Road – Mr. Fletcher provided details of the MBDA High School Marching Band show.

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

9. Maine Cancer Foundation is requesting the closure of Davis Street for its Tri for a Cure triathlon on August 9, 2009 from 10:30 A.M. - 12:30 P.M. Passage requires majority vote.

The following people addressed this item;

Susan Rowan, 29 Sylvan Road – Ms. Rowan provided details on the Tri for a Cure triathlon.

Pam Beal, 58 Sylvan Road – Ms. Beal encouraged residents to come out and support the participants of the race by cheering them on.

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

F. Citizen Discussion (First Part)

G. Public Hearings and Action

H. Action on Old and New Business

10. ORDER #10-09/10 - Authorizing the City Manager to sign a License and Indemnification Agreement between the City of South Portland and Creative Landvest, LLC. Postponed since 07/06/09. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to postpone and Councilor Coward seconded. The Order was postponed by a vote of 6-0.

11. ORDER #20-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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AUGUST 3, 2009

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order was passed by a vote of 6-0.

12. ORDER #21-09/10 – Award of Bid #18-10 to Dell Computers of Round Rock, Texas for the purchase of computer equipment for the School Department. Passage requires majority vote.

There was no public discussion. Andy Wallace, Director of Technology for the School Department was present and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Smith seconded. The Order was passed by a vote of 6-0.

13. ORDER #22-09/10 – Award of Bid#12-09 to Casco Bay Ford, of Yarmouth, Maine for the purchase of two (2) one-ton dump trucks for the Parks and Public Works Departments. Passage requires majority vote.

There was no public discussion. John Switzer from the Parks and Recreation Department was present and answered questions from the Council.

Councilor Beecher motioned for passage and Councilor Blake seconded. The Order was passed by a vote of 6-0.

14. ORDINANCE #2-09/10 – Amending Chapter 27, “Zoning,” regarding a zone map change from Non-Residential Industrial (INR) to Conditional Non-Residential Industrial Municipal Solid Waste Transfer District 1 (INR-MSW-1) at 1 Wallace Avenue. First reading. Passage requires majority vote.

There was no public discussion. Mark St. Germaine and T.J. Triano were present to answer any questions that the Council might have.

Councilor Soule motioned for passage and Councilor Beecher seconded. The Order was passed by a vote of 6-0.

15. ORDER #23-09/10 - Authorizing the City Manager to execute a deed to and accept a deed from Highland Memorial Cemetery Association affecting a land swap of property located off Highland Avenue. Passage requires majority vote.

The following person addressed this item;

Art Smith, Highland Memorial Cemetery Association – Mr. Smith thanked the Council for their support with this land swap and said he would be available if they had any questions.

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Councilor Smith motioned for passage and Councilor Hughes seconded. The Order was passed by a vote of 6-0.

16. ORDER #24-09/10 – Award of Bid #11-10 to E. S. Boulos Co, of Westbrook, ME for the Maine Mall Lighting Project. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. There was some discussion on whether the number of lights might be reduced or whether timers could be installed to lower energy usage during late night hours. The Council felt it would be prudent to bring this forward to a workshop. Mayor Blake motioned to postpone and Councilor Soule seconded. The Order was postponed by a vote of 6-0.

17. ORDER # 25-09/10 – Authorizing the City Manager to sign the Long Creek Watershed Interlocal Agreement among the Cities of Portland and Westbrook and the Town of Scarborough. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Smith seconded. The Order was passed by a vote of 6-0.

18. ORDER #26-09/10 – Authorizing the City Manager to sign a Municipal/State Agreement regarding improvements to the Long Creek Watershed at Maine Mall Road. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Smith seconded. The Order was passed by a vote of 6-0.

I. Citizen Discussion (Second Part)

Chris Kessler, 37 Cottage Road – Mr. Kessler asked if there had been any research into the possibility of using open source software in the schools and in city government.

J. Councilor's Round Robin

Councilor Beecher recognized the Water Resource Department and in particular Pat Cloutier and Dave Thomes with their assistance to the public regarding water issues throughout the spring and summer months. She commended Councilor Hughes for his efforts with the wall to reduce traffic noise in the west end of the city.

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Councilor Hughes thanked our local State Delegates for their support with the sound wall. He indicated that samples of the material are available and residents would be making the selection. In regard to Mr. Kessler's suggestion, he said open source software is a good idea.

Councilor Soule said the Council acted improperly at a recent workshop when there was a lack of support to bring a \$12,000. Feasibility Study for a bike/pedestrian path to a Council meeting for a public vote. He subsequently asked for a copy of the purchasing ordinance and determined that the Manager has the authority to award a bid up to \$20,000 for a formally bid project but he believes this project was conducted in an informal bid process. He noted that after he had requested a copy of the ordinance the Manager sent out notification that the project had been renegotiated to \$9,500.

Mayor Blake congratulated A Best Windows for winning the State Championship in the State Corporate Track Meet for small divisions. He announced that he would be conducting a "Hidden Jewel" tour around South Portland on Saturday morning at 9:00 A.M. Participants will be gathering at Bug Light Park. He reminded folks about the Wednesday evening concerts in Mill Creek Park, thanked the residents who called in on his first Mayor Talk Show, encouraged citizens to apply to the Comprehensive Plan Committee and asked people to report graffiti so that it can be removed quickly.

Councilor Coward said the sound barrier on the west end will improve the value of the homes in that area. He noted that the website review committee has met and been assigned tasks. He encouraged residents to fill out the comment form on the home page of the website to let the committee know what they like/don't like or would like to see on the website. The short term goal is to enhance the current website and the long term goal is to make it more interactive, functional and a marketing tool for economic development.

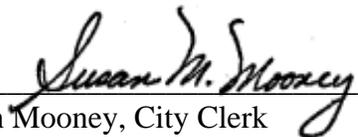
Regarding the website committee Councilor Smith said she is excited to be working with an energized group and noted that the website is our City Welcome Wagon.

K. Executive Session

Motion to adjourn was made at 9:45 P.M. by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0

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ATTEST _____


Susan Mooney, City Clerk

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Roll Call: Mayor Blake called the meeting to order at 7:00 P.M. Councilor Smith was absent and Councilor Hughes arrived at 7:04 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the August 3rd Council meeting was made by Councilor Soule and seconded by Councilor Beecher. Passed 4-0 (Boudreau abstained, Hughes had not arrived yet and Councilor Smith was absent)

B. Communications from City Manager

The Manager addressed the following items;

- The Manager read a letter from Maine State Housing Authority regarding a new internet listing service for rental properties.

C. Petitions and Communications

The attendance and committee reports were submitted for Council review.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3, #4, #5, #6 and #8 was made by Councilor Boudreau and seconded by Councilor Coward. Postponement passed 6-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

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Postponed, see Item #1 for details

5. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 7/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed on 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER – #27-09/10 - Harbor Commission, Mayoral appointment, to fill an unexpired term which expires on 06/30/12. Passage requires majority vote.

There was no public discussion

Mayor Blake motioned to reappoint William Van Voorhis of 52 Tamarak Drive to this seat. Councilor Beecher seconded and the Order passed 6-0.

8. ORDER #28-09/10 – Energy & Recycling Committee, At Large (Boudreau), to fill an unexpired term which expires on 05/5/11. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

Devon Gray, 26 Beach Street – Mrs. Gray gave a report of several incidents on dog issues at Willard Beach.

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson remarked about Deb Smith’s organizational skills with coordinating the National Senior Games in California and said she is sad that South Portland no longer benefits from those skills.

Joseph Nalbach, 50 Thornton Ave. – Mr. Nalbach sited safety issues with the faded stripped lines in front of the Armory building. He inquired about directional signage at Cash Corner.

G. Public Hearings and Action

9. ORDINANCE #2-09/10 – Amending Chapter 27, “Zoning,” regarding a zone map change from Non-Residential Industrial (INR) to Conditional Non-Residential Industrial

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Municipal Solid Waste Transfer District 1 (INR-MSW-1) at 1 Wallace Avenue. Passed first reading on 08/03/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion. Mark St. Germaine offered to answer questions that the Council might have.

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

H. Action on Old and New Business

10. ORDER #10-09/10 - Authorizing the City Manager to sign a License and Indemnification Agreement between the City of South Portland and Creative Landvest, LLC. Postponed since 07/06/09. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned to postpone and Councilor Boudreau seconded the motion. The Order was postponed by a vote of 6-0.

11. ORDER #24-09/10 – Award of Bid #11-10 to E. S. Boulos Co., of Westbrook, ME for the Maine Mall Lighting Project. Postponed on 08/03/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Boudreau seconded the motion. Councilor Beecher motioned to amend the order to eliminate four lights from the project reducing the cost of the project by \$5,600.00. Councilor Coward seconded the amendment and it passed 4-2 (Boudreau, Soule). The Order passed as amended by a vote of 4-2 (Soule, Boudreau).

12. ORDER #29-09/10 – Authorizing the City Manager to sign a collective bargaining agreement with AFSCME Local 2011, Council 93 Department of Libraries from July 1, 2008 to June 30, 2010. Passage requires majority vote.

John McGough, the Human Resource Director provided some background information on the contract. The following person addressed this item;

Tom Werley, Librarian – Mr. Werley noted that the contract expires in 2010.

Councilor Coward motioned for passage and Councilor Soule seconded the motion. Councilor Boudreau expressed interest in going into Executive Session for clarification on some of the contract wording. Councilor Boudreau motioned to table the item until

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the proper citation for the executive session was brought forward. Councilor Soule seconded and the motion passed 6-0.

Immediately following Item #13 Councilor Boudreau motioned to go into Executive Session pursuant to 1 M.R.S.A. §405 (D) Discussion of public employee labor negotiations between the AFSCME Local 2011, Council 93 Department of Libraries and the City. Councilor Coward seconded and the motion passed 6-0.

After a short period of time the Council returned to the Chambers and Councilor Beecher made a motion to return from Executive Session. Councilor Hughes seconded and the motion passed 6-0.

Councilor Coward motioned to take Item #12 from the table and Mayor Blake seconded. The motion passed 6-0. Councilor Beecher motioned to amend the wording on the Order by replacing the word Collaborative with Collective. Mayor Blake seconded. The amendment passed 6-0. The Order passed as amended by a vote of 6-0.

13. ORDER #30-09/10 – Authorizing the City Manager to direct Central Maine Power Company to remove street lights as noted on the list entitled “Street Lights Proposed for Removal” dated August 11, 2009. Passage requires majority vote.

The following people addressed this item;

Stan Cox, 460 Highland Ave. – Mr. Cox said that it was not appropriate to say that street lights were installed to light up homes.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo inquired about what the cost of light removal would be and whether more efficient lighting options had been researched for all the city street lights.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. Councilor Soule motioned to allow the appeal process to stay in place. Mayor Blake seconded the motion. The motion failed 2-4 (Hughes, Beecher, Boudreau, Coward). The Order passed by a vote of 5-1 (Soule).

14. ORDINANCE #3-09/10 – Amending Chapter 27, “Zoning,” regarding wind test towers in the INR District. First reading. Passage requires majority vote.

Councilor Coward motioned to have the Ordinance read by title only. Councilor Beecher seconded and the motion passed 6-0. The following people addressed this item;

Stan Cox, 460 Highland Ave. – Mr. Cox said he came tonight to support this item.

Tex Haeuser, Planning and Development Director – Mr. Haeuser said this ordinance amendment would put the city in a position to apply for a grant.

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Councilor Soule motioned for passage and Councilor Boudreau seconded the motion. The Ordinance passed first reading by a vote of 6-0.

15. ORDER #31-09/10 - Action to resolve building encroachments in westerly side of E Street between Cottage Road/Legion Square and Mill Cove through approval of certain real estate conveyances and a consent agreement. Passage requires five affirmative votes.

The following person addressed this item;

Susan Russell, 143 Hillside Ave. – Mrs. Russell thanked the Council on behalf of the Bernard's.

Councilor Boudreau motioned for passage and Councilor Soule seconded the motion. The Order passed by a vote of 6-0.

16. ORDER #32-09/10 – Revoking ORDER #121-77 dated August 1, 1977 regarding City Councilor health insurance coverage and setting the date of the public hearing on an amendment to the City Charter, Article II, amending §209 regarding City Council Compensation. Passage requires majority vote

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo disagreed with Corporation Counsel's opinion that the original order was legal.

Stan Cox, 460 Highland Ave. – Mr. Cox said no one should have the authority to set their own pay and the people should decide.

Pam Beal, 58 Sylvan Road – Ms. Beal said citizens were unaware of this benefit. She said no other community beside Portland provides health insurance. She wants to see this on the ballot.

Terry Orr, 22 Cliff Ave. – Ms. Orr also felt this should go before the voters.

Councilor Soule motioned for passage and Councilor Boudreau seconded the motion. Councilor Soule motioned to amend the order by striking the first paragraph and adding a third option that would allow for single coverage only. Councilor Boudreau seconded the motion. The amendment failed 3-3 (Coward, Hughes, Blake).

Councilor Boudreau motioned to amend the order by striking out the first paragraph. Councilor Soule seconded the motion. The amendment failed 3-3 (Coward, Hughes, Blake).

The Order failed by a vote of 2-4 (Coward, Blake, Boudreau, Hughes).

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17. ORDER #33-09/10 – Accepting an Enhanced Police Intervention Collaboration (EPIC) grant to be used by the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded the motion. The Order passed by a vote of 5-0 (Soule left).

18. ORDER #34-09/10 – Authorizing Cumberland County to file a complaint with Cumberland County Superior Court seeking reimbursement from New England Motor Freight for expenses incurred from an acid spill in August, 2006. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Blake seconded the motion. The Order passed by a vote of 5-0 (Soule left).

19. ORDER #35-09/10 – Setting the date of the public hearing on an amendment to the City Charter, Article VI., amending §623 regarding a change in the issuance of bonds. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded the motion. The Order passed by a vote of 5-0 (Soule left).

I. Citizen Discussion (Second Part)

Tom Werley, Children’s Librarian – Mr. Werley provided a one page write up on the history of the Library union contract and then he read through his submission.

Stan Cox, 460 Highland Ave. – Mr. Cox said he was not opposed to the lighting project and said he felt the original order providing council health insurance coverage back in 1977 should have been a Charter amendment.

J. Councilor’s Round Robin

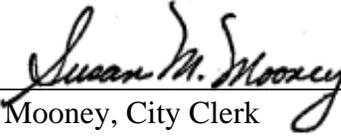
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K. Executive Session

Motion to adjourn was made at 11:45 P.M. by Councilor Boudreau and seconded by Councilor Coward. Passed 5-0 (Soule left, Smith absent)

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 27
SEPTEMBER 9, 2009

Roll Call: Mayor Blake had laryngitis and had Councilor Boudreau to sit in for him. Councilor Boudreau called the meeting to order at 7:00 P.M. Councilor Soule was absent.

A. Acceptance of Minutes

Motion to accept the minutes from the August 17th Council meeting was made by Councilor Beecher and seconded by Councilor Smith. The motion passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- September 12th is Maine Open Lighthouse Day. Spring Point Ledge Lighthouse and Bug Light will be open to the public.
- There has been a link added to the home page of the web site to submit information on graffiti violations
- Maine Municipal Association will be holding a public presentation at the Community Center on Tuesday, September 15th to advise the public on the Tabor II initiative and the auto excise initiative. Citizens will be voting on these items in November.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #7 was made by Mayor Blake and seconded by Councilor Hughes. Postponement passed 6-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

Postponed, see Item #1 for details

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4. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 7/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed on 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #28-09/10 – Energy & Recycling Committee, At Large (Boudreau), to fill an unexpired term which expires on 05/5/11. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

No one spoke a Citizen Discussion – Part I

G. Public Hearings and Action

8. ORDINANCE #3-09/10 – Amending Chapter 27, “Zoning,” regarding wind test towers in the INR District. Passed first reading on 08/17/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion. Only the ordinance changes were read by the City Clerk by unanimous consent of the Council.

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

9. ORDER #36-09/10 – Referring the proposed Amendment to the City Charter, Article VI, §623 regarding public sale of bonds to be placed on the November 3, 2009 ballot. Passage requires majority vote.

There was no public discussion.

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Councilor Coward motioned for passage and Mayor Blake seconded. The Order passed by a vote of 6-0.

10. Business License

Broadway Collision Inc., d/b/a Broadway Collision, for a Used Car Lot License. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Smith seconded. Councilor Smith requested that any changes to a business license be initialed in the future. The license passed by a vote of 6-0.

H. Action on Old and New Business

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

11. ORDER #10-09/10 - Authorizing the City Manager to sign a License and Indemnification Agreement between the City of South Portland and Creative Landvest, LLC. Postponed since 07/06/09. Passage requires majority vote.

There was no public discussion. Tex Haeuser, Planning and Development Director and Dan LaBrie, the developer of the property, spoke on this item.

Councilor Beecher motioned for passage and Councilor Smith seconded. By recommendation of the City Manager, Councilor Beecher motioned for the order to be amended to add the additional underlined wording, **“ORDERED**, that, upon receipt of reimbursement of the City’s legal fees in the amount of \$2,500 from Creative Landvest, LLC, the City Manager be and hereby is authorized to execute the attached License and Indemnification Agreement between Creative Landvest, LLC and the City of South Portland relating to a portion of the Cumberland Road right of way.” and also have the fiscal note amended from “Less than \$1,000” to “\$2,500 Revenue”. Councilor Coward seconded the amendment. The amendment passed 6-0. The Order passed as amended by a vote of 4-2 (Hughes, Smith).

