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IN COUNCIL SPECIAL MEETING VOL. 65 PAGE 1
JULY 7, 2003

Roll Call: Mayor Baxter called the Special Meeting to order at 6:30 P.M. Councilor Jacobs arrived late.

K. Executive Session

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

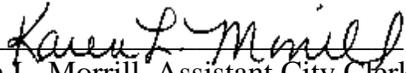
Motion to adjourn to executive session was made at 6:30 P.M. by Councilor Bowring and seconded by Councilor Hughes. Passage 5-0 (Jacobs, Boudreau absent).

Motion to return from executive session was made by Councilor Bowring and seconded by Councilor Hughes.

Motion to adjourn from the special meeting was made by Councilor Bowring and seconded by Councilor Maietta at 6:55 P.M. Passed 6-0 (Boudreau absent).

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ATTEST _____


Karen L. Morrill, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 2
JULY 7, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:05 P.M. Councilor Boudreau was absent.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the special meeting and regular meeting of June 23, 2003. Passed 6-0

B. Communications from City Manager

The Manager recognized the Commendation of Tom Meyers, Director of Waterfront and Bus Service by the Bureau of Maine Marine Patrol for distinguished service.

He then discussed a letter from RTP to the Mayor and Manager from John McNulty that will be discussed at Monday's workshop regarding contributions.

The Manager then presented a letter from Altrusa International announcing the installation of Deb Smith from the Recreation Department as President of Altrusa International Inc., of Portland, Maine.

C. Petitions and Communications

Mayor Baxter also commended both Tom Meyers and Deb Smith for their efforts.

He announced that the Master Building Committee reported that both Small and Kaler Schools were going to be finished on time.

The Mayor then read a thank you letter from Rosella Loveitt for the Proclamation that summarizes her contributions to the City.

D. Appointment Calendar

1. ORDER #1-03/04 - Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for a term which expires 08/08/08.

There was no public discussion.

Motion was made by Mayor Baxter and seconded by Councilor Bowring to appoint Linda Johnson to this position. Passed 6-0 (Boudreau absent).

E. Consent Calendar

2. Street Closing

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 3
JULY 7, 2003

Matthew Michaud, of 93 Davis Street is requesting the closing of part of Davis Street on July 19, 2003 for a block party.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Jacobs for passage. Passed 6-0 (Boudreau absent).

F. Citizen Discussion (First Part)

Clarence Beckwith, Bonnybriar Road. Mr. Beckwith was pleased with the progress of Ge Erskine Park. and the last concert in the park. He then commented on the old furniture in the yard at Small School, and questioned the need for granite curbing at Kaler School.

Ray Lee, 28 Henry Street. Mr. Lee requested a copy of the ordinance that stated he could not increase his living space after his house was burned. He stated that his neighbors had built a house that was twice the size of their original house.

G. Public Hearings and Action

Business License

3. Evelyn's Tavern, Inc. d/b/a Evelyn's Tavern, 121 Sawyer Street, Application for a FSE with Liquor License. Change in Corporate Structure.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Jacobs for passage. Passed 6-0 (Boudreau absent).

4. Evelyn's Tavern, Inc. d/b/a Evelyn's Tavern, 121 Sawyer Street. Application for Pinball/Video License, Change in Corporate Structure.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor Bowring for passage. Passed 6-0 (Boudreau absent).

5. ORDINANCE #15-02/03 – Amending Chapter 15, “Wreckers and Vehicle Towing” regarding rates for services. Passed first reading on 06/16/03. ROLL CALL VOTE.

Councilor Maietta asked to abstain from this item.

The following people addressed this item:

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Chief Googins, Police Chief.
Ray Lee, Henry Street.

Motion was made by Councilor Hughes and seconded by Councilor Jacobs for passage.
Passed 3-2 (Bowring, Fickett) (Boudreau absent).

H. Action on Old and New Business

6. ORDER #2-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #3-03/4 Amending the Transfer Facility Fee Schedule effective July 8, 2003. Passage requires majority vote.

The following people addressed this item:

Steve Johnson, Director of Public Works.
Stanley Cox, Highland Avenue
Ray Lee, Henry Street.
Virginia Brady, Anchorage Place.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to amend the amounts for demo wood and lumber. Passed 4-2 (Fickett, Baxter) (Boudreau absent).

Motion was made by Councilor Hughes and seconded by Councilor Bowring for passage as amended. 5-1 (Fickett)(Boudreau absent).

8. ORDER #4-03/04 – Award of bid to H.P. Fairfield, Inc., of Skowhegan, Maine, for the purchase of a street sweeper for the Public Works Department. Passage requires majority vote.

The following people addressed this item:

Steve Johnson, Director of Public Works.
Louis Maietta, Elerberry Drive.
Ray Lee, Henry Street.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 5
JULY 7, 2003

Motion was made by Councilor Bowring and seconded by Councilor Jacobs to postpone this item for re-bid. Postponed 6-0 (Boudreau absent).

9. ORDER #5-03/04 - Award of bid to Imagistics, of Westbrook, Maine, for the purchase of digital copiers for the School Department. Passage requires majority vote.

The following people addressed this item:

Wendy Houlihan, Assistant Superintendant
Ray Lee, Henry Street.
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Jacobs and seconded by Councilor Hughes for passage. Passed 5-1 (Fickett) (Boudreau absent).

10. ORDER #6-03/04 – Amending the 1992 Comprehensive Plan regarding “The Willard Beach System, Research Resource and Management Guide.” Passage requires majority vote.

The following people addressed this item:

Tex Haeuser, Planning Director
Ray Lee, Henry Street

Motion was made by Councilor Jacobs and seconded by Councilor Bowring for passage. Passed 6-0 (Boudreau absent).

11. ORDINANCE #1-03/04 – Amending Chapter 2, “Purchasing”, regarding bidding procedures and surplus equipment. First reading. Passage requires majority vote.

Councilor Bowring asked that this item be read by title only, there were no objections.

The following people addressed this item:

Louis Maietta, Elderberry Drive
Ray Lee, Henry Street
Stanley Cox, Highland Avenue
Virginia Brady, Anchorage Place

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

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 6
JULY 7, 2003

12. ORDINANCE #2-03/04 – Amending Chapter 15, “Motor Vehicles and Traffic”, regarding junked vehicles and sale of used vehicles and boats. First reading. Passage requires majority vote.

The following people addressed this item:

Mary Kahl, Corporation Counsel
Chief Googins, Police Chief
Louis Maietta, Elderberry Drive
John Kierstead, School Street
Lorna Kierstead, School Street
Carol Darling Campbell, Front Street
Stanley Cox, Highland Avenue
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Casimara McIntire, Skillings Street

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

Motion was made by Councilor Jacobs and seconded by Councilor Bowring to amend by removing Section 15-215 B (2). Amendment passed 5-1 (Fickett) (Boudreau absent)

Councilor Fickett left at 10:43 P.M.

Motion was made by Councilor Jacobs and seconded by Councilor Hughes to amend by striking the new language of Section 15-204. Amendment passed 4-1 (Bowring) (Boudreau, Fickett absent).

Motion was made by Councilor Jacobs and seconded by Councilor Hughes to amend Section 15-215 as read by Corporation Counsel. Amendment passed 5-0 (Boudreau, Fickett absent).

Main motion passed as amended 3-2 (Maietta, Bowring), (Boudreau, Fickett absent).

13. ORDER #7-03/04 – Authorizing the City Manager to sign waste hauling agreements. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Jacobs and seconded by Councilor Hughes for passage. Passed 5-0 (Boudreau, Fickett absent).

I. Citizen Discussion (Second Part)

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 7
JULY 7, 2003

Louis Maietta, Elderberry Drive Mr. Maietta questioned the work being done on the sidewalks on Broadway. He was concerned that the Councilors were not being made aware of expenditures that do not go to Council.

J. Councilor's Round Robin

Councilor Jacobs clarified his use of the word heckler at the last Council meeting.

Motion was made by Councilor Maietta and seconded by Councilor Jacobs to adjourn .
Passed 5-0(Boudreau, Fickett absent).

K. Executive Session

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ATTEST 
Karen L. Morrill, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 8
JULY 21, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:02 P.M. Councilor Jacobs arrived at 7:05 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Hughes to accept the minutes of the Special Meeting of 07-07-03 and the Regular Meeting of 07-07-03. Passed 6-0 Jacobs absent).

B. Communications from City Manager

City Manager Jordan discussed the following items:

- Kevin Guimond appointed as Fire Chief.
- New Water Resource Protection Brochure.
- Letter from CASA commending Adam Perron, Tim Gato and Deb Smith of the Recreation Department.
- Fire Department's winning 1st Place in a Vehicle Extrication Competition.
- Special Workshop was planned for 08/04/03 at 5:00 in Council Chambers.

C. Petitions and Communications

The following issues were presented:

- Final FY 2004 Municipal Budget.
- Transmittal of FY 2004 Capital Improvement Program.
- Planning Board report regarding zoning text change – Hill School, Inc.
- Planning Board report regarding a zoning map and text changes – Jetport rezoning.
- Department Reports submitted for the month of June, 2003.

D. Appointment Calendar

1. ORDER #8-03/04 – Library Advisory Board, District 2 (Maietta). To fill a term which expires on 12/31/05. Passage requires majority vote.

Motion was made by Councilor Maietta and seconded by Councilor Boudreau to appoint Jessica G. Thomas to this position.. Passed 7-0.