12. ORDER #37-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed by a vote of 6-0.

13. ORDER #38-09/10 – Award of Bid #21-10 to Risbara Brothers Construction, Inc., of Scarborough, ME, for snowplowing services for the School Department. Passage requires majority vote.

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There was no public discussion.

Councilor Coward motioned for passage and Councilor Beecher seconded. The Order passed by a vote of 6-0.

14. PROCLAMATION #1-09/10 – Proclaiming September 12, 2009 as Maine Open Lighthouse Day. Passage requires majority vote.

The following person addressed this item;

Ross Ketchum, Chair of the Spring Point Ledge Light Trust – Mr. Ketchum talked about the dedication of the 20 people who support the Trust. He noted that about \$43,000 dollars has been raised to address the \$80,000 worth of repairs that need to be done on the lighthouse.

Councilor Hughes motioned for passage and Councilor Beecher seconded the motion. The Proclamation passed by a vote of 6-0.

15. ORDINANCE #4-09/10 – Amending Chapter 24, “Subdivisions,” regarding independent consulting and peer review fees. First reading. Passage requires majority vote.

There was no public discussion. The Ordinance was read by title only by unanimous consent of the Council.

Councilor Coward motioned for passage of first reading of the Ordinance and Mayor Blake seconded. The Ordinance passed first reading by a vote of 6-0.

16. ORDINANCE #5-09/10 – Amending Chapter 27, “Zoning,” regarding independent consulting and peer review fees. First reading. Passage requires majority vote.

There was no public discussion. The Ordinance was read by title only by unanimous consent of the Council.

Councilor Smith motioned for passage of first reading of the Ordinance and Councilor Beecher seconded. The Ordinance passed first reading by a vote of 6-0.

17. ORDER #39-09/10 – Accepting a 2009 (Recovery Act) Edward Byrne Memorial Justice Assistance Grant to be used by the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Smith seconded. The Order passed by a vote of 6-0.

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18. ORDER #40-09/10 – Accepting an \$800.00 grant from Target to purchase a laptop computer for the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Beecher seconded. The Order passed by a vote of 6-0.

19. ORDER #41-09/10 – Amending the Traffic Schedule regarding parking on Dartmouth Street. Passage requires majority vote.

There was no public discussion.

Mayor Blake motioned for passage and Councilor Coward seconded. The Order passed by a vote of 6-0.

20. ORDER #42- 09/10 – Award of Bid #23-10 to Liberty Chevrolet, of Wakefield, MA, for the purchase of a command response vehicle for the South Portland Fire /Emergency Management Department. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Beecher seconded. The Order passed by a vote of 6-0.

21. ORDER #43-09/10 – Award of Bid #15-10 to Rainmaker Irrigation, of Portland, ME, for sidewalk reconstruction project. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Hughes seconded. The Order passed by a vote of 6-0.

22. ORDER #44- 09/10 – Award of Bid #16-10 to Asplundh Tree Service, Inc., of Naples, ME, to provide tree pruning and removal services. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Beecher seconded. The Order passed by a vote of 6-0.

23. ORDER #45-09/10 – Award of Bid # 25-10 to Chad Little Outdoor Power, of, Portland, ME, for the purchase of a riding/rotary mower for the Parks Department. Passage requires majority vote.

There was no public discussion.

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Councilor Beecher motioned for passage and Councilor Smith seconded. The Order passed by a vote of 6-0.

24. ORDER #46-09/10 – Authorizing the City Manager to enter into a Credit Enhancement Agreement with One Wallace Ave LLC. Passage requires majority vote.

There was no public discussion. Erik Carson presented information on this item.

Councilor Hughes motioned for passage and Councilor Coward seconded. The Order passed by a vote of 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Coward remarked about the passage of summer and that it is time to get moving on some project, notably the web site project.

Councilor Smith talked about the great Pacific garbage patch and encouraged folks to participate in the 24th International Coastal Cleanup. Information is available at www.oceanconservancy.org.

Councilor Hughes said he had recently attended a wedding at Bug Light Park and commented on the beautiful location for a ceremony.

Councilor Boudreau noted that school is back in session and reminded folks to watch out for the children.

K. Executive Session

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty, and pursuant to 1 M.R.S.A. §405D discussion of contract negotiations with the South Portland Firefighters IAFF Local #1476.

Councilor Coward motioned to go into executive session at 9:45 P.M. Mayor Blake seconded and the motion passed 6-0.

Councilor Beecher motioned to come out of executive session at 10:55 P.M. and Councilor Smith seconded.

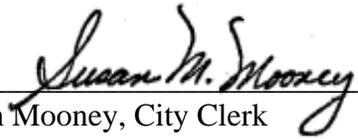
Councilor Beecher motioned to approve Hardship Abatement #9-09/10 in the amount of \$781.35 plus interest and fees. Councilor Coward seconded and the motion passed 6-0.

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SEPTEMBER 9, 2009**

Motion to adjourn was made at 10:57 P.M. by Councilor Boudreau and seconded by Councilor Smith. Passed 6-0

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 34
SEPTEMBER 21, 2009**

Roll Call: Mayor Blake called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the September 9th Council meeting was made by Councilor Beecher and seconded by Councilor Hughes. The motion passed 7-0.

B. Communications from City Manager

- There has been a link added to the home page of the web site to submit information on graffiti violations
- Greater Portland Transit Guide is now available. The regional transit map and timetable was produced by PACTS
- The MMA presentation on Tabor II and the excise tax initiative was taped and is being replayed on SPCTV, Channel 2
- The Council held a moment of silence to recognize the passing of Michael Eastman. Mr. Eastman retired as the Assistance Principal at Memorial Jr. High School and has served on the School Board in recent years. A celebration of life is scheduled for September 27th at the South Portland High School Auditorium at 2:00 P.M.

C. Petitions and Communications

The attendance and committee reports were submitted for Council review.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #4, #5, #6, #9 and #10 was made by Councilor Boudreau and seconded by Councilor Coward. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #126-08/09 – Energy and Recycling Committee, District Two (Smith), to fill a term which expires on 05/05/12. Postponed since 05/04/09. Passage requires majority vote.

There was no public discussion.

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Councilor Smith motioned to appoint Camilla Whitehead of 218 Pine Street and Councilor Beecher seconded. The appointment passed 7-0.

4. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 7/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #28-09/10 – Energy & Recycling Committee, At Large (Boudreau), to fill an unexpired term which expires on 05/5/11. Postponed since 08/17/09. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Peter Wilson of 59 Deake Street and Councilor Soule seconded. The appointment passed 7-0.

8. ORDER #47-09/10 - Voter Registration Appeals Board, Chair, to fill a term which expires on 09/29/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint William Dale of Loveitts Field Road and Councilor Soule seconded. The appointment passed 7-0.

9. ORDER #48-09/10 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/10. Passage requires majority vote.

Postponed, see Item #1 for details

10. ORDER #49-09/10 - Voter Registration Appeals Board, Democratic appointment, to fill a term which expires 09/29/10. Passage requires majority vote.

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Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

11. ORDINANCE #4-09/10 – Amending Chapter 24, “Subdivisions,” regarding independent consulting and peer review fees. Passed first reading on 09/09/09. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the ordinance read by title only. Councilor Soule seconded and the motion passed 7-0. There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Coward seconded. The ordinance passed roll call vote 7-0.

12. ORDINANCE #5-09/10 – Amending Chapter 27, “Zoning,” regarding independent consulting and peer review fees. Passed first reading on 09/09/09. ROLL CALL VOTE. Passage requires five affirmative votes.

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

Councilor Coward motioned for passage and Councilor Boudreau seconded. The ordinance passed roll call vote 7-0.

13. Jewel of India Restaurant, d/b/a Jewel of India, 45 Western Avenue for a FE/Class A Restaurant with malt and Vinous license. Passage requires majority vote.

There was no public discussion.

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

14. OSI Restaurant Partners, LLC d/b/a Outback Steakhouse, 147 Western Avenue for a FE/Class A Restaurant with Liquor License. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Mayor Blake seconded. The license passed 7-0.

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SEPTEMBER 21, 2009

15. JCI, Inc. d/b/a/ Thatcher's, 35 Foden Road for a FE/Class A Restaurant with Liquor License. New owner of an existing business. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

16. ORDER #50-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #51-09/10 – Award of Bid #24-10 to Presidio Networked Solutions, of New Gloucester, ME, for the purchase of a CISCO 6509 Switch for the Information Technology Department. Passage requires majority vote.

The following person addressed this item;

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson questioned the necessity of the equipment and asked if we could get by with a downsized product. Shawn Pennington, the IT Director said that this was a bumped down version of the specified equipment. He indicated that this model will allow for growth in the next few years so that he will not have to come back to request an upgrade too soon.

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

18. ORDER #52-09/10 – Award of Bid #26-10 to Grace Quality Used Cars, of Morrisville, PA, for the sale of used police cruisers. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Soule seconded. The order passed 7-0.

19. ORDER #53-09/10 - Authorizing formation of the “Long Creek Watershed Management District” as a non-capital stock non-profit corporation pursuant to the Long Creek Watershed Management District Interlocal Agreement. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 38
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Councilor Hughes motioned for passage and Councilor Beecher seconded. The order passed 7-0.

20. RESOLVE #1-09/10 – Indicating the opposition of the City of South Portland to the November Ballot question seeking to decrease the automobile excise tax. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Boudreau seconded. The order passed 7-0.

I. Citizen Discussion (Second Part)

Nancy Richardson, 40 Boothby Ave. – Ms. Richardson questioned where the funds for technology come from. She asked whether the availability of these funds were reviewed when the discussions around layoffs were being considered.

J. Councilor's Round Robin

Councilor Beecher encouraged folks to look long and hard at the ballot questions and to vote yes on the local Charter amendment.

Councilor Boudreau expressed sympathy to the Eastman family and said that Linda and Mike were the first to support her when she ran for the school board. She reminded citizens to watch for pedestrians in crosswalks and to space their trash and recycle bin so that they can be picked up by the automated trash truck.

Mayor Blake said the first family and volunteer effort at Fort Preble is scheduled for Saturday, the 26th. He asked people to arrive between 8:30 and 9:00 A.M. There is also a ribbon cutting ceremony for Trail Side Park by J.C. Penny at 11:00 A.M. Council will be discussing the Tabor II initiative at the workshop next Monday.

Councilor Coward said the Library Advisory Committee will be reviewing ordinance language that covers the charge of the committee. He also brought up the Long Creek Watershed Management District and said he sees this project spanning several decades for cleaning up the watershed but feels the Management District will probably be permanent.

Councilor Smith recognized that people are commuting on bikes more. She thanked several volunteers for participating in the Coastal Cleanup project.

K. Executive Session

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A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty; and pursuant to 1 M.R.S.A. §405(6)(C), discussion of the acquisition or disposition of publicly held property - South Portland Armory.

Councilor Boudreau motioned to go into executive session at 8:40 P.M. Councilor Soule seconded and the motion passed 7-0.

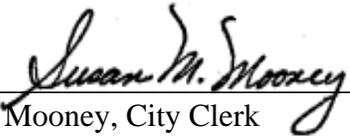
Councilor Beecher motioned to come out of executive session at 10:22 P.M. and Councilor Smith seconded.

Mayor Blake motioned to approve Hardship Abatement 09/10-#5 in the amount of \$783.30 plus interest and fees. Councilor Beecher seconded and the motion passed 7-0.

Councilor Beecher motioned to approve Hardship Abatement 09/10-#6 in the amount of \$2,948.50 plus interest and fees. Mayor Blake seconded and the motion passed 7-0.

Motion to adjourn was made at 10:24 P.M. by Councilor Coward and seconded by Councilor Smith. Passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 40
OCTOBER 5, 2009**

Roll Call: Mayor Blake called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the September 21st Council meeting was made by Councilor Boudreau and seconded by Councilor Coward. The motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Medication Collection Day – October 17th
- MMA Award to the City of South Portland for best Annual Report

C. Petitions and Communications

The City Clerk noted that absentee ballots are available and people can either come in and vote or call to have a ballot sent to them. There will also be a candidate's night on October 22, 2009 at 7:00 P.M. in the Council Chambers,

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #7 was made by Councilor Boudreau and seconded by Councilor Beecher. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 07/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

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OCTOBER 5, 2009**

5. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #48-09/10 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/10. Postponed on 09/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #49-09/10 - Voter Registration Appeals Board, Democrat appointment, to fill a term which expires 09/29/10. Postponed on 09/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

Tom Ayers, 21 Brookside Ave. – Mr. Ayers commended the Councilor for taking a position on the excise tax initiative and Tabor II. He asked that they also consider taking a stand on behalf of the Share Willard Beach committee.

G. Public Hearings and Action

H. Action on Old and New Business

8. ORDER #54-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Mayor Blake seconded. The order passed 7-0.

9. RESOLVE #2 -09/10 - Indicating the opposition of the City of South Portland to the November ballot question seeking to modify current State law on tax and expenditure limitations on State and local government. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Boudreau seconded. The order passed 7-0.

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OCTOBER 5, 2009

10. RESOLVE #3-09/10 – Approving an Appropriation Transfer Resolve for FY 2009. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Blake congratulated the South Portland High Football Team. He also recognized the 48 folks who turned out for the first Fort Preble rehab gathering.

Councilor Smith encouraged citizens to have their chimneys cleaned and inspected.

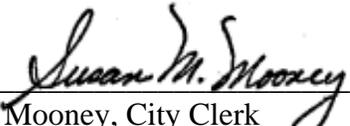
Councilor Beecher reminded folks that the Drug Collection Program is scheduled for October 17th.

K. Executive Session

Motion to adjourn was made at 8:12 P.M. by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 43
OCTOBER 19, 2009

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

A. Acceptance of Minutes

Motion to accept the minutes from the October 5, 2009 Council meeting was made by Councilor Smith and seconded by Councilor Beecher. The motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Transfer Facility open Sundays 7:30 to 4:00 - 10/25, 11/1, 11/18 and 11/15
- Leaf collection program from 11/2 to 11/27 – Leaves must be in biodegradable bags
- Overnight Parking Ban in effect November 1st to April 1st
- November 5th - FEMA New England Region will present information at the South Portland High School Auditorium about changes to the FEMA Flood Maps
- Election information on Home page of City website
- Drug drop off occurred in Cape Elizabeth and South Portland this past Saturday. 1,232 pounds of over the counter and prescription drugs were brought to ecomaine.

C. Petitions and Communications

Department Reports for the month of September, 2009.

Attendance Reports for the month of September, 2009.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #5 was made by Councilor Smith and seconded by Councilor Hughes. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 44
OCTOBER 19, 2009**

Postponed, see Item #1 for details

4. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 07/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #48-09/10 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/10. Postponed on 09/21/09. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Brian Durham, 28 Grand Street. Councilor Coward seconded and the motion passed 7-0.

7. ORDER #49-09/10 - Voter Registration Appeals Board, Democrat appointment, to fill a term which expires 09/29/10. Postponed on 09/21/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Karen Callaghan, 241 Alfred Street. Councilor Boudreau seconded and the motion passed 7-0.

8. ORDER #55-09/10 – Appointing Warden District 3, Pro-Tempore for the November 3, 2009 only. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Katheryn Adams, 45 Pilgram Road. Councilor Soule seconded and the motion passed 7-0.

9. ORDER #56-09/10 – Appointing Ward Clerk District 3, Pro-Tempore for November 3, 2009 election only. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Theresa Bruneau, 58 Pearl Street. Councilor Hughes seconded and the motion passed 7-0.

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OCTOBER 19, 2009

10. ORDER #57-09/10 – Appointing Ward Clerk District 1, Pro Tempore for the November 3, 2009 election only. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to appoint Sally Maxwell, 15 Bluff Road. Councilor Beecher seconded and the motion passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

11. L & L Group, LLC d/b/a Snow Squall, 18 Ocean Street, for a Class A Restaurant with Liquor License. Passage requires majority vote.

There was no public discussion. Heather LaRou, new owner of the Restaurant was present to answer any questions from the Council.

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

12. L & L Group, LLC d/b/a Snow Squall, 18 Ocean Street for a Special Amusement without dancing License. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone when the owner stated she believed that she needed a Special Amusement license “with” dancing. Councilor Soule seconded and the license was postponed 7-0.

13. Broadway Collision, Inc. d/b/a Broadway Collision, 2066 Broadway, for an increase in the number of cars on lot allowed for re-sale. Passage requires majority vote.

There was no public discussion.

At the request of the Code Enforcement Officer, Mayor Blake motioned to have this license postponed. The Code Enforcement Officer wants this issue to be addressed by the Planning Board before a license is approved. Councilor Coward seconded and the postponement passed 7-0.

H. Action on Old and New Business

14. ORDER #58-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 46
OCTOBER 19, 2009**

There was no public discussion.

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

15. ORDER #59-09/10 - Setting the time for opening the polls for the November 3, 2009 General Election. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Soule seconded and the Order passed 7-0.

16. ORDER #60-09/10 – Accepting Clean Water Revolving Loan Funds. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone. Councilor Smith seconded and the Order was postponed 7-0.