2. ORDER #9-03/04 – Board of Appeals, District 1 (Jacobs). Term to expire 07/23/06. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 9
JULY 21, 2003

Motion was made by Councilor Jacobs and seconded by Councilor Hughes to re-appoint Thomas Coward to this position. Passed 7-0

E. Consent Calendar

3. Street Closing

William Angell, 28 Jessica Lane is requesting the closing of Jessica Lane on Saturday, July 26, 2003 for a Block party. Passage requires majority vote.

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

F. Citizen Discussion (First Part)

Stan Cox, Highland Ave. Mr. Cox referenced Item #5. He felt there should not be a restriction to 2 vehicles per year for sale on private property. He also referenced item #15 re-zoning, he explained his denial at the Planning Board meeting, he felt the applicant would not accept any restrictions on the storage of fuel and Mr. Cox believed there should be restrictions.

Ray Lee, Henry St. Mr. Lee questioned the expense of paving the new part of the Greenbelt Walkway. He also felt that the pool should have been closed years ago as it is so expensive to maintain, he felt the user fees should reflect the cost.

G. Public Hearings and Action

4. ORDINANCE #1-03/04 – Amending Chapter 2, “Purchasing”, regarding bidding procedures and surplus equipment. Passed first reading on 07/07/03. ROLL CALL VOTE. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Rd. addressed this item.

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

Motion was made by Councilor Maietta and seconded by Councilor Bowring to amend. Amendment passed 7-0

Main motion passed as amended 7-0.

5. ORDINANCE #2-03/04 – Amending Chapter 15, “Motor Vehicles and Traffic”, regarding junked vehicles and sale of used vehicles and boats. Amended and passed first reading on 07/07/03. ROLL CALL VOTE. Passage requires majority vote.

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JULY 21, 2003

The following people addressed this item:

Police Chief, Edward Googins was available for questions.

Ray Lee, Henry Street, Mr. Lee disagreed with this amendment, as he feels people should be able to do what they want on their own property.

John Kierstead, Front St., Mr. Kierstead felt that the ordinance did not address the issue regarding boats that are being parked in front of his residence. He feels that the ordinance needs to address public property.

Carol Darling Campbell, Front Street, Ms. Darling Campbell passed out pictures of boats that are continuously parked on the street while waiting to be repaired by a neighbor doing business in the area.

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

Motion was made by Councilor Boudreau and seconded by Councilor Jacobs to amend. The second was withdrawn and the motion to amend was withdrawn.

Main motion passed 6-1(Fickett).

H. Action on Old and New Business

6. ORDER #10-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #11-03/04 – Award of bid to Anthony Mancini, Inc., of Portland, ME, to provide electrical services for municipal and school department buildings/infrastructures. Passage requires majority vote.

Ed Reidman, City Engineer was available for questions.

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

8. ORDER #12-03/04 – Award of bid to A & D Electric, of Sabattus, ME, for traffic signal maintenance and repair services. Passage requires majority vote.

Ed Reidman, City Engineer, was available for questions.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 11
JULY 21, 2003

Clarence Beckwith, Bonnybriar Rd. addressed this item.

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

9. ORDER #13-03/04 – Award of bid to Systems Technology Groups, of Buffalo, NY, for a Cafeteria Point of Sale System for Kaler and Small Elementary Schools. Passage requires majority vote.

Andrew Wallace, Director of Technology of the School Department was available for questions and passed out a copy of a memo regarding this item.

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

10. ORDER #14-03/04 – Award of bid for computer hardware and software for Kaler Elementary School. Passage requires majority vote.

Andrew Wallace, Director of Technology of the School Department was available for questions.

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

11. ORDER #15-03/04 - Award of bid for computer hardware and software for Small School. Passage requires majority vote.

Andrew Wallace, Director of Technology for the School Department was available for questions.

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

12. ORDER #16-03/04 – Amending the Personnel Policy regarding health insurance contributions. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road questioned if this increase covered the increase in rates.

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

13. ORDINANCE #3-03/04 - Amending Chapter 27, “Zoning,” regarding zoning text changes for Hill School Inc. d/b/a Endeavor Foundation. First reading. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 12
JULY 21, 2003

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

14. ORDINANCE #4-03/04 - Amending Chapter 27, "Zoning," regarding a text change associated with the Jetport re-zoning. First reading. Passage requires majority vote.

Tex Haeuser, Planning Director, was available for questions.
Owen McCullen, Sebago Technics was represented Portland International Jetport.
Mark Goodwin, General Manager of Maine Aviation was available for questions.

Motion was made by Councilor Boudreau and seconded by Councilor Hughes for passage of first reading.

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to amend as read by Corporation. Passed 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to amend. Passed 5-2 (Jacobs, Hughes)

Motion was made by Councilor Hughes and seconded by Councilor Jacobs to amend. Passed 6-1(Bowring)

Main motion passed as amended 7-0

15. ORDINANCE #5-03/04 - Amending Chapter 27, "Zoning," regarding a zoning map change associated with the Jetport re-zoning. First reading. Passage requires majority vote.

There was no public discussion

Motion was made Councilor Bowring and seconded by Councilor Boudreau for passage of first reading. Passed 7-0

16. ORDER #17-03/04 - Authorizing the City Manager to sign a release of deed regarding a terminated easement for the Pleasantdale/Greenbelt Walkway. Passage requires majority vote.

Tex Haeuser, Planning Director, was available for questions

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

17. ORDER #18-03/04 – Authorizing the City Manager to sign a Regional Disaster Aid Agreement for Cumberland County. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 13
JULY 21, 2003

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau announced the meeting of the Cumberland County
Commissioner's caucus on Thursday at 6:30 P.M.

K. Executive Session

Motion was made by Councilor Bowring and seconded by Councilor Maietta to adjourn
at 11:10 P.M. Passed 7-0

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

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 14
AUGUST 4, 2003

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes of the July 21, 2003 regular meeting.

B. Communications from City Manager

Corporation Counsel Mary Kahl presented an overview of the 24th Annual Art in the Park.

City Manager Jordan announced that the permit application for the dredging project for Portland Pipeline is available for viewing at the City Clerk's office.

He then announced the Spring Point Lighthouse Innovation Leadership Award. This was awarded to Theresa Wiper for her work on the Willard Beach Comprehensive Plan. Ms. Wiper was not present to accept the award.

C. Petitions and Communications

Mayor Baxter announced that Kaler and Small Schools are almost ready, and that the addition to Brown Scholl is starting.

D. Appointment Calendar

E. Consent Calendar

1. The residents of Grove Avenue are requesting that Grove Avenue be closed on August 23, 2003 from 9:00 A.M. to 9:00 P.M. for the purpose of a neighborhood party.

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

2. The Rotary Clubs of South Portland / Cape Elizabeth and Portland are requesting that various streets be closed on August 24, 2003 for various times between 7:00 A.M. to Noon to accommodate the 6th Annual Rotary 4 mile Bridge Road Race & Walk to benefit the Maine Cancer Foundation.

Tom Noyes, representing the Maine Cancer Foundation was available for questions.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 15
AUGUST 4, 2003

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

F. Citizen Discussion (First Part)

Valerie Swiger, 77 School Street discussed the issue of yellow ribbons and the fact that they had to come down. She would like the Council to amend the ordinance regarding ribbons on City property.

Roy Woodside, 4 Tamarak Drive, discussed the upcoming ordinance amendment regarding liquor on City property. He was also concerned with speeding and traffic problems on outer Highland Avenue and the impact that Baystock would have on the area.

Donald Ellsmore, School Street passed out pictures of the boats that were complained about at the previous Council meeting. He stated that there had been ongoing issues with his neighbors and felt that was where the complaints had stemmed from.

Clarence Beckwith, Bonnybriar Rd. Mr. Beckwith feels that Council should not amend the ordinance to allow alcohol on City property.

G. Public Hearings and Action

3. ORDINANCE #3-03/04 - Amending Chapter 27, "Zoning," regarding zoning text changes for Hill School Inc. d/b/a Endeavor Foundation. Passed first reading on 07/21/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no Public discussion.

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

4. ORDINANCE #4-03/04 - Amending Chapter 27, "Zoning," regarding a text change associated with the Jetport rezoning. Amended and passed first reading on 07/21/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Jeff Shultes, Portland Jetport Manager was present for questioning.

Motion was made by Councilor Bowring and seconded by Councilor Hughes for passage.

Motion to amend was made by Councilor Boudreau and seconded by Councilor Jacobs to change the gallon amount to 25,000. Motion failed 2-5 (Fickett, Bowring, Maietta, Hughes and Baxter)

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 16
AUGUST 4, 2003

Motion to amend was made by Councilor Bowring and seconded by Councilor Jacobs to change the gallon amount to 50,000 gallons. Amendment passed 7-0

Main motion as amended passed 7-0.

5. ORDINANCE #5-03/04 - Amending Chapter 27, "Zoning," regarding a zoning map change associated with the Jetport rezoning. Passed first reading on 07/21/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no Public discussion.

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

H. Action on Old and New Business

6. ORDER #19-03/04 – Award of bid for fire alarm maintenance and repair services. Passage requires majority vote.

Ryan Wallingford, Public Works was asked a question regarding fire alarms, as he is a member of a Call Company.

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

7. ORDER #20-03/04 – Authorizing the City Manager to sign a Municipal/State Agreement regarding improvements to Broadway. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

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

8. ORDER #21-03/04 – Award of bid for the sale of tax acquired property at 93-95 Stanford Street. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this issue.