17. ORDER #61-09/10 – Authorizing the City Manager to submit an application for the loan of an anemometer under the Maine Anemometer Loan Program. Passage requires majority vote.

The following person addressed this item;

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta raised the issue about whether this would be in conflict with the lease agreement indicating that the land use be restricted to recreation.

Councilor Boudreau motioned for passage. Councilor Coward seconded and the Order passed 7-0.

18. ORDER #62-09/10 – Accepting an Energy Efficiency and Conservation Block Grant for \$114,100 from the Department of Energy. Passage requires majority vote.

There was no public discussion.

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

19. ORDINANCE #6-09/10 – Amending Chapter 2, “Administration and Legislation,” Article III, Division 4, regarding Community Development Advisory Committee meeting notices. First reading. Passage requires majority vote.

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OCTOBER 19, 2009

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Coward seconded. Councilor Coward motioned to amend the ordinance to include the following underlined wording; The Community Development Advisory Committee shall provide a two-week notice of each meeting in compliance with the City's notice policies and Maine's Freedom of Access Act prior to a meeting or public hearing. Councilor Beecher seconded. The amendment passed 7-0. The ordinance passed as amended 7-0.

20. ORDER #63-09/10 – Declaring the property at 24 Mosher Street, formally known as the Hutchins Elementary School, as a Slum and Blighted Property. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Hughes seconded and the Order passed 6-1 (Soule).

21. ORDER #64-09/10 – Award of Bid #27-10 to E. S. Boulos, of Westbrook, ME, for the purchase of an emergency generator for Cash Corner Fire Station. Passage requires majority vote.

There was no public discussion.

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

22. ORDER #65-09/10 – Accepting a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$27,352 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage. Mayor Blake seconded and the Order passed 7-0.

23. ORDER #66-09/10 – Award of Bid #28-10 to D & C Construction Co., Inc., of Rockland, MA, for the Long Creek Pump Station Replacement and Collection System Upgrade Project. Passage requires majority vote.

There was no public discussion.

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

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OCTOBER 19, 2009

24. ORDER #67-09/10 – Award of Bid #31-10 to Keenan Excavating Co., Inc., of South Portland, ME, for the stormwater replacement project on Highland Avenue and Mountain View Road. Passage requires majority vote.

The following person addressed this item;

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta said that Maietta Construction was the lowest responsible bidder but was not awarded the bid because they did not include a bid bond but a certified bank check, which has always been allowed in the past. He requested the item be postponed and the matter should be investigated.

Councilor Boudreau motioned for passage. Councilor Hughes seconded and the Order passed 6-1 (Soule).

25. ORDER #68-09/10 – Award of Bid #34-10 to Casco Bay Ford, of Yarmouth, ME, for the purchase of a one ton truck for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

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

26. ORDER #69-09/10 – Award of Bid #32-10 to Beauregard Equipment Inc., of Scarborough, ME, for the purchase of an excavator for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Coward seconded and the Order passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau expressed her thanks to Councilor Beecher and all those who volunteered with the drug disposal project.

Mayor Blake thanked Councilor Beecher for heading up the Board and Committee recognition breakfast. He mentioned the debate for City Council would be held on Thursday evening and also invited the public to attend the next workshop where the Secondary School Facility Committee would be presenting information to the Council.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 49
OCTOBER 19, 2009**

Councilor Coward encourage folks to check out the new flood zone maps in Code Enforcement and to attend the public meeting at the High School Auditorium on November 5th.

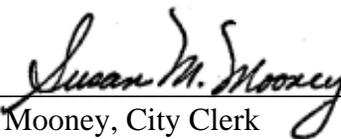
Councilor Smith encouraged employers to push their employees to get out and vote this election.

Councilor Beecher thanked that staff at the Community Center saying they were very accommodating during the drug collection program.

K. Executive Session

Motion to adjourn was made at 10:03 P.M. by Councilor Coward and seconded by Councilor Boudreau. Passed 7-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 50
NOVEMBER 2, 2009**

Roll Call: Mayor Blake called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

The minutes from the October 19th were not completed and will be approved at the November 16th meeting.

B. Communications from City Manager

The Manager addressed the following items;

- Election Day tomorrow – Please note the Charter amendment on the ballot

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #5 was made by Councilor Smith and seconded by Councilor Beecher. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 07/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 51
NOVEMBER 2, 2009**

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

Rosemarie DeAngelis, Buttonwood Street – Ms. DeAngelis said she was running for the District Three Council seat. She expressed dismay with the Sentry’s reporting on candidate questions and asked folks to consider voting no on question one.

G. Public Hearings and Action

6. L & L Group, LLC d/b/a Snow Squall, 18 Ocean Street for a Special Amusement without dancing License. Postponed on 10/19/09. Passage requires majority vote.

There was no public discussion. Heather LaRou, owner of the Snow Squall was available to answer questions from the Council.

Councilor Beecher motioned for passage. Councilor Boudreau seconded and the license passed 7-0.

7. ORDINANCE #6-09/10 – Amending Chapter 2, “Administration and Legislation,” Article III, Division 4, regarding Community Development Advisory Committee meeting notices. Amended and passed first reading 10/19/09. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage and Councilor Boudreau seconded. The ordinance passed roll call vote 7-0.

H. Action on Old and New Business

8. ORDER #70-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

9. PROCLAMATION #2-09/10 – Proclaiming November 8th to November 15th as Maine Recycles Week. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 52
NOVEMBER 2, 2009

Councilor Boudreau motioned for passage. Councilor Smith seconded and the Proclamation passed 7-0.

10. RESOLVE #4-09/10 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Mayor Blake seconded and the Resolve passed 7-0.

Waiting for Chief Guimond to arrive, the Council agreed to take items #12 and #13 out of order, before item #11.

11. ORDER #71-09/10 – Authorizing the City Manager to sign a collective bargaining agreement with South Portland Firefighters IAFF Local 1476 for the period of July 1, 2009 to June 30, 2011. Passage requires majority vote.

There was no public discussion. Human Resource Director, John McGough presented information on the process. Chief Guimond and Union President, Jason Perry both spoke positively about the negotiations.

Councilor Beecher motioned for passage. Mayor Blake seconded and the Order passed 7-0.

12. ORDINANCE #7-09/10 – Amending Chapter 27, “Zoning,” regarding a zoning text and map change from Residential A to Conditional Armory. First reading. Passage requires majority vote.

Councilor Coward motioned to have the ordinance read by title only. Mayor Blake seconded and the motion passed 7-0. There was no public discussion.

Councilor Boudreau motioned for passage of first reading of the ordinance. Councilor Coward seconded and the ordinance passed 7-0.

13. ORDER #72-09/10 - Award of Bid #35-10 to CopLogic Inc., of San Ramon, CA, for the purchase of a citizen on-line incident reporting system for the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

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

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14. ORDER #73-09/10 – Accepting a Bureau of Justice Assistance 2009 Bulletproof Vest Partnership Grant of \$2,031 for the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #74-09/10 – Award of bid to Morton Salt, of South Portland, ME, for the purchase of salt for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

16. ORDINANCE #8- 09/10 – Amending Chapter 9, “Garbage and Refuse,” regarding solid waste hauler permits. First reading. Passage requires majority vote.

Councilor Hughes motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0. The following person addressed this item;

Archie St. Hilaire, BBI Waste Industries – Mr. St. Hilaire said he didn’t have an issue with the proposed ordinance and indicated that he didn’t read that this change impacted construction and demolition debris.

Councilor Beecher motioned for passage of first reading and Councilor Hughes seconded. The Ordinance passed 7-0.

17. ORDINANCE #9-09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally”, regarding trucking, refuse removal fees. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor Hughes seconded. The Ordinance passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Boudreau wanted citizens to know that a recent postcard mailing regarding a citizen satisfaction survey was city authorized.

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Councilor Soule thanked fellow Councilors, staff and citizens for their support over the last three years.

Mayor Blake congratulated the South Portland High School Marching band for “bringing home the gold”. They placed 3rd in New England but the percussion rated #1. He noted that he is now the proud Grandfather to his 7th grandchild.

Councilor Coward talked about the active voting process in the U.S. in comparison to the scaled down events in other countries. He encouraged folks to vote tomorrow.

Councilor Smith said she is both nervous and excited about the election tomorrow and wished good luck to Council candidates.

Councilor Beecher thanked election staff for their hard work. She reminded voters that the Charter change is important.

Councilor Hughes said, “Say yes to the Charter change”.

K. Executive Session

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

Councilor Boudreau motioned to go into executive session at 9:07 P.M. Councilor Coward seconded and the motion passed 7-0.

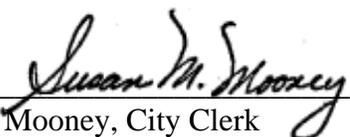
Councilor Beecher motioned to come out of executive session at 9:24 P.M. Councilor Hughes seconded. The motion passed 6-0 (Soule absent)

Councilor Boudreau motioned to approve case #2009/10-3B in the amount of \$2,166.37 plus interest and fees. Councilor Beecher seconded and the motion passed 6-0 (Soule absent).

Motion to adjourn was made at 9:26 P.M. by Councilor Boudreau and seconded by Councilor Smith. Passed 6-0 (Soule absent).

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Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 71 PAGE 55
NOVEMBER 16, 2009

Mayor Blake called the meeting to order at 6:15 P.M.

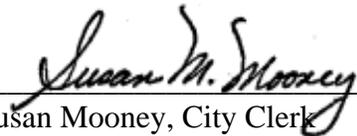
Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) to discuss a potential loan for economic development purposes to Megquier and Jones, Inc.

Councilor Boudreau motioned to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) to discuss a potential loan for economic development purposes to Megquier and Jones, Inc. Councilor Beecher seconded and the motion passed 6-0 (Coward had not yet arrived).

Councilor Boudreau motioned to come out of Executive Session and adjourn the Special Meeting at 7:05 P.M. Councilor Soule seconded and the motion passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 56
NOVEMBER 16, 2009

Roll Call: Mayor Blake called the meeting to order at 7:05 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the October 19, 2009 and November 2, 2009 Council meeting was made by Councilor Boudreau and seconded by Councilor Soule. The motion passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

Department Reports for the month of October, 2009.

Attendance Reports for the month of October, 2009.

D. Appointment Calendar

Item #19 was taken out of order. See Item #19 for details.

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #5 was made by Councilor Soule and seconded by Councilor Beecher. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 07/20/09. Passage requires majority vote.

Postponed, see Item #1 for details

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5. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

6. ORDINANCE #7-09/10 – Amending Chapter 27, “Zoning,” regarding a zoning text and map change from Residential A to Conditional Armory. Passed first reading on 11/02/09. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The Ordinance was read by title only. Motion made by Councilor Boudreau and seconded by Councilor Beecher. Passage 7-0. There was no public discussion.

Councilor Beecher motioned for passage of the Ordinance. Councilor Smith seconded and the Ordinance passed roll call vote 7-0.

7. ORDINANCE #8- 09/10 – Amending Chapter 9, “Garbage and Refuse,” regarding solid waste hauler permits. Passed first reading on 11/02/09. ROLL CALL VOTE. Passage requires majority vote.

The Ordinance was read by title only. Motion made by Councilor Boudreau and seconded by Councilor Coward. Passage 7-0. There was no public discussion.

Councilor Boudreau motioned for passage of the Ordinance. Councilor Beecher seconded. Councilor Boudreau motioned to make the following amendments;

Sec. 9-1

Rendering wastes shall mean any solid waste consisting of animal, fish, poultry or beef offal or waste products, ~~whether solid or liquid, and~~ whether in the form of raw product or finished product.

Sec.9-103(L)

(~~†~~ L) *Municipal disposal facilities* shall mean any land or structure or combinations of land area and structures owned or operated by, or under contract with, or approved by, the City, including a transfer station or similar facility used in connection with the disposal of acceptable waste, ~~whether such facilities are constructed before or after the completion of the RWS disposal facilities.~~

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 58
NOVEMBER 16, 2009

Councilor Coward seconded. The Ordinance passed as amended by roll call vote 7-0.

8. ORDINANCE #9-09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally”, regarding trucking, refuse removal fees. Passed first reading on 11/02/09. ROLL CALL VOTE. Passage requires majority vote.

The Ordinance was read by title only. Motion made by Councilor Smith and seconded by Councilor Boudreau. Passage 7-0. There was no public discussion.

Councilor Beecher motioned for passage of the Ordinance. Councilor Hughes seconded and the Ordinance passed roll call vote 7-0.

H. Action on Old and New Business

9. ORDER #60-09/10 – Accepting Clean Water Revolving Loan Funds. Postponed on 10/19/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to withdraw this item. Councilor Smith seconded. The motion to withdraw passed 7-0.

10. ORDER #75-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #10-09/10 – Amending Chapter 10, “Health, Welfare and Sanitation Generally,” regarding General Assistance. First reading. Passage requires majority vote.

The Ordinance was read by title only. Motion made by Councilor Smith and seconded by Councilor Beecher. Passage 7-0. There was no public discussion.

This amendment to Chapter 10 should have been presented in an Order. Councilor Boudreau motioned to withdraw this item. Councilor Coward seconded. The motion to withdraw passed 7-0.

12. ORDER #76-09/10 – Award of Bid #36-10 to Scholastic Inc., of Farmers Branch, TX, for the purchase of an Emerging Reader Intervention Program for the School Department. Passage requires majority vote.

There was no public discussion.

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

13. RESOLVE #5-09/10 – Pursuant to §612 of the City Charter determining details of issue of \$749,716 principal amount of bonds authorized by bond ordinance finally passed and enacted April 22, 2009. Passage requires two thirds majority vote.

The Resolve was read by title only. Motion made by Councilor Beecher and seconded by Mayor Blake. Passage 7-0. There was no public discussion.

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

14. RESOLVE #6-09/10 – Approving an Appropriation Transfer Resolve for FY 2009. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #77-09/10 – Amending the FY 2009/2010 Community Development Block Grant Annual Action Plan to include a loan in the amount of \$50,000 to the E Street Development Company, LLC. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #78- 09/10 – Approving gap financing in the form of a loan to Megquier & Jones in the amount of \$50,000. Passage requires majority vote.

There was no public discussion.

Motion to withdraw was made by Councilor Boudreau and seconded by Mayor Blake. The motion to withdraw passed 7-0.

17. ORDER #79-09/10 – Setting solid waste hauler permit fee. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 60
NOVEMBER 16, 2009

18. ORDER #80-09/10 - Authorizing the City Manager to sign a contract with Dearborn Brothers Construction, of Buxton, ME to provide snowplowing operations for the 2009/10 season for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Mayor Blake seconded. Councilor Coward motioned to amend the Order to specify that the snow plowing service was for three seasons, FY 09/10, FY 10/11 and FY 11/12. Councilor Beecher seconded the amendment. The Order passed as amended 7-0.

19. ORDER #81-09/10 - Board of Education, District Three, to fill a vacancy pursuant to Section 904 of the City Charter. Passage requires majority vote.

Councilor Boudreau motioned to waive Standing Rule #3(e) and #36 to add this item to the agenda and to take this item out of order at the beginning of the appointment calendar. Councilor Beecher seconded and the motion passed 7-0.

There was no public discussion.

Councilor Boudreau motioned to appoint Jerald McQueeney, 114 Clifford Street to fill the District Three seat until the November 2, 2010 election. Councilor Soule seconded and the appointment passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Smith encouraged folks to take their old computers to Goodwill to dispose of them. If anyone has questions they can call David Crossman at Goodwill.

Councilor Beecher complimented staff for a great job with the recount of the District Five School Board race.

Councilor Boudreau congratulated James Gilboy, Alan Livingston and Rosemarie De Angelis on their election campaigns. She said Tom Blake did an excellent job as Mayor and Councilor Soule with his three year contribution on the Council.

Councilor Soule also congratulated the winners of this election and spoke highly of the contributions from Claude Morgan and Jim Hughes on their efforts with the Willard Beach Task Force. He invited citizens to participate in a food drive being held at A Best Windows for the local food pantry on November 27 and 28. He thanked city staff and citizens for their support.

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NOVEMBER 16, 2009

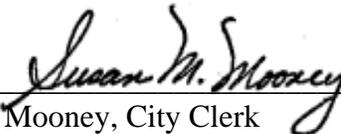
Mayor Blake commented on the high turnout in this election. He invited people to listen to John Richardson at the High School Auditorium on December 1st at 6:00 P.M. He noted that 15 people will be gathering for a Comprehensive Plan Meeting this Wednesday. He thanked Councilor Soule for his nine years of service to the community.

Councilor Coward also thanked Councilor Soule for his service. He said he was proud of South Portland in this recent election. He hoped the failed ordinance regarding dogs on Willard Beach would put the issue to rest for a few years and he was proud of the vote from the residents of South Portland on question one. He viewed the no vote on Tabor and the excise tax initiative as a vote of confidence from the public.

K. Executive Session

Motion to adjourn was made at 08:39 P.M. by Councilor Boudreau and seconded by Councilor Soule. The motion passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 71 PAGE 62
NOVEMBER 20, 2009**

Mayor Blake called the meeting to order at 12:00 P.M. Councilor Smith was absent.

Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. 405(6)(C) to discuss a potential loan for economic development purposes to Megquier and Jones, Inc.