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

Motion to amend was made by Councilor Jacobs and seconded by Councilor Baxter to credit \$20,000.00 to the Land Bank account. Amendment and second was withdrawn.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 17
AUGUST 4, 2003

Motion to amend was made by Councilor Jacobs and seconded by Councilor Bowring to credit \$5,000.00 to the Land Bank account. Passed 6-1 (Fickett)

Main motion passed as amended 6-1 (Fickett)

9. ORDER #22-03/04 – Authorizing tax acquired property at 92 Thirlmere Avenue to be put out to public bid. Passage requires majority vote.

There was no Public Discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to withdraw this Order . Withdrawn 7-0.

10. ORDINANCE #6-3/04 - Amending Chapter 18, "Parks and Recreation," regarding consumption of alcohol beverages in recreational areas. First reading. Passage requires majority vote.

The following people addressed this item:

Greg Strzegowski, Wright Express
Brian Smith, Casco Bay Brewing
Clarence Beckwith, Bonnybriar Road
Maureen Woodside Wallingford, N. Richland Street
Sharon Newman, Fort Road
Perry Newman, Fort Road

Motion was made by Councilor Fickett and seconded by Councilor Bowring.

Motion to amend was made by Councilor Bowring and seconded by Councilor Fickett. Passed 7-0.

Main motion passed as amended 4-3 (Baxter, Boudreau, Jacobs).

11. ORDINANCE #7-03/04 – Authorizing the appropriation of \$8,200,000 for pension obligations. First reading. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

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

12. ORDER #23-03/04 – Setting the date of the public hearing on an amendment to the City Charter, Article IV, amending §424 regarding a change in the term to the Civil Service Commission. Passage requires majority vote.

Clarence Beckwith, Bonnybriar Road addressed this item.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 18
AUGUST 4, 2003

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Bowring announced that volunteers and sponsors were still needed for Baystock.

Councilor Boudreau received complaints regarding cigarette remains left at Bug Light Park and asked that citizens please remember to pick up after themselves.

Councilor Jacobs wanted the Public to be sure to attend Art in the Park. He also commended Eric Giddons of South Portland High School, for being the first male from Maine to finish the Beach to Beacon.

Councilor Maietta asked that the issue regarding hiring an Assistant City Manager as opposed to a Human Resource Director be placed on the agenda for the next workshop.

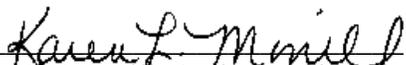
Mayor Baxter also recognized Eric Giddons for his status in the Beach to Beacon and also asked people not to discard cigarettes at Bug Light Park.

K. Executive Session

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

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ATTEST


Karen L. Morrill, Assistant City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 19
AUGUST 18, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Jacobs to accept the minutes from the meeting of August 4, 2003. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items:

- Letter from John Murphy outlining his thanks to Lee Gagnon, from Sewer Maintenance with his help in resolving an issue that he has been trying to get addressed for some time.
- Report from Jeffrey Jordan as Chairman of the Portland Area Comprehensive Transportation Study. The comments highlighted 2003 transportation funding challenges and prospects in Maine.

Mayor Baxter reported that Kaler and Small Schools have been turned over to the School Department.

C. Petitions and Communications

Department reports submitted for the month of July, 2003.

Attendance reports submitted for the month of July, 2003.

D. Appointment Calendar

E. Consent Calendar

1. Business License

A.G. Ice Cream, Inc. is seeking a variance to their FSE/Mobile Ice Cream license. Passage requires majority vote.

There was no public discussion.

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

Mayor Baxter announced that Item #5. would be taken out of order and presented first for the convenience of the South Portland National Little League. Please see item five for details.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 20
AUGUST 18, 2003**

F. Citizen Discussion (First Part)

Councilor Bowring addressed the Council from the podium and announced that he would be requesting a withdrawal of Ordinance #6-03/04 when Item #2 came forward for action. He explained that the group organizing Bay Stock thought they were doing the right thing by bringing this forward. He said they still hope to have a successful event.

Richard Berman, Developer of the property at the Maine Youth Center – Mr. Berman said that Me. State Housing Authority has given notice to proceed with the first 66 units. They have committed \$5,000,000. to the project.

The following people expressed appreciation with the anticipated withdrawal of Ordinance #6-03/04;

Nancy Crowell – 165 Fickett Street
Leland Akerley – Settler Road
Scott Robinson – 241 Cottage Road
Lori Bowring Michaud – 10 Hudson Road
Jack Dawson – 49 Fairlawn Ave.
Clarence Beckwith - 51 Bonnybriar Road
Dick Bernard – 5 E Street
Dorothy Lee – 44 Westbrook Street
Maria Capas – Alfred Street

Greg Strezowski, one of the Bay Stock organizers, said the intent was not to promote alcohol. He also said that Pepsi has stepped forward to sponsor the event.

Jim Crocker, 251 Ocean Street - Mr. Crocker voiced concerns about traffic, parking and turf damage at Wainwright. He said he likes the idea but said it should be held at a private venue.

G. Public Hearings and Action

2. ORDINANCE #6-3/04 - Amending Chapter 18, "Parks and Recreation," regarding consumption of alcohol beverages in recreational areas. Amended and passed first reading on 08/04/03. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;
Bryan Smith, Casco Bay Brewing Co.
Maxine Beecher, 1359 Highland Ave.
April Handy, 121 Dawson Street
John Foley, 73 Wythburn Road

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Madeline Akerly, Dawson Street
Stan Cox, Highland Ave.
Burton Edwards, Pennsylvania Ave.
Woody Leland, 1695 Broadway
Kathleen Alfiero, 41 Pearl Street, Scarborough
Matt Green, Berwick Street
Clarence Beckwith, 51 Bonnybriar Road
Katie Michaud, 10 Hudson Road

The following people submitted memos and letters to be read into the record;

Ralph Cabana, 81 Providence Ave.
Steven & Kathleen Link, 93 Preble Street
Jane Locke, 98 Boothby Ave.
Judy Kimball, 62 Aspen Ave.
Mr. & Mrs. Richard Feeney, 126 Dyke Farm Road Ext.
Joy Smith, 17 Graffam Road
Lori Bowring Michaud, 10 Hudson Road
Lyn Gray, 14 Myrtle Ave.
Judy Marblestone, 525 Main Street

Motion for withdrawal was made by Councilor Bowring and seconded by Councilor Boudreau. Item was withdrawn with a vote of 7-0.

3. **ORDINANCE #7-03/04** – Authorizing the appropriation of \$8,200,000 for pension obligations. Passed first reading on 08/04/03. **ROLL CALL VOTE.** Passage requires majority vote.

Clarence Beckwith, 51 Bonnybriar Road addressed this item.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. The Ordinance passed roll call vote 7-0.

4. **ORDER #24-03/04** – Directing the City Clerk to place the proposed charter amendment on the November 4, 2003 ballot amending the City Charter, Article IV, §424 regarding the Civil Service Commission. Passage requires majority vote.

The following people addressed this item;

Nancy Crowell, 165 Fickett Street
Clarence Beckwith, 51 Bonnybriar Road
Robert Schwartz, Scammon Street
Chief Googins, South Portland Police Department
A letter was read into the record from George Hackett from the Civil Service Commission.

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Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. The Order failed 3-4 (Fickett, Jacobs, Maietta, Bowring)

H. Action on Old and New Business

5. PROCLAMATION #1-03/04 – Recognizing South Portland National Little League Girls Nine and Ten year old All Stars. Passage requires majority vote.

There was no public discussion. The Manager of the team, John Perruzi introduced the members of the team;

Alexis Bagdonovich	Abby Reny	Amanda Lindscott
Shelby Aikenhead	Courtney Peruzzi	Maura Esten
Savana Ruhlin	Rachel Garneau	Minday Henderson
Kaley Swiger	Kaitlyn Norton	

He also recognized the Assistant Coaches, Shawn and Heather Harper.

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

6. ORDER #25-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion to amend the Order to include a \$50.00 donation to the Fire Department from Mr. & Mrs. Daniel Grant was made by Councilor Maietta and seconded by Councilor Jacobs. Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. Motion passed 6-0 (Boudreau out of room)

7. ORDER #26-03/04 – Authorizing the purchase of a fire truck from the FY 2004 Capital Improvement Program. Passage requires majority vote.

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

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

8. RESOLVE #1-03/04 - pursuant to §612 of the City Charter, determining details of issue of \$6,000,000 principal amount of bonds. Passage requires majority vote.

There was no public discussion.

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

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I. Citizen Discussion (Second Part)

Matt Green, Berwick Street – Mr. Green said there were still matters to be decided on regarding the use of Wainwright fields.

J. Councilor's Round Robin

Councilor Boudreau thanked Kay Loring for her hard work that made it possible for a fence to be installed at Bug Light Park. She wants the issue on the use of Wainwright Fields to be brought to a workshop for discussion because she feels there are some things that should be brought forward for public approval. Rules need to be set.

Councilor Jacobs said he has heard from some folks who are not pleased with the design of the new fence at Bug Light Park. They are disappointed it is a chain link fence. He complimented the city employees involved in a recent gas spill from an overturned tanker. Regarding a photograph which depicted Fisherman's Point in a "Real Estate For Sale" ad, Councilor Jacobs wanted to clarify that Fisherman's Point is not for sale. It is the view from the property that is for sale.

Councilor Maietta said he was in the area when the tanker overturned. He said the Fire and Police Department did a great job.

Mayor Baxter wanted to point out that the undeveloped area of Wainwright was left undeveloped for the purpose of having an area to fly a kite or to hold a special event.