Councilor Beecher made a motion for the Council to go into Executive Session pursuant to 1 M.R.S.S. 405(6)(C) to discuss a potential loan for economic development purposes to Megquier and Jones, Inc., Councilor Boudreau seconded. 5-0 (Coward had not arrived yet)

Councilor Beecher made a motion at 12:55 P.M. for the Council to come out of Executive Session. Councilor Hughes seconded and the motion passed 6-0.

Action on Old and New Business

ORDER #82-09/10 - Approving gap financing in the form of a loan to Megquier & Jones in the amount of \$25,000. Passage requires majority vote.

There was no public discussion.

Councilor Soule motioned for passage and Councilor Coward seconded. The Order passed 5-1 (Boudreau).

Councilor Soule made a motion to adjourn the City Council Meeting at 1:00 P.M. Councilor Boudreau seconded. The motion to adjourn passed 6-0.

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ATTEST _____
Alice Kelley

IN COUNCIL INAUGURAL MEETING VOL. 71 PAGE 63
DECEMBER 7, 2009

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

Mayor Blake invited Andrew Lovely, Chair to Southern Maine Association of Secular Humanists to present an invocation. Mayor Blake thanked Councilor Soule for his service to the City and presented him with a plaque.

City Clerk Mooney administered the Oath of office to Councilor Beecher and Rosemarie De Angelis.

City Clerk Mooney declared Councilors Beecher and De Angelis duly qualified for a three year term.

Councilor Smith nominated Councilor Coward for Mayor for year 2009/2010. Mayor Blake seconded the motion.

Councilor De Angelis moved that nominations cease. Councilor Hughes seconded the motion. Passage 7-0.

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor Coward as Mayor for 2009/2010 by a vote of 7-0.

Mayor Coward presented Councilor Blake with a gift and thanked him for his outstanding leadership over the last year.

Mayor Coward then presented the Inaugural Address.

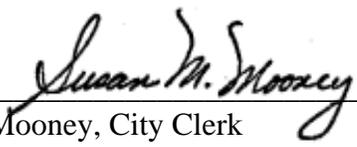
Councilor Beecher moved that the Inaugural Address be spread on the records. Councilor Boudreau seconded the motion. Mayor Coward announced the vote as 7-0 and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #9-09/10 establishing time and place of meetings. Councilor Boudreau moved for passage. Councilor Smith seconded the motion. Mayor Coward took the vote and declared the Resolve duly passed 7-0.

Councilor De Angelis moved to adjourn. Councilor Blake seconded the motion. Mayor Coward took the vote and declared the Council adjourned. He announced that the Council will return for the Regular Council Meeting at 7:00 P.M.

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ATTEST


Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 64
DECEMBER 7, 2009**

Roll Call: Mayor Coward called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the November 16, 2009 Special meeting, November 16, 2009 Regular meeting and the November 20, 2009 Special meeting was made by Councilor Boudreau and seconded by Councilor Blake. The motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- H1N1 flu shot clinic on December 15 at St. John's Church from 9:00 A.M. to 1:00 P.M.
- Tree Lighting – great turnout, 8,400 Christmas lights. Thanks to South Portland Cape Elizabeth Chamber of Commerce, the Knightville Merchants Association and the Parks Department

C. Petitions and Communications

D. Appointment Calendar

Motion by Councilor Hughes and seconded by Councilor Smith to take Item #16 out of order. Passed 7-0. See Item #16 for details.

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3 and #5 was made by Councilor De Angelis and seconded by Councilor Smith. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

Postponed, see Item #1 for details

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4. ORDER #12-09/10 – Board of Appeals, District Two (Smith), to fill a term which expires on 07/23/12. Postponed since 07/20/09. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to reappoint Susan Russell, 143 Hillside Ave. Councilor Beecher seconded and the Order passed 7-0.

5. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

Ed Rowe, 2 Deake Street – Mr. Rowe requested that the Council consider having a “Yarmouth Clam Festival” type of event at Bug Light Park. The goal would be to build town spirit and possibly raise funds for items such as a new hot tub for the pool.

G. Public Hearings and Action

Business Licenses

6. Cooper/Whitmore, LLC d/b/a Zeta Café, 119 Ocean Street for an FE/Class A Restaurant with Malt and Vinous license. Passage requires majority vote.

The following person addressed this item;

Rob Schreiber, 209 Stanford Street – Mr. Schreiber said he has known the applicant, Sue Whitmore for over three years and encouraged support of this license.

Susan Whitmore was present and answered questions from the Council.

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

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

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 66
DECEMBER 7, 2009**

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

H. Action on Old and New Business

8. ORDER #83-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #84-09/10 – Adopting Appendices A-H, General Assistance Overall Maximums as mandated by the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #85-09/10 – Authorizing the purchase of property located off Berwick Street from John M. Wilkinson. Passage requires majority vote.

The following people addressed this item;

Matt Green, Berwick Street – Mr. Green spoke as a representative to the neighbors on Berwick Street. He thanked the many people who helped with this project.

John Wilkinson, land owner – Mr. Wilkinson said it has been a long process and he thanked the Berwick Street residents for their support.

Councilor Blake motioned for passage and Councilor Hughes seconded. Councilor Boudreau suggested that the “shall” in item #2 of the Deed Covenant be changed to “may” (2. The Grantee ~~shall~~ may maintain, manage and improve the land to allow for general public use and enjoyment consistent with the land’s natural state). All Councilors agreed. The Order passed 7-0.

11. ORDER #86-09/10 – Award of Bid #39-10 to Turf Products, of Enfield, CT. for the purchase of a greens and tees aerator for the Parks Department. Passage requires majority vote.

There was no public discussion.

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Councilor Boudreau motioned for passage and Councilor Hughes seconded. John Switzer, Parks Department Supervisor, answered questions from the Council. The Order passed 7-0.

12. ORDER #87-09/10 – Award of Bid #33-10 to C. B. Kenworth, Inc., of South Portland, ME, for the purchase of a dump truck for Public Works Department. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the city should require a cost benefit analysis to be done on any item over \$10,000.

Councilor Beecher motioned for passage and Councilor Hughes seconded. John Switzer answered questions from the Council. The Order passed 7-0.

13. ORDINANCE #11- 09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding vehicles for hire. First reading. Passage requires majority vote.

With a vote of 7-0 the Ordinance was read by title only. Motion made by Councilor Smith and second by Councilor Beecher. Erik Carson, Asst. City Manager, presented the background information.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Boudreau seconded. The Ordinance passed first reading 7-0.

14. RESOLVE #7-09/10 - Authorizing redemption of the City’s 1999 General Obligation Bonds and the issuance of refunding bonds to effect such redemption. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the city should not refinance this debt, the bonds should be paid off out of surplus.

Greg L’Heureux, Finance Director – Mr. L’Heureux gave reasons for supporting the refinancing rather than using surplus to pay off the bonds.

Councilor Boudreau motioned for passage and Councilor Hughes seconded. The Resolve passed 6-1 (De Angelis).

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DECEMBER 7, 2009

15. RESOLVE #8-09/10 - Pursuant to Section 612 of the City Charter determining details of issue of \$5,830,000 principal amount of bonds authorized by bond ordinance finally passed and enacted April 6, 2009. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the figures that the Finance Director had given were incorrect. He said if the School is not made to address their surplus he would take the issue up with the State.

Councilor Hughes motioned for passage and Councilor Blake seconded. The Resolve passed 6-1 (De Angelis).

16. ORDER #88-09/10 – Energy and Recycling Committee, District Five (Hughes), to fill an unexpired term which expires on 05/05/12. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Emily Sherman, 66 Boston Street and Councilor Blake seconded. The Order passed 7-0.

I. Citizen Discussion (Second Part)

John Kierstead, 36 School Street – Mr. Kierstead invited the Council to the dedication of the Long Creek Redbank Memorial dedication on July 11th. He thanked all the folks who helped with the project.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo talked about the Audited Financial Statements and said Councilors need to understand it and pay attention to it.

J. Councilor's Round Robin

Councilor Blake congratulated Mayor Coward and welcomed back Councilor Beecher and De Angelis. He invited people to a joint School Board/City Council meeting where there will be a presentation on Green Building Codes.

Councilor Smith encouraged citizens to check the Warm Home Cool Cities project, which helps folks with weatherization. Information can be found on the website.

Councilor Beecher congratulated Mayor Coward and thanked Councilor Blake for his leadership as Mayor. She recognized the Parks department for hanging lights in Mill Creek Park and she asked about the cost of repairing the bridge across the pond there.

Councilor Hughes invited residents to a resource program at the Redbank Community Center on Thursday afternoon from 4:00 to 7:00 P.M. Kids will help design a

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playground and local nonprofit service agencies will be available to provide information to adults.

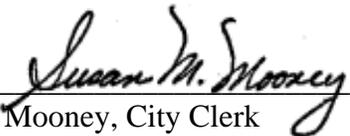
Councilor De Angelis congratulated Mayor Coward. She spoke about a presentation by her students on Thursday afternoon in the Council Chambers. Her students wrote about something they believe in and they will be giving speeches.

K. Executive Session

Motion to adjourn was made at 10:08 P.M. by Councilor Boudreau and seconded by Councilor Hughes. The motion passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 70
DECEMBER 21, 2009**

Roll Call: Mayor Coward called the meeting to order at 7:03 P.M. The Mayor invited John Kierstead to say a few words about the Long Creek Tragedy Memorial project. Mr. Kierstead and his group, The Dixie Bull Buccaneers then performed a song written by Mr. Kierstead about the tragedy.

A. Acceptance of Minutes

Motion to accept the minutes from the December 7, 2009 Inauguration and the December 7, 2009 Regular meeting was made by Councilor Beecher and seconded by Councilor Smith. The motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- City Hall will close at 1:00 P.M. on Christmas Eve.
- Christmas tree collection will begin January 5th
- Thanks to Assessor Elizabeth Sawyer and Jensen Baird Gardner and Henry lawyers Bill Dale and Sally Daggett for their work winning the appeal from General Growth Properties regarding the valuation of the Maine Mall.
- Recognition of the passing of Captain Tim Carr, 25 year employee of the Fire Department.

C. Petitions and Communications

Investment Report

Department Reports for the month of November, 2009.

Attendance Reports for the month of November, 2009.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #5, #6, #7 and #9 was made by Councilor De Angelis and seconded by Councilor Hughes. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

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Postponed, see Item #1 for details

3. ORDER #01-09/10 – Library Advisory Board, District Two (Smith), to fill an unexpired term which expires on 12/31/10. Postponed since 07/06/09. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to appoint Colleen Jones-Turner of 128 Boothby Ave. Councilor Beecher seconded and the Order passed 7-0.

4. ORDER #19-09/10 – Library Advisory Board, At Large (Boudreau), to fill an unexpired term which expires on 12/31/11. Postponed since 08/03/09. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Linda Eastman, 100 Chapel Street. Councilor De Angelis seconded and the Order passed 7-0.

5. ORDER #89-09/10 - Library Advisory Board, District One (Coward), to fill a term which expires 12/31/12. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #90-09/10 – Library Advisory Board, District 5, (Hughes), for a term that expires 12/31/12. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #92-09/10 – Civil Service Commission, At-Large (Blake), for a term that expires on 12/31/14. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to reappoint Lee Harvey, 21 Elmwood Ave. Councilor Smith and the Order passed 7-0.

9. ORDER #93-09/10 – Conservation Commission, District 3 (De Angelis) for term that expires on 11/20/12. Passage requires majority vote.

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DECEMBER 21, 2009**

Postponed, see Item #1 for details

10. ORDER #94-09/10 – Conservation Commission, District 4, (Beecher) for a term which expires on 11/20/12. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint John Hatch, 10 Whitehall Ave. Councilor De Angelis and the Order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Kevin Davis, Library Director – Mr. David thanked Councilor Boudreau and Councilor Smith for their appointments to the Library Advisory Board.

Brian Hanlon, Service Monument Committee – Mr. Hanlon thanked Jim Fahey and Broadway Variety for their help to raise money for a cure cancer benefit.

G. Public Hearings and Action

11. ORDINANCE #11- 09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding vehicles for hire. Passed first reading 12/07/09. ROLL CALL VOTE. Passage requires majority vote.

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

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

H. Action on Old and New Business

12. ORDER #95-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Boudreau seconded. The Order passed 7-0.

13. ORDER #96-09/10 - Award of bid to Rowe Ford, of Westbrook, ME, for the purchase of four (4) cruisers for the South Portland Police Department. Passage requires majority vote.

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DECEMBER 21, 2009

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher wished all a safe and joyous holiday.

Councilor Hughes wished a happy holiday to all.

Councilor Boudreau noted that there are no overall expenditure increases in the County Budget. She complimented the employees of ecomaine on exceeding a 90% efficiency rating over the last seven months and also reminded folks that the holiday is a prime recycle season.

Councilor De Angelis said that 35 of her students did a fabulous job doing presentations on topics that they feel passionate about. The program was recorded and will replay on SPCTV. She thanked Tony Vigue and Moe Amaral for all their help and she also thanked Mill Creek Hannaford for their food donation for the reception following the program.

Mayor Coward noted that there would not be a Council Workshop on 12/28. He reassured folks that the trash collection truck really does separate the trash and recyclables. He wished everyone happy holidays, Merry Christmas and a Happy New Year.

Councilor Blake recognized the important work that Councilor Boudreau and Mayor Coward do on the Cumberland County Budget Committee. He thanked the Board of Assessment Review for their part in the Maine Mall valuation dispute and wished everyone a happy and safe holiday season.

Councilor Smith thanked everyone for their support over her first year on the Council and wished everyone a happy, joyous and safe holiday.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405(6)(C), discussion of the acquisition or disposition of publicly held property - South Portland Armory.

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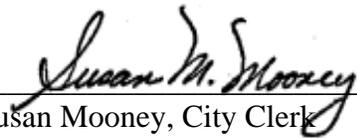
Councilor Boudreau motioned to go into executive session at 8:00 P.M. pursuant to 1 M.R.S.A. §405(6)(C) to discuss the acquisition or disposition of publicly held property. Councilor Blake seconded and the motion passed 7-0.

Councilor Beecher motioned to come out of Executive Session at 9:03 P.M. Councilor Smith seconded. Motion passed 7-0

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

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 75
JANUARY 4, 2010

Roll Call: Mayor Coward called the meeting to order at 7:10 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the December 21, 2009 Regular meeting was made by Councilor Beecher and seconded by Councilor Smith. The motion passed 6-0. (Boudreau absent)

B. Communications from City Manager

The Manager addressed the following items;

- Wright Express was recognized as one of the best companies to work for as named by Forbes Magazine recently

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #6 was made by Councilor De Angelis and seconded by Councilor Hughes. Postponement passed 6-0. (Boudreau absent)

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #89-09/10 - Library Advisory Board, District One (Coward), to fill a term which expires 12/31/12. Postponed on 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #90-09/10 – Library Advisory Board, District 5, (Hughes), for a term that expires 12/31/12. Postponed on 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed on 12/21/09. Passage requires majority vote.

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JANUARY 4, 2010**

Postponed, see Item #1 for details

6. ORDER #93-09/10 – Conservation Commission, District 3 (De Angelis) for term that expires on 11/20/12. Postponed on 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

There was no public discussion.

G. Public Hearings and Action

H. Action on Old and New Business

7. ORDER #97-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

Councilor Beecher motioned for passage and Councilor De Angelis seconded. The Order passed 6-0. (Boudreau absent)

8. ORDER #98-09/10 – Award of Bid #38-10 to CBE Technologies, of Charlestown, MA, for the purchase of an e-mail archive solution system. Passage requires majority vote.

Shawn Pennington, IT Director answered questions from the Council.

Councilor Hughes motioned for passage and Councilor Blake seconded. The Order passed 6-0. (Boudreau absent)

9. ORDER #99-09/10 – Accepting seven (7) firearms and three (3) boxes of ammunition under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

Police Chief Edward Googins answered questions from the Council.

Councilor De Angelis motioned for passage and Councilor Beecher seconded. The Order passed 6-0. (Boudreau absent)

10. ORDINANCE #12- 09/10 - Amending Chapter 27, “Zoning,” regarding aviation facilities. First reading. Passage requires majority vote.

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JANUARY 4, 2010

The City Manager explained that since the Jetport was still working around issues with the FAA and since there was not a full Council tonight, that this item should be tabled. No future date was given.

Councilor Beecher motioned to table this item and Councilor De Angelis seconded. Motion to table this item passed 5-1. (Hughes opposed, Boudreau absent)

I. Citizen Discussion (Second Part)

There was no public discussion.

J. Councilor's Round Robin

Councilor Hughes did not speak.

Councilor De Angelis thanked Councilor Hughes for helping one of her ESOL students with computer issues he was having recently.

Mayor Coward wished everyone a Happy New Year. He also wanted to acknowledge the great job that the sidewalk plow driver did on Woodbury Street after the big storm on Sunday. He also said he was looking for feedback/advice as we go into the budget season. This will be a very tough budget process coming up and urged residents to call and/or email him.

Councilor Blake stressed that we are in a critical time here in South Portland and there is a major lack of input re: budget issues. He asked residents to be more outspoken.

Councilor Smith wished everyone a Happy New Year and asked that they focus on the positive rather than the negative going into the new year. She also urged residents to call/email the Council with any questions or concerns.

Councilor Beecher wants residents to let the Council know where their interests lie re: the budget. She also acknowledged the great job that the Publics Works crew did with keeping up with all the snow we got recently.

K. Executive Session

Councilor De Angelis motioned to adjourn at 7:54 P.M. and Councilor Hughes seconded. The motion passed 6-0 (Boudreau absent)

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ATTEST _____
Jennifer Scholz, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 78
JANUARY 20, 2010

Roll Call: Mayor Coward called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the January 4, 2010 Regular meeting was made by Councilor Blake and seconded by Councilor Hughes. The motion passed 7-0.

B. Communications from City Manager

The City Manager addressed the following items;

- Thanks to Public Works and Sewer Maintenance personnel for their hard work during recent snowstorms
- City staff met with bonding agencies on Friday. Current ratings should be released by the end of the week. The Manager thanked National Semiconductor staff who assisted with the presentation of the city and provided rating agencies with a tour of the company

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #4, #5 and #6 was made by Councilor Smith and seconded by Councilor Beecher. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #89-09/10 - Library Advisory Board, District One (Coward), to fill a term which expires 12/31/12. Postponed on 12/21/09. Passage requires majority vote.

There was no public discussion.

Mayor Coward motioned to reappoint Jane Cahill, 18 Angell Ave. Councilor De Angelis seconded and the motion passed 7-0.

4. ORDER #90-09/10 – Library Advisory Board, District 5, (Hughes), for a term that expires 12/31/12. Postponed on 12/21/09. Passage requires majority vote.

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JANUARY 20, 2010

Postponed, see Item #1 for details

5. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed on 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #93-09/10 – Conservation Commission, District 3 (De Angelis) for term that expires on 11/20/12. Postponed on 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #100-09/10 – Appointments to the Long Creek Watershed Management District Board of Directors. Passage requires majority vote.

The following person addressed this item;

Dave Thomes, Water Resource Department – Mr. Thomes said he is looking forward to serving on this Board.

Councilor Beecher motioned to appoint Dave Thomes, Councilor Hughes and Gerard Jalbert to the Board. Councilor Hughes seconded. Councilor De Angelis motioned to amend the order by setting the three year term to commence on a certain date rather than end on a specific date. Councilor Hughes seconded the amendment and it passed 7-0. The Order passed as amended 7-0.

8. ORDER #101-09/10 – Energy and Recycling Committee - Associate Position, At-Large (Blake) to fill a term which expires 05/05/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Patrick Arnold of 393 Sawyer Street. Councilor Boudreau seconded. The Order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo criticized the School Board and predicted that the 2010 budget will be overstated by 1.6 million dollars. He said the renovations planned for the high school are in excess of what is needed for the actual student population.

G. Public Hearings and Action

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 80
JANUARY 20, 2010**

9. Business License

Newicks Hospitality Group, Inc., d/b/a Newicks South Portland Lobster House, 200 Gorham Road, for an FE/Class A Restaurant with Liquor License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. The license passed 7-0.

H. Action on Old and New Business

10. ORDER #102-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Smith seconded. The Order passed 7-0.

11. ORDER #103-09/10 – Accepting a Cumberland County Underage Drinking Enforcement Task Force Mini-Grant for \$2,000 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

12. ORDINANCE #13- 09/10 – Amending Chapter 10, “Health, Welfare and Sanitation Generally,” regarding moratorium on medical marijuana dispensaries. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Boudreau seconded. Councilor De Angelis motioned to amend paragraph five as follows, safety and welfare, ~~and moral eliminate~~. Councilor Smith seconded and the amendment passed 7-0. The Ordinance passes as amended 5-2 (Blake, De Angelis)

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

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Councilor De Angelis raised concerns about the School hiring a public relations firm for the school renovation projects. She thanked Mr. DiMillo for sharing his skills and knowledge as a CPA and recognized his dedication and commitment.

Mayor Coward said there is a joint meeting between the School Board, School Facilities Committee and the City Council on January 28th and he encouraged folks to attend.

Councilor Blake said that he serves on the School Facilities Committee and the marketing person that Councilor De Angelis referred to is providing the service at no cost. He praised Public Works on their efforts with snow removal.

Councilor Smith advised residents about a Green Building Policy Symposium at the USM Glickman Library on January 21st. She also reminded folks that it is time to license their dogs.

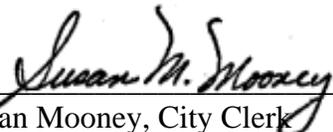
Councilor Beecher thanked Councilor Smith for mentioning the Symposium.

Councilor Boudreau commented on the good work being done by the Police Department regarding controlling traffic issues on Broadway.

K. Executive Session

Councilor De Angelis motioned to adjourn at 8:43 P.M. Councilor Hughes seconded and the motion passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 82
FEBRUARY 1, 2010**

Roll Call: Mayor Coward called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the January 20, 2010 Regular meeting was made by Councilor Blake and seconded by Councilor Boudreau. The motion passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, and #4 was made by Councilor Hughes and seconded by Councilor Smith. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #90-09/10 – Library Advisory Board, District 5, (Hughes), for a term that expires 12/31/12. Postponed since 12/21/09. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Mary Norton, 194 Westbrook Street. Councilor Beecher seconded. The Order passed 7-0.

4. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #93-09/10 – Conservation Commission, District 3 (De Angelis) for term that expires on 11/20/12. Postponed since 12/21/09. Passage requires majority vote.

There was no public discussion.

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Councilor De Angelis motioned to reappoint Neil Jordan, Jr., 35 Greeley Street.
Councilor Beecher seconded. The Order passed 7-0.

6. ORDER #104-09/10 – Community Development Advisory Committee, District 3 (De Angelis) for term that expires on 1/15/13. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to reappoint Linda Eastman, 100 Chapel Street.
Councilor Beecher seconded. The Order passed 7-0.

7. ORDER #105-09/10 – Community Development Advisory Committee, District 4 (Beecher) for term that expires on 1/15/13. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint Forrest Johnson, 35 Crossmeadow Road.
Councilor De Angelis seconded. The Order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

8. ORDINANCE #13- 09/10 – Amending Chapter 10, “Health, Welfare and Sanitation Generally,” regarding moratorium on medical marijuana dispensaries. Passed first reading 01/20/10. ROLL CALL VOTE. Passage requires majority vote.

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

Councilor Boudreau motioned for passage and Councilor Hughes seconded. The Ordinance passed roll call vote 5-2 (Blake and De Angelis)

H. Action on Old and New Business

9. ORDER #106-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Smith seconded. The Order passed 7-0.

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FEBRUARY 1, 2010**

10. ORDER #107-09/10 – Accepting a 2009 Homeland Security Grant of \$310,725 from the Maine Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #108-09/10 – Authorizing the City Manager to execute an agreement with the State of Maine Department of Public Safety for funding of its Computer Crimes Investigator position. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor De Angelis seconded. The Order passed 7-0.

12. ORDER #109- 09/10 – Award of sole source bid to Teledyne Isco Inc., of Lincoln, NE, for the purchase of flow monitoring equipment to be used by the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor De Angelis seconded. The Order passed 7-0.

13. ORDER #110-09/10 – Authorizing the City Manager to execute a deed to and accept a deed from LBM Properties, LLC effecting a land swap of property located off Broadway. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor De Angelis seconded. The Order passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Coward remarked about Kendal Morris, a friend and former South Portland resident who was nominated for a Grammy Award.

Councilor Blake talked about a track and field event at the Expo on Saturday. 75 students from South Portland will be participating. Part of the event includes a program to collect running shoes to donate to poor countries. He mentioned that the West End

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Trails Committee has recently reconvened after a short break and they are looking for a few new people to join.

Councilor Smith said Tri for a Cure has an on-line registration program opening on February 6th. Registration fills quite quickly. She encouraged folks to volunteer at the event. She noted that Land Trust members have started meeting to plan the plant sale scheduled for May 22nd.

Councilor Beecher noted that the Comprehensive Plan Committee is scheduled to meet tomorrow night. They are looking to bring a consultant on board.

Councilor Boudreau recognized the young man seated with a local reported and asked if he would introduce himself. Sam Knudsen, a senior at South Portland High School introduced himself and said he was learning about journalism.

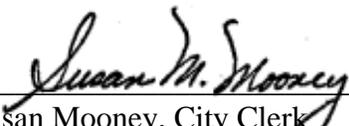
Councilor De Angelis remarked about the lost art of letter writing and encouraged residents to pick up a pen and write a note to a friend or family member.

K. Executive Session

Councilor De Angelis motioned to adjourn at 7:55 P.M. Councilor Beecher seconded and the motion passed 7-0.

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ATTEST



Susan Mooney, City Clerk

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FEBRUARY 17, 2010

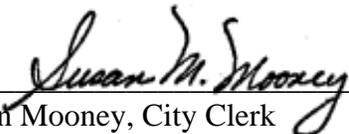
Mayor Coward called the meeting to order at 6:30 P.M. Councilor Blake and Councilor De Angelis had not yet arrived.

Executive Session:

Councilor Hughes made a motion for the Council to go into executive session pursuant to 1 M.R.S.A. §405 (D), discussion of collective bargaining with AFSCME Local 481, Council 93 representing employees within the Department of Parks, Recreation and Public Works, Department of Transportation and Waterfront, and Fire Department Services of the City of South Portland, Maine. Councilor Boudreau seconded. The motion passed 5-0 (Blake and De Angelis had not arrived)

Councilor Beecher motioned to come out of executive session at 7:02 P.M. Councilor De Angelis seconded and the motion passed 7-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 87
FEBRUARY 17, 2010**

Roll Call: Mayor Coward called the meeting to order at 7:02 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the February 1, 2010 Regular meeting was made by Councilor Blake and seconded by Councilor Smith. The motion passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

Department Reports for the month of January, 2010.

Attendance Reports for the month of January, 2010.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3 and #5 was made by Councilor Blake and seconded by Councilor Hughes. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #111-09/10 – Energy & Recycling Committee – Associate Member, District Three (De Angelis), for a term which expires 05/05/10. Passage requires majority vote.

The following person addressed this item;

Christopher Kessler, 37 Cottage Road – Mr. Kessler said he was looking forward to working with the committee.

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FEBRUARY 17, 2010

Councilor De Angelis motioned to appoint Christopher Kessler, 37 Cottage Road. Councilor Smith seconded the motion. The Order passed 7-0.

5. ORDER #112-09/10 – Board of Assessment Review, At Large (Boudreau), for a term which expires 12/31/10. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

The agenda was amended on February 17th to move Item #14 under Public Hearings and Action. The Item was taken in sequential order during the meeting, after Item #13.

14. ORDER #118-09/10 – Establishing the South Portland Transit-Oriented Municipal Development and Tax Increment Financing District. Passage requires majority vote. Full language of the Order was read aloud at the public hearing.

Planning Director, Tex Haeuser, Transportation and Waterfront Director, Tom Meyers and Shanna Cook Mueller, Esq. from Bernstein Shur were present. Mr. Haeuser provided background information on the TIF.

The item was opened for public discussion, however there were no comments from the public, thus the public hearing was closed.

Councilor Boudreau motioned for passage of the Order and Councilor Hughes seconded.

All seven Councilors spoke highly in favor of the project and remarked that the committee was very knowledgeable and thoughtful with the process. Questions were raised about extending bus routes and purchasing bicycle racks. Tom Meyers said that bicycle racks would be an allowable investment depending on availability of TIF revenues. Mr. Haeuser commented that the bicycle racks would have to be related to the transit services. Mr. Haeuser stated that the committee would be happy to hear from members of the public on the project. Again, no members of the public spoke. Counselor Mueller advised that the transit TIF was designed modestly with the intent of being able to expand existing transit services. She indicated that the Council would be able to amend the TIF once they see how this project will develop.

The Order passed by a vote of 7-0.

H. Action on Old and New Business

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6. ORDER #113-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. RESOLVE #10-09/10 - The Community Access Preservation Act, HR 3745, which addresses critical and immediate threats to PEG. Passage requires majority vote.

There was no public discussion. Tony Vigue, SPCTV Director, was present. He provided additional information and answered questions from the Council.

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

8. ORDER #114-09/10 – Accepting \$25,500 from the Office of Substance Abuse to be used by the South Portland Police Department for underage drinking details. Passage requires majority vote.

There was no public discussion. Deputy Police Chief, Amy Berry was present. She provided additional information and answered questions from the Council.

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

9. ORDINANCE #14- 09/10 – Amending Chapter 13, “Libraries,” regarding the Library Advisory Board and Library Director. First reading. Passage requires majority vote.

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

Councilor Boudreau motioned for passage and Councilor Beecher seconded the motion. The Ordinance passed first read 7-0.

10. ORDINANCE #15-09/10 – Amending Chapter 27, Zoning,” regarding a zone map change from Residential District G to Limited Business LB for property located at 586 Westbrook Street. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Boudreau seconded the motion. The Ordinance passed first read 7-0.

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11. ORDER #115-09/10 – Authorizing a Community Development Block Grant Program loan for property located at 45 Delaware Avenue. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to pass the Order, amending the location from 45 Delaware Avenue to 43 Delaware Avenue. Councilor De Angelis seconded. The Order passed as amended 7-0.

12. ORDER #116-09/10 – Authorizing the transfer of Compensation Fee Utilization Plan (CFUP) funds to the Cumberland County Soil and Water Conservation District for the Long Creek Watershed Management Plan. Passage requires majority vote.

There was no public discussion. Patrick Cloutier, Director of the Water Resource Department was present. He answered questions from the Council.

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

13. ORDER #117-09/10 – Accepting a Small Harbor Improvement Program (SHIP) grant in the amount of \$32,250 and authorizing the City Manager to sign a standard agreement with the State of Maine. Passage requires majority vote.

There was no public discussion. Tom Meyers, Director of Transportation and Waterfront was present. He answered questions from the Council.

Councilor Smith motioned for passage and Councilor De Angelis seconded the motion. The Order passed 7-0.

15. RESOLVE #11-09/10 – Regarding the PACTS Transportation Improvement Plan (TIP) for FY 2012/2013. Passage requires majority vote.

There was no public discussion. Tex Haeuser, the Planning Director and Tom Meyers were present and answered questions from the Council.

Councilor Blake motioned for passage of the amended Resolve, which removed the traffic signal at Hinckley @ Cottage and reduced the number of Traffic Signals from 7 to 6. Councilor Boudreau seconded and the Resolve passed as amended 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher said she is impressed with the Department Heads and the initiatives that they take.

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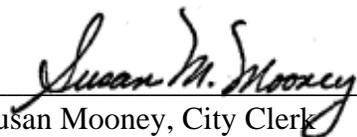
Councilor Boudreau pointed out that there have been 16 chicken permit renewals and 1 bee keeping permit renewal according to the month reports. She was happy to see the hard work put into the ordinance was effective. She also commented on an insert in her Portland Water District bill that was very informative about keeping grease out of sewer lines.

Mayor Coward advised that AARP is providing free tax preparation assistance at the Library on Mondays from February 1st to April 12th. Folks should call to make an appointment. He also mentioned that the Brown School PTA would be holding their Annual Brown School Fair on May 15th and they are looking for volunteers for the dunk tank. He commented on the passing of Robert Stoehr, his barber and said what a wonderful person he was and that he would be missed.

K. Executive Session

Councilor Boudreau motioned to adjourn at 9:17 P.M. Councilor De Angelis seconded and the motion passed 7-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 92
MARCH 1, 2010

Roll Call: Mayor Coward called the meeting to order at 7:00 P.M.

A. Acceptance of Minutes

Motion to accept the special meeting minutes from the February 17, 2010 was made by Councilor Beecher and seconded by Councilor Smith. The motion passed 7-0. Motion to accept the regular meeting minutes from the February 17, 2010 was made by Councilor Blake and seconded by Councilor Boudreau. The motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- The Manager recognized the efforts from the Police, Fire and Call Companies as they canvassed the community through the Thursday night storm to make sure there would be a safe commute for residents on Friday morning.
- The Manager reviewed the Council budget schedule for fiscal year 2010/2011

C. Petitions and Communications

D. Appointment Calendar

Councilor Blake motioned to take Item #9 out of order. Councilor Beecher seconded and the motion passed 7-0. See Item #9 for details.

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #3 and #4 was made by Councilor De Angelis and seconded by Councilor Beecher. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #112-09/10 – Board of Assessment Review, At Large (Boudreau), for a term which expires 12/31/10. Postponed on 02/17/10. Passage requires majority vote.

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Postponed, see Item #1 for details

5. ORDER #119-09/10 – Economic Development, District Four (Beecher), for a term which expires 03/23/13. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint James Landau, 72 Snowberry Drive. Councilor Smith seconded and the appointment passed 7-0.

6. ORDER #120-09/10 – Board of Assessment Review, District Two (Smith), for a term which expires 03/16/13. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to reappoint Maureen Hasson, 237 High Street. Councilor De Angelis seconded and the appointment passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Paul Cunningham, Edwards Street – Mr. Edwards encouraged Councilors to support an effort to petition the U.S. House of Representatives to discontinue appropriations to fund the war in Iraq and Afghanistan. The Mayor said he would communicate with Mr. Cunningham about this issue.