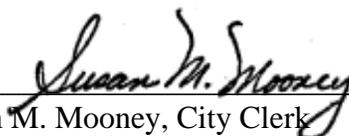
Councilor Bowring thanked the Council for working through the difficult issue regarding the alcohol beverage amendment. He said that he apologizes if he offended anyone, he was only trying to do the right thing for the fund raising event.

Councilor Hughes commented that it is not the mistakes you make that matter, it is how you recover from them.

K. Executive Session

Motion to adjourn was made at 10:07 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Adjournment 7-0

A TRUE COPY

ATTEST 
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 24
SEPTEMBER 3, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the meeting of August 18, 2003. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items:

- Invitation to a Public Hearing at 6:30 Thursday with MDOT to discuss the Exit 3 Traffic Study and plan.
- Letter from the Rotary Club thanking the City for assistance with the Annual Rotary Bridge Race.
- Letter from Rick Sargent, Bus Department, to the residents of Thornton Heights thanking them for their patience with the buses that were rerouted because of construction on Route One.
- Announcement to the Council to advise them of emergency expenditures in the School Department for school buses and mold abatement in the schools.
- Outline of the tax relief proposal adopted by the legislature which will complete against the School Finance and Tax Reform Act of 2003 that was developed by Maine Municipal Association.

C. Petitions and Communications

Mayor Baxter reported from the Master Building Committee. He said that while Small and Kaler Schools have been turned over to the city, there is a twenty page checklist which will be worked through before a sign off with the contractors occurs.

Councilor Jacobs commented on the tour of the U.S. Coast Guard Eagle and said it was an honor.

Councilor Bowring recognized the passing of Portland Councilor Griffin. They served on the RWS Board together. He also requested that the Manager get and provide the Council with a copy of the loam study at Wainwright Field.

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

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Valorie Swiger, 77 School Street – Mrs. Swiger said she had contacted Verizon and CMP to ask if they had issues with yellow ribbons being attached to utility poles. She indicated that they did not mind her placing the ribbons on them. She also said that Serviceman Eugene Anton’s Mother came to the meeting with her.

Geraldine Bissonnette, Bellaire Road – Mrs. Bissonnette said people change their names for political advantages. She took offense to an article in the Sentry that was submitted by a citizen from South Portland that was not a registered voter.

George MacLean, 123 Elm Street – Mr. MacLean wanted better trash receptacles at Bug Light Park and said the signage on Greenbelt Walkway needed to be changed.

Ray Lee, 28 Henry Street - Mr. Lee voiced concerns about policing the Baystock Concert. He also said the high flood line markers should be checked at Brown School.

David Jacobs, 52 High Street – Mr. Jacobs responded to negative remarks made on his behalf. He said he wished he could serve this Country, but is not allowed to because he is gay.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the fence at Bug Light was nice and he hopes that it was donated. He wanted to know who is responsible for unsettled roads due to street openings. The Manager responded that this is an issue that Engineering usually handles but if Mr. Beckwith would provide him with a specific area, he would check into it.

Councilor Bowring responded to Mr. Lee’s concerns about the concert. He said Taylor Made Security would be there as well as South Portland Police. They will be making a donation to cover city expenses. Open containers will not be allowed at the concert.

G. Public Hearings and Action

H. Action on Old and New Business

1. ORDER #27-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Tom Blake, South Portland Fire Department – Officer Blake said that it has been one year since the Firefighters Memorial Park had been dedicated. He invited the Council and the public to a Remembrance Service at the park on September 11th.

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

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2. ORDER #28-03/04 – Retaining tax acquired property located at 0 Westbrook Street. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know if this was a buildable lot. He said it should be sold to lower taxes.

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

3. ORDER #29-03/04 – Accepting two Federal Transit Administration Rural Transit Assistance Program (RTAP) grants in the amount of \$1750.00 and \$9737.00. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #30-03/04 – Accepting a grant from the Bureau of Highway safety for Crash Reporting technology for the Police Department. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said he couldn't see what good this would do for us.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said that the laptops are down quite frequently.

Shawn Pennington, IT Manager said that the weakest link in this system is the modems and the laptops have been very stable.

Motion for passage was made by Councilor Hughes and seconded by Councilor Jacobs. Passed 5-1 (Fickett)

5. ORDER #31-03/04 – Amending Order #13-03/04 regarding the purchase of Cafeteria Point of Sale Systems for the School Department. Passage requires majority vote.

There was no public discussion.

Andrew Wallace, Director of Technology at the School Department was available to answer questions. Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. Passed 5-1 (Fickett)

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SEPTEMBER 3, 2003

6. ORDER #32-03/04 – Award of bid to Radio Communications Management, Inc., of Portland, ME., for crash reporting technology for the Police Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if this was special equipment.