G. Public Hearings and Action

7. ORDINANCE #14- 09/10 – Amending Chapter 13, “Libraries,” regarding the Library Advisory Board and Library Director. Passed first reading on 02/17/10. ROLL CALL VOTE. Passage requires majority vote.

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

Councilor Beecher motioned for passage and Councilor Smith seconded. The Ordinance passed roll call vote 7-0.

8. ORDINANCE #15-09/10 – Amending Chapter 27, “Zoning,” regarding a zone map change from Residential District G to Limited Business LB for property located at 586 Westbrook Street. Passed first reading on 02/17/10. ROLL CALL VOTE. Passage requires five affirmative votes.

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There was no public discussion.

Councilor Smith motioned for passage and Councilor De Angelis seconded. The Ordinance passed roll call vote 7-0.

H. Action on Old and New Business

9. PROCLAMATION #3-09/10 – Proclaiming Brian McCarthy as Officer of the year. Passage requires majority vote.

This item was taken out of order at the beginning of the appointment calendar. There was no public discussion. Chief Googins presented a plaque to Officer McCarthy and the Mayor presented him with a framed copy of the Proclamation.

Councilor Blake motioned for passage and Councilor De Angelis seconded. The Proclamation passed 7-0.

10. ORDER #121-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Beecher seconded. The Order passed 7-0.

11. RESOLVE #12-09/10 – Regarding the PACTS Transportation Improvement Plan (TIP) for FY2012/2013 Transit Projects. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Hughes seconded. The Resolve passed 7-0.

12. ORDER #122-09/10 – Award of bid to O'Brien & Sons, of Medfield, MA, for the purchase and installation of a playscape in Redbank. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

13. ORDER #123-09/10 - Authorizing notice to abutters and setting April 5, 2010 for a public hearing regarding the proposed discontinuance of a portion of Gorham Road. Passage requires majority vote.

There was no public discussion.

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MARCH 1, 2010

Councilor Hughes motioned for passage and Councilor Boudreau seconded. Councilor Beecher motioned to amend the order to change April 5, 2010 to May 3, 2010 and to change March 26, 2010 to April 30, 2010. The amended dates would allow the developer to go through Planning Board review. The amendment passed 7-0. The Order passed as amended 7-0.

14. ORDINANCE #16-09/10 - Amending Chapter 27, "Zoning," for a zone map change from Transitional Central and Regional Commercial District CCRT to Limited Business District LB for Map 50, Lots 174 and 201 located at 85 Western Avenue and Western Avenue Crossing Lot 1. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor Boudreau seconded. The Ordinance passed first reading 7-0.

15. ORDER #124 -09/10 - Award of bid #47-10 to Planning Decisions, Inc., of South Portland, ME, for Comprehensive Plan consulting services. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau talked about the program that CPPC (Community Partnerships For Protecting Children), Youth Alternatives and Spiral Arts put on for the children in the Redbank area during February vacation. She commented on how the many people working together would make a difference in the lives of those involved.

Councilor De Angelis thanked the Council for accommodating her schedule for budget workshops. She mentioned an event that would be held in March at the Snow Squall Restaurant geared at encouraging folks to shop locally.

Mayor Coward mentioned an event that was held at the Snow Squall last Thursday to bring the Knightville/Mill Creek business owners and residents together and said there was a great turnout.

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Councilor Blake noted there was a wonderful response to the One World Running promotion and they collected over 350 pair of running shoes. He encouraged folks to attend the budget workshops.

Councilor Beecher complimented city staff in their efforts to keep things safe during and after the recent storm.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (D), discussion of public employee labor negotiations regarding collective bargaining guidance for the Police Patrol Contract and the Police Command Contract.

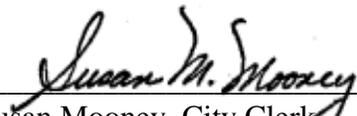
Councilor Boudreau motioned to go into executive session at 9:33 P.M. Councilor Blake seconded and the motion passed 7-0.

Motion was made to come out of executive session at 10:33 P.M. by Councilor De Angelis. Councilor Hughes seconded. The motion passed 7-0.

Councilor De Angelis motioned to adjourn at 10:34 P.M. Councilor Beecher seconded and the motion passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 97
MARCH 15, 2010

Roll Call: Mayor Coward called the meeting to order at 7:00 P.M. Councilor Boudreau was absent and Councilor De Angelis arrived at 7:28 P.M.

A. Acceptance of Minutes

Motion to accept the regular meeting minutes from the March 1, 2010 was made by Councilor Beecher and seconded by Councilor Smith. The motion passed 5-0 (Boudreau absent, De Angelis had not arrived)

B. Communications from City Manager

The Manager addressed the following items;

- The Manager presented his budget document. He said the School expenditures have not been provided yet. He will distribute them when they come in.
- The Manager reviewed the budget schedule
- The School budget validation vote will be held Thursday, May 6th. All polling locations will be consolidated at the Community Center for that election however all locations will be open for the Gubernatorial Primary Election on June 8th. Residents will have to go to their designated polling location for the Primary Election.
- New homestead exemption requests must be filed by April 1
- Census forms were in the mail today. It is important to fill them out accurately and get them returned.

C. Petitions and Communications

Fiscal Year 2011 Proposed Municipal Budget

Department Reports for the month of February, 2010.

Attendance Reports for the month of February, 2010.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #7 and #9 was made by Councilor Blake and seconded by Councilor Hughes. Postponement passed 5-0 (Boudreau absent, De Angelis had not arrived).

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2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #112-09/10 – Board of Assessment Review, At Large (Boudreau), for a term which expires 12/31/10. Postponed on 02/17/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #126-09/10 – South Portland Housing Authority, District One (Coward), for a term which expires 03/25/15. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #127-09/10 – Energy & Recycling Committee, District Four (Beecher), for an unexpired term which expires on 05/05/10. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #128-09/10 – Civil Service Commission, District Two (Smith), for a term which expires 03/01/15. Passage requires majority vote.

Councilor Smith motioned to appoint Mike Holmes, 79 Parrott Street to this seat. This order is to correct an order passed on March 2, 2009. Councilor Beecher seconded and the order passed 5-0 (Boudreau absent, De Angelis had not arrived)

9. ORDER #129-09/10 – Conservation Commission, At Large (Boudreau), for a term which expires 11/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

E. Consent Calendar

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F. Citizen Discussion (First Part)

Peter Stocks, 98 Colchester Drive – Mr. Stocks encouraged the Council to work with the School Board on a long term budget. He asked the Council to take public positions on the school projects being proposed and to hold a workshop to address concerns.

Melissa Linscott, 75 Adelbert Street – Ms. Linscott also noted concerns regarding school issues; accreditation, condition of buildings and lack of long range plans. She said families are watching closely.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the community could have a new high school and consolidated middle schools for twenty five million dollars. He said the school refuses to build the right size school and that they are not being truthful.

G. Public Hearings and Action

10. ORDINANCE #16-09/10 - Amending Chapter 27, "Zoning," for a zone map change from Transitional Central and Regional Commercial District CCRT to Limited Business District LB for Map 50, Lots 174 and 201 located at 85 Western Avenue and Western Avenue Crossing Lot 1. Passed first reading on 03/01/10. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded and the ordinance passed roll call vote 5-1 (De Angelis opposed, Boudreau absent)

H. Action on Old and New Business

11. ORDER #130-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded and the order passed 6-0 (Boudreau absent).

12. ORDER #131- 09/10 – Accepting a \$9,000 reimbursement as a settlement from Cumberland County et al v. New England Motor Freight. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded and the order passed 6-0 (Boudreau absent).

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13. ORDER #132-09/10 – Setting April 5, 2010, as the date for Public Hearing in City Council Chambers for the Proposed FY 2011 Municipal Budget. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Hughes seconded and the order passed 6-0 (Boudreau absent).

I. Citizen Discussion (Second Part)

Janet Steady, 11 Vista Drive – Ms. Steady agreed with comments made by speakers in Citizens Discussion Part One. She does not want new schools at the expense of good teachers. She said it does not make sense to lay off 47 positions and then embrace this project.

Rich Lemelin, 42 Colchester Drive – Mr. Lemelin said there is a high probability of the school project getting struck down again.

J. Councilor's Round Robin

Councilor De Angelis noted that the public is invited to a “Shop Local” benefit at the Snow Squall from 5:00 P.M. to 7:00 P.M. tomorrow night. She also invited folks to come to St. Albans Church on Shore Road at 6:30 P.M. tomorrow night to listen to seven SMCC students who will each present a speech.

Mayor Coward remarked about a recent discussion the Council had about the disposal of police fire arms. Police fire arms had been sold and subsequently used in two separate incidents in other areas of the country. He said South Portland is doing the right thing in this particular situation. He encouraged folks to get their census information returned and welcomed input on the budget.

Councilor Blake also encouraged people to come and speak. He indicated that he would also like to see the vacant Associate seats for the Energy & Recycling Committee and Conservation Commission to show up on the agenda.

Councilor Smith said she is a big fan of the “Buy Local” initiative. She noted that she needs to fill a Planning Board vacancy and also commented on the Meals on Wheels program. South Portland is the second largest receiver and she thanked the 14 dedicated volunteers who make it work.

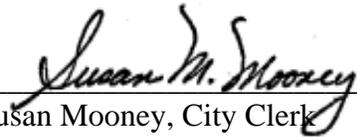
Councilor Beecher recognized Lt. Steve Fox and Officer Peter MacVane, South Portland employees who will be featured in the “Heroes with Heart” event. She said the Comprehensive Plan Committee officially kicks off tomorrow night from 7:00 to 9:00 P.M. She welcomed residents and said the agenda allows for the public to speak.

**IN COUNCIL REGULAR MEETING VOL. 71 PAGE 101
MARCH 15, 2010**

K. Executive Session

Councilor De Angelis motioned to adjourn at 8:26 P.M. Councilor Hughes seconded and the motion passed 6-0.

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ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 102
APRIL 5, 2010

Roll Call: Mayor Coward called the meeting to order at 7:04 P.M. Councilor Hughes arrived right after roll call.

A. Acceptance of Minutes

Motion to accept the regular meeting minutes from the March 15, 2010 was made by Councilor Smith and seconded by Councilor De Angelis. Motion to amend the minutes to correct the mover of the motion in item #1 was made by Councilor Beecher. Councilor Blake seconded and the amendment passed 7-0. The motion passed as amended 7-0.

B. Communications from City Manager

Harbor Commission Rule Change.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #5 and #8 through #11 was made by Councilor De Angelis and seconded by Councilor Smith. Postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #112-09/10 – Board of Assessment Review, At Large (Boudreau), for a term which expires 12/31/10. Postponed since 02/17/10. Passage requires majority vote.

Postponed, see Item #1 for details

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5. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed on 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #126-09/10 – South Portland Housing Authority representing District Three, for a term which expires 03/25/15. Postponed on 3/15/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Frank Morong, 325 Evans Street Extension was made by Mayor Coward and seconded by Councilor Beecher. The order passed 7-0.

7. ORDER #127-09/10 – Energy & Recycling Committee, District Four (Beecher), for an unexpired term which expires on 05/05/10. Postponed on 3/15/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Scott Hamann, 60 Thornton Ave. was made by Councilor Beecher and seconded by Councilor Smith. The order passed 7-0.

8. ORDER #129-09/10 – Conservation Commission, At Large (Boudreau), for a term which expires 11/20/10. Postponed on 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details

9. ORDER #133 - 09/10 - Planning Board, At-large (Boudreau) for a term which expires 04/01/13. Passage requires majority vote.

Postponed, see Item #1 for details

10. ORDER #134 - 09/10 Planning Board, District One (Coward), for a term which expires 04/01/13. Passage requires majority vote.

Postponed, see Item #1 for details

11. ORDER#135 - 09/10 - Planning Board, District Two (Smith), for a term which expires 04/01/13. Passage requires majority vote.

Postponed, see Item #1 for details

12. ORDER #136-09/10 – Energy and Recycling Committee – Associate Member, District Four, (Beecher) to fill an unexpired term which expires on 05/05/10. Passage requires majority vote.

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There was no public discussion.

Motion to appoint Sabrina Babbin, 21 Bonnybank Terrace was made by Councilor Beecher and seconded by Councilor Blake. The order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Bill Arnold, 6 Northeast Lane – Mr. Arnold said he has been following the improvement plans of the High School. He questioned what would happen to assessment values if the project does not get done.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the school was putting out false information and that budgeting practices were flawed.

Ray Lee, Taxpayer in South Portland – Mr. Lee said a zero increase is still a tax increase for folks because of the cut to the Homestead exemption.

G. Public Hearings and Action

13. Business License

Ricetta's, Inc., d/b/a Ricetta's of South Portland, 29 Western Ave. for a FE Class A Restaurant with Liquor License (upgrading existing license from Malt and Vinous to add Liquor). Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Hughes. The license passed 7-0.

14. FY 2011 Proposed Municipal and School Department Budgets.

The following people commented on the Budget;

Gary Crosby, 2 Tanner Street
Ray Lee, Taxpayer in South Portland
Janet Steady, 11 Vista Drive
Ross Little, 26 Day Street
Peter Stocks, Colchester Drive
Rick Lee, Westbrook Street
Albert DiMillo, 64 Colchester Drive
Andrew Lilienthal, Ship Channel Road
Maureen Richards, Sawyer Street

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Melissa Linscott, 75 Adelbert Street
Tex Haeuser, Planning Director
Rick Lemelin, Colchester Drive
Tricia Neat, 962 Highland Ave.
Gregory Lewis, 153 Mussey Street
Eric Kingsley, Preble Street
Bernadette Papi, Anthoine Street
Ralph Baxter, Higgins Lane
Rick Carter, 33 Thompson Street
Laura Pratt, Preble Street
Jerry McQueeney, 114 Clifford Street
James Gilboy, 235 Barnstable Road
Al Livingston, Sandy Hill Road

Motion made by Councilor Blake to take Item #21 out of order. Councilor Boudreau seconded and the motion passed 7-0. See item #21 for details.

H. Action on Old and New Business

15. ORDER #137-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Chief Googins expressed his appreciation for the donation.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. The order passed 7-0.

16. RESOLVE #13- 09/10 – Endorsing the Exploratory Committee on Volunteerism. Passage requires majority vote.

The following person addressed this item;

James Gilboy, 235 Barnstable Road – Mr. Gilboy asked whether the committee has had a discussion with the school department to talk about collaborating with this effort.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Smith. The order passed 7-0.

17. ORDER #138-09/10 – Amending the South Portland Police Department’s Firearms Policy regarding the purchase of service weapons. Passage requires majority vote.

The following people addressed this item;

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James Gilboy, 235 Barnstable Road – Mr. Gilboy said he would rather see the city give a retiree their gun.

Gary Crosby, 2 Tanner Street – Mr. Crosby agreed with Mr. Gilboy.

Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. The order passed 7-0.

18. ORDER #139- 09/10 – Authorizing the City Manager to sign a Municipal/State Agreement for proposed improvements to Hinckley Drive. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Smith. Councilor Beecher made a friendly amendment to revise the fiscal note from \$527,288 to \$534,974. There was no objection. The order passed 6-1 (Blake).

19. ORDER #140- 09/10 – Amending the 2009/10 Community Development Block Grant Annual Action Plan to include \$18,000 for the South Portland Historical Society. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Smith. The order passed 7-0.

20. ORDER #141-09/10 - Authorizing the City Manager to submit the FY 2010/11 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Smith. The order passed 7-0.

21. ORDER #142-09/10 – Appealing the denial of the Public Works’ Director for one (1) new curb cut and one (1) expanded curb cut on Ocean Street for Mahoney Middle School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. The order passed 4-3 (Hughes, De Angelis, Smith)

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 107
APRIL 5, 2010

22. ORDER #143-09/10 – Accepting sewer and utility easements from Gary and Janet Crosby in relation to the Peary Terrace Subdivision. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby purchased the VFW building and has given the land and building to the Maine Military Museum. The VFW has a ninety nine year lease for half of the building with no rent obligation.

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

I. Citizen Discussion (Second Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby said he tracked the speakers tonight and half asked for support of the school budget and the other half supported Mr. DiMillo's comments.

Rick Lee, Westbrook Street – Mr. Lee said the City should receive a 1½% increase in the budget if the School does. He said we should not be cutting Police and Fire positions.

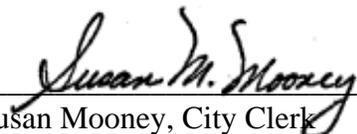
J. Councilor's Round Robin

Councilor Boudreau motioned to waive Round Robin. Councilor Beecher seconded and the motion passed 5-2 (Blake, De Angelis)

K. Executive Session

Councilor De Angelis motioned to adjourn at 11:08 P.M. Councilor Hughes seconded and the motion passed 7-0.

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ATTEST 
Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 71 PAGE 108
APRIL 12, 2010

Roll Call: Mayor Coward called the meeting to order at 6:30 P.M. Councilor De Angelis was absent.

D. Appointment Calendar

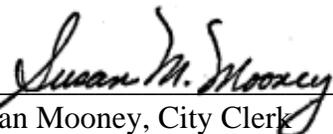
1. ORDER#135 - 09/10 - Planning Board, District Two (Smith), for a term which expires 04/01/13. Postponed on 04/05/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Curt Jensch was made by Councilor Smith and seconded by Councilor Hughes. The order passed 6-0.

Councilor Hughes motioned to adjourn at 6:35 P.M. Councilor Boudreau seconded and the motion passed 6-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 109
APRIL 21, 2010

Roll Call: Mayor Coward called the meeting to order at 7:04 P.M. Councilor De Angelis arrived at 7:12 P.M.

A. Acceptance of Minutes

Motion to accept the regular meeting minutes from the April 5, 2010 was made by Councilor Smith and seconded by Councilor Beecher. Passed 6-0 (De Angelis hadn't arrived). Motion to accept the special meeting minutes from the April 12, 2010 was made by Councilor Beecher and seconded by Councilor Smith. Passed 6-0 (De Angelis hadn't arrived).

B. Communications from City Manager

The Manager addressed the following items;

- The Manager invited Representative Jane Eberle to present a Legislative Sentiment recognizing Capt. Tim Carr. Capt. Carr's family and many members of the Fire Department attended and several people spoke in memory of Capt. Carr and his accomplishments and contributions to the community.
- The Library Director and Library Advisory Board are requesting that citizens log on to the Library website and fill in a survey to help guide them on issues regarding hours of operation, days of the week and programming direction.
- The Manager read an email from Shawn Curran, the Secret Service Presidential detail Director complimenting the South Portland Police Department for their assistance during a recent visit by the President.

C. Petitions and Communications

Department Reports for the month of March, 2010.

Attendance Reports for the month of March, 2010.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone items #1, #2, #5 and #8. Councilor Beecher seconded and the postponement passed 7-0.

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APRIL 21, 2010

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #91-09/10 – Civil Service Commission, At-Large (Boudreau), for a term which expires 12/31/14. Postponed since 12/21/09. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Linda Cohen, 67 Gary L. Maietta Parkway. Councilor Blake seconded and the order passed 7-0.

4. ORDER #112-09/10 – Board of Assessment Review, At Large (Boudreau), for a term which expires 12/31/10. Postponed since 02/17/10. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Katherine Loring, 2 Bluff Road. Councilor Beecher seconded and the order passed 7-0.

5. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed on 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #129-09/10 – Conservation Commission, At Large (Boudreau), for a term which expires 11/20/10. Postponed on 3/15/10. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint MaryAnn Molloy, 83 Vincent Street. Councilor De Angelis seconded and the order passed 7-0.

7. ORDER #133-09/10 - Planning Board, At-large (Boudreau) for a term which expires 04/01/13. Postponed on 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Susan Hasson, 134 Pine Street. Councilor Hughes seconded and the order passed 7-0.

8. ORDER #134-09/10 Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed on 04/05/10. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 111
APRIL 21, 2010

Postponed, see Item #1 for details

9. ORDER#144-09/10 – Library Advisory Board, At Large (Blake), for a term which expires 12/31/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint John Bernard, 56 Mildred Street. Councilor Beecher seconded and the order passed 7-0.

10. ORDER #145-09/10 – Appointments to the Long Creek Watershed Management District Board of Directors. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Brian Goldberg, Craig Gorris, Ed Palmer and Dave Russell. Councilor Boudreau seconded and the order passed 7-0.

11. ORDER #146-09/10 - Appointment of election clerks. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. Councilor De Angelis requested as a friendly amendment to remove Mark Gandolfo from the list. There were no objections. The order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo voiced frustration over statements made that the school department budget is flat when it is 1.7 million dollars higher than last year. He questioned why school budget practices are not held to the same standard as the city budget.

G. Public Hearings and Action

H. Action on Old and New Business

12. ORDER #147-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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APRIL 21, 2010

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

Councilor Hughes motioned to take item #15 out of order. Councilor De Angelis seconded and the motion passed 7-0.

13. ORDER #148- 09/10 - Authorizing the City Manager to execute an agreement between Participating Landowners and the Long Creek Watershed Management District. Passage requires majority vote.

There was no public discussion. Water Resource Department representatives Dave Thomes and Department Head, Pat Cloutier both answered questions from the Council.

Councilor Beecher motioned for passage. Councilor Hughes seconded. Councilor Hughes motioned to amend the fiscal note to read, "Estimated \$61,000". Councilor Boudreau seconded and the amendment passed 4-3 (Coward, Beecher, Blake). The order passed as amended 7-0.

14. ORDER #149-09/10 – Accepting a storm drain system on Barstow Street. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #150-09/10 - Award of Bid #53-10 to Seaside Grille, of Saco, ME, for the lease of the Willard Beach Concession Building. Passage requires majority vote.

The following person addressed this item;

Kevin Strout, 3 Woodland Ave., Saco – Mr. Strout thanked the City administrators for allowing him the opportunity to lease this building.

Councilor Boudreau motioned for passage. Councilor Hughes seconded and the order passed 7-0.

16. ORDER #151- 09/10 – Authorizing the City Manager to execute an easement deed to Northern New England Telephone Operations, LLC, d/b/a FairPoint Communications, for property located at Fire Fighters Memorial Park. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Boudreau seconded and the order passed 7-0.

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APRIL 21, 2010

17. ORDER #152-09/10 – Award of RFQ #54-10 to FB Environmental Associates, of Portland, ME, to provide Coastal Communities Stormwater Management Manual Consulting Services. Passage requires majority vote.

There was no public discussion. Tex Haeuser, Planning Director, provided background information on this project.

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

18. ORDER #153-09/10 – Implementing the 2011 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage. Councilor De Angelis seconded. Councilor Boudreau motioned to amend the order to add \$100,000 from Street Opening Surplus and \$25,000 from TIF to be added to the Street Paving Program to increase the Street Paving Program from \$600,000 to \$725,000. Councilor Hughes seconded the amendment and the amendment passed 7-0. The order passed as amended 7-0.

19. ORDER #154 -09/10 – Authorizing the payment of \$121,269.90 for improvements to Western Avenue from the intersection with Gorham Road to the intersection with Maine Mall Road. Passage requires majority vote.

There was no public discussion.

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

20. ORDER #155-09/10 – Setting the time for opening the polls for the May 6, 2010 Election. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for passage. Councilor Hughes seconded and the order passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Blake invited folks to attend Earth Day Cleanup this Saturday and also the Fort Preble Preservation Committee's second annual cleanup the following Saturday

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Councilor Smith said there would be a “rain garden” constructed at the corner of Marginal Way and Bay Side Arterial for anyone who might be interested in seeing what that was all about. She said *Commute Another Way* week is scheduled for the week of May 17th.

Councilor Beecher encouraged citizens to get involved with Earth Day Cleanup even if it is just to pick up trash around your neighborhood. She remarked favorably about a presentation that Kathy DiPhilippo did for the Comprehensive Plan Committee the previous evening. The program covered the history of South Portland.

Councilor Boudreau remarked about the number of calls the Fire Department logs on a monthly basis. She also expressed concern about the School Budget Validation Election being held on a Thursday and whether enough residents will be in tune to that election.

Councilor De Angelis talked about an event that some of her students from SMCC would be holding on April 29 in the Council Chambers. The students will be sharing the “Sacred Stories” of their lives.

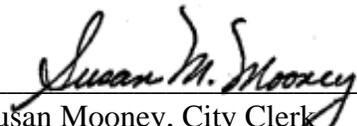
Mayor Coward commented on participating with the “Meals on Wheels” program. He also passed along a reminder that there would be a Special Meeting at 6:00 P.M. on Monday night before the workshop for consideration of passing the 2010/2011 School Budget.

K. Executive Session

Councilor De Angelis motioned to adjourn at 10:00 P.M. Councilor Hughes seconded and the motion passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 71 PAGE 115
APRIL 26, 2010

Roll Call: Mayor Coward called the Special meeting to order at 6:04 P.M. Councilor Blake and Councilor Smith were absent.

F. Citizen Discussion

Jeff Selser, 17 Summit Street – Mr. Selser said he has been following the battle between the School Board and the Council and asked that personal disagreements from the past be put aside. He said to do what is best for the kids.

Councilor Hughes motioned to take Item #18 out of order. Councilor Beecher seconded and the motion passed 5-0. See Item #18 for details.

H. Action on Old and New Business

1. RESOLVE #14-09/10 - That \$15,088,411 be authorized to be expended for Regular Instruction. Passage requires majority vote.

There was no public discussion.

The City Clerk read through Items #1 through #17 and Item #19. Motion to amend Item # 15 to correct the fiscal year from July 1, 2009 and ending June 30, 2010 to July 1, 2010 and ending June 30, 2011 was made by Councilor De Angelis and seconded by Councilor Hughes. The amendment passed 5-0.

Councilor Boudreau motioned to accept items #1 through #17 and also item #19 as amended. Councilor Beecher seconded the motion. The motion passed 4-1 (De Angelis) (Blake and Smith absent)

2. RESOLVE #15-09/10 - That \$7,358,653 be authorized to be expended for Special Education. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

3. RESOLVE #16-09/10 - That \$321,837 be authorized to be expended for Career and Technical Education. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

4. RESOLVE #17-09/10 - That \$749,175 be authorized to be expended for Other Instruction. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

5. RESOLVE #18-09/10 - That \$3,319,893 be authorized to be expended for Student and Staff Support. Passage requires majority vote.

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Passed 4-1, see Item #1 for details.

6. RESOLVE #19-09/10 - That \$1,196,221 be authorized to be expended for System Administration. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

7. RESOLVE #20-09/10 - That \$2,072,976 be authorized to be expended for School Administration. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

8. RESOLVE #21-09/10 - That \$1,279,187 be authorized to be expended for Transportation and Buses. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

9. RESOLVE #22-09/10 - That \$3,024,888 be authorized to be expended for Facilities Maintenance. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

10. RESOLVE #23-09/10 - That \$2,579,386 be authorized to be expended for Debt Service and Other Commitments. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

11. RESOLVE #24-09/10 - That \$363,537 be authorized to be expended for All Other Expenditures. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

12. RESOLVE #25-09/10 - That \$30,406,766 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$26,521,530 be raised as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

13. RESOLVE #26-09/10 - That \$2,007,374 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-state-funded school construction projects and non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total

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cost of funding public education from kindergarten to grade 12. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

14. RESOLVE #27-09/10 - That \$4,827,194 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$4,108,378 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

15. RESOLVE #28-09/10 - That the Board of Education be authorized to expend \$41,606,171 for the fiscal year beginning July 1, 2009 and ending June 30, 2010 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

16. RESOLVE #29-09/10 - That the City of South Portland will appropriate \$20,000 for Adult Education and raise \$20,000 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

17. RESOLVE #30-09/10 - That the City of South Portland will raise and appropriate \$373,601 in additional local dollars in support of the food service program. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

18. RESOLVE #31-09/10 - That the City of South Portland will raise and appropriate \$506,623 in additional local dollars to establish a reserve for the Secondary Schools Facilities construction/renovation projects. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Beecher seconded. Councilor Boudreau motioned to amend the Resolve as follows; That the City of South Portland will raise and appropriate ~~\$506,623~~ \$375,938 in additional local dollars and will allocate \$130,685 of additional State subsidy to establish a reserve for the Secondary Schools

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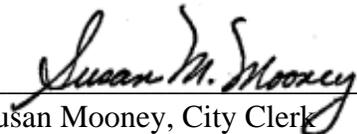
Facilities construction/renovation projects. The amendment passed 5-0. The motion passed as amended 4-1 (De Angelis) (Blake and Smith absent)

19. RESOLVE #32-09/10 - That the Board of Education be authorized to expend such other sums as may be received from state and federal grants or programs or other sources during the fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Passage requires majority vote.

Passed 4-1, see Item #1 for details.

Councilor Boudreau motioned to adjourn at 06:45 P.M. Councilor Beecher seconded and the motion passed 5-0.

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ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 119
MAY 3, 2010

Roll Call: Mayor Coward called the meeting to order at 7:05 P.M.

A. Acceptance of Minutes

Motion to accept the regular meeting minutes from the April 21, 2010 was made by Councilor Beecher and seconded by Councilor Blake. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Annual Bus Rodeo was held this past Saturday. Mike Barns received a 99% and Peter Cotton 97% on the written exam. Peter Cotton placed second in the driving competition.
- Bug Light Kite Festival this Saturday from 11:00 to 4:00
- Public Notice – MDOT is seeking input on the Main Street Exit 4 area March 20 at 6:00 P.M. in Council Chambers
- Maine Center of Creativity – Jean McGinnis introduced Jaime Gili, the artist that won the oil tank design competition
- School Budget Referendum Election – May 6th
- Recognition of Andrew Wallace for his service on the Library Advisory Board

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #4. Councilor Smith seconded and the postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 03/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details.

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 120
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4. ORDER #134-09/10 Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #156-09/10 Energy & Recycling Committee, District Four (Beecher), for a term which expires 05/05/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Scott Hamann, 60 Thornton Ave. was made by Councilor Beecher and seconded by Councilor Hughes. The motion passed 7-0.

6. ORDER #157-09/10 Energy & Recycling Committee - Associate, District Four (Beecher), for a term which expires 05/05/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Sabrina Babbin, 21 Bonnybank Terrace was made by Councilor Beecher and seconded by Councilor Hughes. The motion passed 7-0.

7. ORDER #158-09/10 - Energy & Recycling Committee, District Three (De Angelis), for a term which expires 05/05/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Stanley Cox, 460 Highland Ave. was made by Councilor De Angelis and seconded by Councilor Blake. The motion passed 7-0.

8. ORDER #159-09/10 - Energy & Recycling Committee - Associate, District Three (De Angelis), for a term which expires 05/05/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Christopher Kessler, 37 Cottage Road was made by Councilor De Angelis and seconded by Councilor Smith. The motion passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Stan Cox, 460 Highland Ave. – Mr. Cox talked about Council health insurance coverage and stated that the citizens should vote to address it.

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MAY 3, 2010

G. Public Hearings and Action

9. Public Hearing regarding the proposed discontinuance of a portion of Gorham Road.

There was no public discussion.

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

H. Action on Old and New Business

10. ORDER #160-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #161-09/10 – Award of Bid #56-10 to uncommon kitchen&bath, LLC, of South Portland, ME, for the design, purchase and installation of a gazebo in Mill Creek Park. Passage requires majority vote.

Sarah Neuts, Parks Supervisor was present and answered questions from the Councilor. The following person addressed this item;

Bonnie Ingraham, 123 Devereaux Circle – Mrs. Ingraham said she got married in the park on 8/2/98. She is looking forward to seeing the new gazebo.

Motion for passage was made by Councilor Blake and seconded by Councilor Beecher. Motion passed 7-0.

12. ORDER #162-09/10 – Amending the “Traffic Schedule” regarding no parking on Oakwood Drive. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Motion passed 7-0.

13. ORDER #163-09/10 – Authorizing the City Manager to execute an easement deed to Central Maine Power Company and Northern New England Telephone Operations, LLC for property located at the Long Creek Pump Station. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #164-09/10 – Amending ORDER # 53-09/10 regarding the FY 2011 Capital Improvement Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Smith and seconded by Councilor Hughes. Motion passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Smith noted that there would be a horticultural plant sale at SMCC on Saturday

Councilor Beecher invited the public to attend the Comprehensive Plan meeting tomorrow night. She encouraged folks to get out and vote on Thursday.

Councilor Boudreau asked citizens to pick up litter while out walking. She also noted that there were no sidewalks on some streets which makes walking hard for pedestrians and bikers. She asked residents to park in their driveways and not on the street when possible.

Councilor DeAngelis thanked the people who attended her student’s “Sacred Stories”. She also thanked Tony Vigue and Moe Amaral at SPCTV for all their assistance with the project.

Mayor Coward said he was able to stay for half of the “Sacred Stories” program and remarked on the amount of courage it takes for these students. He also asked people to get out and vote on Thursday and noted that he would be away on vacation for 10 days starting on Thursday.

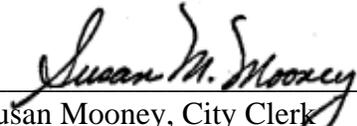
Councilor Blake said he had hike in Arizona last week and encountered a rattlesnake on the trail. He made note of the 36 people who came to help with the work at Fort Preble and also the 220 people who helped with Earth Day cleanup.

K. Executive Session

Councilor Boudreau motioned to adjourn at 08:31 P.M. Councilor Smith seconded and the motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 123
MAY 3, 2010

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ATTEST  _____
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 71 PAGE 124
MAY 17, 2010

Roll Call: Mayor Coward was away on vacation. Councilor De Angelis called the meeting to order at 7:05 P.M.

A. Acceptance of Minutes

There were no minutes prepared for adoption.

B. Communications from City Manager

The Manager addressed the following items;

- Wish for a speedy recovery for Red's Ice Cream after receiving extensive damage from a fire on Saturday evening.
- Distribution of the Annual Report which was dedicated to former Welfare Director, Jack Roberts. Mr. Roberts was in attendance and recognized.
- A recognition plaque was presented to Don Russell for his service on the Planning Board and to Suzy Tracy for her service on the Economic Development Committee.
- Anyone interested in assisting with flagging Veteran's Graves can contact the City Clerks Office for more information.

C. Petitions and Communications

FY 2010 Edward Byrne Memorial Justice Assistance Grant.

Department Reports for the month of April, 2010.

Attendance Reports for the month of April, 2010.

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone Items #1 through #4. Councilor Smith seconded and the postponement passed 6-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

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3. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #134-09/10 Planning Board, District One (Coward), for a term which expires 4/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details.

E. Consent Calendar

F. Citizen Discussion (First Part)

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo encourage citizens to attend a discussion on Question 1 at the Community Center on May 27th from 7:00 P.M. to 9:00 P.M.

John Kierstead, 36 School Street – Mr. Kierstead invited folks to attend the Dedication Ceremony for the Long Creek Air Tragedy on July 11 at 2:00 P.M.

G. Public Hearings and Action

5. Business License

Minh Loc, d/b/a Pho Hanoi, 171A Ocean Street, for a FE/Class A Restaurant with malt license. Passage requires majority vote.

There was no public discussion.

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

6. Business License

OTB Acquisition, LLC d/b/a On the Border Mexican Café, 420 Maine Mall Road, for a FE/Class A Restaurant with Liquor. New Corporate owners of an existing business. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

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7. ORDER #166-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. Motion passed 6-0.

8. PROCLAMATION #4-09/10 – Proclaiming May 21, 2010 as Arbor Day in the City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Beecher. The Proclamation passed 6-0.

9. ORDER #167- 09/10 – Authorizing the lease financing for the improvements and energy upgrades at the five (5) elementary and two (2) middle schools associated with the performance contract with Siemens Building Technologies Inc., of Scarborough, ME. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said if these improvements can't pay for themselves in three years we should not be doing them. He encouraged the school department to purchase this equipment and take the savings directly rather than leasing. He questioned how the calculation of savings could be determined.

Superintendent Suzanne Godin – Ms. Godin said she is very excited about this opportunity. She remarked that the savings are based on formulas.

Motion for passage was made by Councilor Blake and seconded by Councilor Smith. Motion passed 6-0.

10. ORDER #168-09/10 – Authorizing the City Manager to submit a Letter of Intent to Siemens Industry, Inc. (Building Technologies Division) of Scarborough, ME, to provide comprehensive energy conservation audit and facilities improvement services. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo again encourage the purchase of this equipment rather than leasing it.

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Motion for passage was made by Councilor Smith and seconded by Councilor Boudreau.
Motion passed 6-0.

11. ORDER #169-09/10 – Accepting a Summer High Visibility Enforcement Campaign Grant from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

12. RESOLVE #33-09/10 – Supporting the Maine Renewable Energy Consortium’s Public Utilities Commission application as Community-based Renewable Energy Pilot Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. The Resolve passed 6-0.

13. ORDER #170-09/10 – Award of bid #59-10 to Hi-Way Safety Systems, Inc., of Hanover, MA, to provide line striping services. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #171-09/10 - Extending the paving contract with Dayton Sand & Gravel, of Dayton, ME, to provide paving services for the 2010 season. Passage requires majority vote.

There was no public discussion.

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

15. RESOLVE #34- 09/10 - Approving the FY 2011 Appropriation Resolve. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Boudreau motioned to amend the Resolve to correct the personal property tax date from 2008 to 2010, to correct on Page 31 the CDBG Grant fund

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appropriate from \$485,192 to \$534,974 and to adjust the final total on that page from \$3,420,996 to \$3,470,778. The amendment passed 6-0. The Resolve passed as amended 6-0.

16. ORDER #172-09/10 – Setting the sewer user fees for Fiscal Year 2011. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #173-09/10 - Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #174-09/10 - Authorizing the Finance Director to accept prepayment of FY 2011 property taxes. Passage requires majority vote.

There was no public discussion.

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

19. PROCLAMATION #5-09/10 – Proclaiming May 17th through May 21st 2010 as “Commute Another Way Week” and May 21st as “Bike to Work Day”. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Smith. The Proclamation passed 6-0.

20. PROCLAMATION #6-09/10 – Regarding Memorial Day, and directing that flags be placed on the graves of Veterans. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Hughes. The Proclamation passed 6-0.

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Roll Call: At the conclusion of a Special Workshop, Mayor Coward called the meeting to order at 7:44 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to approve the minutes from the 04/26/10 Special Meeting and also the Council meetings of 05/03/10 and 05/17/10 was made by Councilor Boudreau and seconded by Councilor Beecher. Motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- The Memorial Day Parade was very well attended
- Update of the Primary Election scheduled for tomorrow

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to postpone Items #1 through #6. Councilor Blake seconded and the postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 4/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Passage requires majority vote.

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Postponed, see Item #1 for details.

6. ORDER #178–09/10 - Board of Assessment Review, District Three (De Angelis), for a term which expires 03/16/12. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #179-09/10 - Appointing Ward Clerk District 1, Pro Tempore for the June 8, 2010 Primary Election only. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Sally Maxwell, 15 Bluff Road. Councilor Hughes seconded. The Order passed 7-0.

E. Consent Calendar

Motion to waive Standing Rule 3(E) to have Item #16 added to the agenda was made by Councilor Hughes and seconded by Councilor Beecher. Motion passed 7-0. See Item #16 for details.

F. Citizen Discussion (First Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby said he was concerned about remarks about “jumping on the opportunity” to purchase 100 Waterman Drive for a City Hall. He recommended to not rush into this because there will always be opportunities in the future.

Tex Haeuser, Planning and Development Director – Mr. Haeuser clarified that the zoning change for the 100 Waterman Drive building was to address height and design issues. The location was already zoned for business.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned the need for a new City Hall. He encouraged the Council to prioritize the pressing projects and determine what is most important.

Councilor De Angelis spoke in support of Steven Rowe for Governor.

Greg Lewis, 153 Mussey Street – Mr. Lewis said he does not agree with the statement, “The time to move on this is now”. He said a long term plan is needed.

G. Public Hearings and Action

H. Action on Old and New Business

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8. ORDER #180-09/10 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to for passage and Councilor De Angelis seconded. The Order passed 7-0.

9. ORDER #181-09/10 – Setting the time for opening the polls for the June 8, 2010 Election. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to for passage and Councilor Hughes seconded. The Order passed 7-0.

10. ORDER #182-09/10 - Accepting a mini-grant in the amount of \$2,400 from PROP's Communities Promoting Health Coalition to be used by the South Portland Police Department. Passage requires majority vote.

There was no public discussion. Officer Scarpelli was present and addressed questions from the Council.

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

11. ORDER #183-09/10 - Accepting Jetport Plaza Road as a City street. Passage requires majority vote.

There was no public discussion. Tex Haeuser was available to answer questions from the Council.

Councilor Beecher motioned to for passage and Councilor De Angelis seconded. The Order passed 7-0.

12. ORDER #184-09/10 - Authorizing the City Manager to execute a release deed and accept delivery of an easement deed from Leon and Susan Mooney relating to the land area underlying the City owned pump station located at the intersection of Colchester Drive and Highland Avenue. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to for passage and Councilor De Angelis seconded. The Order passed 7-0.

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13. ORDER #185-09/10 - Authorizing a one percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

The following person addressed this item;

Greg Lewis, 153 Mussey Street – Mr. Lewis asked whether the fiscal note covered all of the 1% increase.

Councilor De Angelis motioned to for passage and Councilor Smith seconded. The Order passed 7-0.

14. ORDER #186- 09/10 – Amending ORDER #117-08/09 regarding the agreement with MDOT and the Broadway Overlay Project, STP-A680(000)X; PIN 16800.00. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to for passage and Councilor Blake seconded. The Order passed 7-0.

15. ORDER #187-09/10 - Authorizing the Finance Director to enter agreement(s) for the purchase of #2 Fuel Oil, Diesel Fuel and Unleaded Fuel for FY2011. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to for passage and Councilor Beecher seconded. The Order passed 6-0 (De Angelis out of the room).

16. Street Closing - The Maine Department of Transportation (MDOT) is requesting that Hinckley Drive be temporarily closed as needed in order to overlay the roadway beginning at Ocean Street and extending 0.12 of one mile to Cottage Road. Preliminary dates are June 10th for grinding and June 14th for paving.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Richard Chenevert, former South Portland resident – Mr. Chenevert wanted to acknowledge the service of Carin Dunay, Mary Ellen Oleson and Jane Cahill for their contribution to the Library Advisory Board. He commented about poor treatment of the employees at the Library.

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J. Councilor's Round Robin

Councilor Hughes congratulated the South Portland High School graduating class. He commented on the senior honors banquet where 98 awards totaling \$198,323 were presented.

Councilor Boudreau said she knows there are people questioning her decision to consider the 100 Waterman Drive as a location for City Hall. She was concerned about the ongoing investments into the current aging City Hall including a \$50,000 furnace needed for this building.

Councilor De Angelis encouraged folks to get out and vote tomorrow. She commented that Councilor Hughes was modest by not mentioning the accomplishments of his nephew, Max Berube. Max was the Salutatorian for his class.

Mayor Coward also congratulated the graduating class and voiced his regret at not being able to attend. He commented on the bond issues that citizens will be voting on tomorrow.

Councilor Blake said he would appreciate hearing from the public regarding the 100 Waterman Drive building. He congratulated Councilor Beecher for her work with the Medication Collection Program and encouraged folks to attend a gathering at Mill Creek Park at 6:00 P.M. tomorrow to show support of efforts to decrease our dependency on oil. He also congratulated the South Portland City Track Team for their second place finish in their first track meet.

Councilor Smith recognized and thanked Helen Slocum for her efforts coordinating the South Portland Land Trust Plant Sale.

Councilor Beecher talked about how wonderful the Memorial Day Parade was this year. She invited the public to attend a public forum at the SMCC Culinary Arts Building. The Comprehensive Plan Committee is looking for input from the public on how we can build our tax base.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405(6)(C), discussion of the acquisition or disposition of publicly held property - South Portland Armory.

Motion to adjourn to executive session was made at 9:21 P.M. by Councilor De Angelis and seconded by Councilor Hughes. The motion passed 7-0.

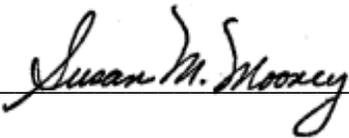
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Motion to come out of executive session was made at 10:08 P.M. by Councilor Beecher and seconded by Councilor De Angelis. The motion passed 6-0 (Coward left because of a possible conflict).

Motion to adjourn was made by Councilor Blake and seconded by Councilor De Angelis. The motion passed 6-0.

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Roll Call: At the conclusion of a Special Workshop, Mayor Coward called the meeting to order at 7:12 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to approve the minutes from the 06/07/10 Council meetings was made by Councilor Beecher and seconded by Councilor Smith. Motion passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Work on Veterans Bridge will begin soon
- Congratulations to the Women's Softball League for winning the State Championship

C. Petitions and Communications

Department Reports for the month of May, 2010
Attendance Reports for the month of may, 2010

D. Appointment Calendar

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #7. Councilor Boudreau seconded and the postponement passed 7-0.

2. ORDER #104-08/09 – Economic Development Committee, District Two (Smith) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 4/01/13. Postponed since 04/05/10. Passage requires majority vote.

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Postponed, see Item #1 for details.

5. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #178-09/10 - Board of Assessment Review, District Three (De Angelis), for a term which expires 03/16/12. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Passage requires majority vote.

Postponed, see Item #1 for details.

E. Consent Calendar

F. Citizen Discussion (First Part)

Kathy DiPhilippo, Highland Ave. – Mrs. DiPhilippo invited folks to attend the 4th of July Grand Opening Celebration of the South Portland Historical Society. The Ceremony begins at 11:30 A.M. with Benjamin Franklin reading the Declaration of Independence. There will be a craft table, barbeque and games throughout the afternoon.

David Critchfield, Bay Road – Mr. Critchfield encouraged the Council to adopt the proposed Land Bank Proposal, Item #13. He expressed a strong sentiment to capture the bits of green space that are left.

Mike Fletcher, 5 Briarwood Road – Mr. Fletcher provided a list of accomplishments to the Council on all the successes of the South Portland Music programs. South Portland has won a gold medal for the fourth year in a row.

John Kierstead, 36 School Street – Mr. Kierstead stated that the Memorial is complete and will be installed on Thursday morning. He invited folks to attend the installation.

Rachel Berger, 17 Churchill Road – Ms. Berger supports item #13 and looks forward to expanded community garden space.

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G. Public Hearings and Action

H. Action on Old and New Business

8. ORDER #189-09/10 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Hughes seconded. The Order passed 7-0.

9. ORDER #190-09/10 – Award of bid #72-10 to O’Connor Bus Sales, of Augusta, ME, for the purchase of a school bus for the South Portland School Department. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #191-09/10 – Adopting the Special Benefit Plan 3C from the Maine Public Employees Retirement System (MainePERS) for South Portland Firefighters IAFF Local #1476. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #192-09/10 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Patrol Association for the period of July 1, 2010 to June 30, 2011. Passage requires majority vote.

There was no public discussion.

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

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12. ORDER #193-09/10 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Command and Supervisory Unit for the period of July 1, 2010 to June 30, 2011. Passage requires majority vote.

There was no public discussion.

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

13. ORDINANCE #17-09/10 – Amending Chapter 18, “Parks and Recreation” regarding the South Portland Land Bank. First reading. Passage requires majority vote.

The following people addressed this item;

Greg Lewis, 153 Mussey Street – Mr. Lewis questioned the \$1,000,000 cap and raised concerns that \$1,000,000 wouldn't buy as much as it used to. It was clarified that the intent of the cap was just to allow the Council to forgo adding \$35,000 per year once the \$1,000,000 threshold was reached.

Catherine Menyhart, 15 Schooner Road – Ms. Menyhart endorsed the proposal but said the wording seemed redundant.

Councilor De Angelis motioned for passage and Councilor Hughes seconded.

Councilor De Angelis motioned to amend Sec. 18-76, Item 4, bullets (a) and (b) to add “unless waived by a 3/5 vote by the City Council”. Councilor Blake seconded. The motion failed 2-5 (Beecher, Smith, Coward, Hughes and Blake)

Councilor De Angelis motioned to amend Sec. 18-76, Item 6, to end the sentence at City's Capital Improvement Plan and strike out “provided that any such annual contribution that causes the land bank fund balance to exceed one million dollars (\$1,000,000) shall be reduced as necessary so as not to exceed this land bank fund balance cap.” Councilor Boudreau seconded. As discussion continued it was decided that this item needed to be brought back to Workshop. Councilor Boudreau motioned to postpone and Councilor Beecher seconded. The motion to postpone passed 6-1 (Smith).

14. ORDER #194-09/10 – Accepting a \$500 grant from the National Recreation and Park Association to be used by the Parks and Recreation Department. Passage requires majority vote.

The following person addressed this item;

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John Kierstead, 36 School Street – Mr. Kierstead questioned how far \$500.00 would go and said it is a good idea but wouldn't cover much of the expense.

Councilor Beecher motioned for passage and Councilor De Angelis seconded. The Order passed 7-0.

15. ORDER #195-09/10 – Award of Bid #73-10 to Eagle Professional Paving Equipment, of Litchfield, NH, for the purchase of a sidewalk paver for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

16. ORDINANCE #18-09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding business licenses. First reading. Passage requires majority vote.

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

Councilor Hughes motioned for passage and Councilor Beecher seconded. Councilor Blake motioned to amend the Ordinance to add “ or Skate Park” after “Rink(s)” on page 4 and also to section 14-30 in three locations. Councilor Beecher seconded and the amendment passed 7-0. The Ordinance passed first reading as amended 7-0.

I. Citizen Discussion (Second Part)

Greg Lewis, 153 Mussey – Mr. Lewis said it would be very helpful if the city bond schedule were posted on the website. He asked who the owner of 100 Waterman Drive is.

J. Councilor's Round Robin

Councilor Boudreau said she has a commitment to public land and a concern about taking on more than we can maintain. She noted some of the park space that has been added over the last few years; Bug Light Park, Thomas Knight Park, small area in Sunset Park, Firefighters Memorial Park, Ge Erskine Park, Wainwright Fields and doubling the length of the Greenbelt.

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Councilor De Angelis said she has heard wonderful comments about the Comprehensive Plan Public Forum and she congratulated the committee for their successful event. She thanked Jane Cahill for her service to the Library Advisory Board.

Mayor Coward congratulated Planning Director, Tex Haeuser for the professional award he received from the Maine Planners Association. He also referred to the Public Forum and said Councilor Beecher did a wonderful job. He thanked Hannaford for providing food, SMCC for providing the venue and Floyd's Boys for providing some background music at the beginning of the Forum.

Councilor Blake congratulated the South Portland Womens Softball Team for winning the State Championship. Regarding Rachel Burgers comments earlier in the evening about community gardens, he asked if Dana Anderson could be contacted to inquire whether there may be other locations to develop community gardens. He thanked the members of the public who attended the Community Forum for coming out and contributing to the process.

Councilor Smith also complimented the organization and process for the Public Forum. She congratulated Tex for his award and said he was a great role model for "commute another way".

Councilor Beecher thanked everyone for all the nice compliments regarding the Public Forum. She also thanked Mark Eyerman, Tex and the Committee and said they were a fantastic group to work with. She said it was a team approach all the way and she expressed her appreciation to Hannaford and SMCC for their donations.

Councilor Hughes also made positive remarks about the Forum and thanked Mike Fletcher for his update on the South Portland Music Program.

K. Executive Session

Motion to adjourn was made at 9:25 P.M. by Councilor De Angelis and seconded by Councilor Hughes. The motion passed 7-0.

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