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

I. Citizen Discussion (Second Part)

Rosemarie De Angelis, 30 Buttonwood Street – Ms. De Angelis said she had empathy for the two women who spoke earlier. She said that she had been a great advocate for all students when she was a special ed teacher at the high school. She hopes that, as citizens, we can stick to business rather than personal affronts.

J. Councilor's Round Robin

Councilor Fickett commented on the Federal Reserve saying it has nothing to do with the U.S. Government. He said who ever controls interest, controls the Country.

Councilor Jacobs apologized to home viewers in regard to earlier conflict in the meeting. He wanted to remind people that school is open and to please slow down and pay attention.

Mayor Baxter said that placing items on public property would be addressed at a workshop in the near future.

Councilor Bowring encouraged people to call or send an email if they have concerns about the concert. He said it is turning into a quality, classy event.

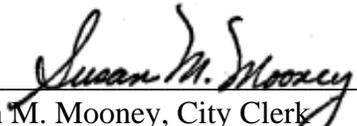
Councilor Hughes just wanted to put out one more reminder for tomorrow nights public hearing with MDOT.

K. Executive Session

Motion to adjourn was made at 9:01 P.M. by Councilor Bowring and seconded by Councilor Jacobs. Adjournment passed 6-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 28
SEPTEMBER 15, 2003

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the meeting of September 3, 2003. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items:

- Letter from Jack Parkin from the Maine State Police stating that an audit pertaining to the METRO/NCIC law enforcement system has proved the South Portland Police Department to be in compliance with Federal and State Regulations.
- A statement from Moody's Investors Service indicating that the City of South Portland received an Aa1 credit rating, which reflects a strong local economy, sound financial operation and favorable debt position.

C. Petitions and Communications

Department reports submitted for the month of August, 2003.
Attendance reports submitted for the month of August, 2003.

D. Appointment Calendar

E. Consent Calendar

1. Street Closing

Dick Marcotte, South Portland Music Boosters, is requesting the closing of Mountainview Road on September 27, 2003 from 5:00 P.M. to 10:00 P.M.

There was no public discussion.

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

F. Citizen Discussion (First Part)

George MacLean, 123 Elm Street – Mr. MacLean addressed concerns about a section of Elm Street that has problems due to a street opening.

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Geraldine Bissonnette, 15 Bellaire Road – Mrs. Bissonnette wanted to clarify that she was not acting as part of a group in regard to a recent article in the paper that reported on yellow ribbons and events at a recent council meeting.

Deann Lewis, 97 Deake Street – Ms. Lewis spoke in support of Items 9 and 10 on the agenda which dedicate money from land sales to the Land Bank Trust.

Ray Lee, 28 Henry Street - Mr. Lee indicated that he was going to file a formal complaint with the FCC. He did not agree with a decision to shut the cameras off at a recent meeting when a participant continued with dialog after being asked to finish up when the five minute limit was exceeded.

Lori Bowring Michaud, 10 Hudson Road – Mrs. Bowring Michaud raised concerns about handicap accessibility at Wainwright Field. She feels there should be some type of transport available to get handicapped individuals to the various fields on the complex. She also voiced disappointment in the cameras being shut off at a recent meeting.

Rommie Brown, 10 E Street – Ms. Brown expressed gratitude for the respect, civility and good manners shown by Councilors. She said personal attacks should never be entered into debate.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith also said he did not think it was right to shut off the cameras. He also voiced concerns about the Tax Reform issue on the State ballot and said he was going to oppose both competing measures. He said carpets should not be installed in the new schools because of mold issues.

Maxine Beecher, 1359 Highland Ave. – Mrs. Beecher said personal attacks have no place in South Portland. She is also concerned about the lack of information for the public on the tax reform proposals. She believes South Portland will be the loser in both proposals and hopes the Council and Manager takes a stand to get the word out.

G. Public Hearings and Action

2. Business License

Pleasant Hill Auto Sales, Inc., d/b/a Pleasant Hill Auto Sales Annex., 300 Main St., application for Used Car lot. New license. Passage requires majority vote.

There was no public discussion.

Councilor Maietta abstained from this item. Motion for passage was made by Councilor Bowring and seconded by Councilor Hughes. Passed 6-0 (Maietta abstained)

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SEPTEMBER 15, 2003**

H. Action on Old and New Business

3. ORDER #33-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #34-03/04 - Authorizing the emergency purchase of a Quint fire truck to replace Engine 5. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if there was only one vendor who could supply this truck.

Ray Lee, 28 Henry Street - Mr. Lee was also concerned about there only being one vendor. He feels we should be looking to borrow a piece of equipment from a surrounding community to get us through until a more thorough replacement process can be conducted.

Lori Bowring Michaud, 10 Hudson Road – Mrs. Bowring Michaud said the least we could do as a community is to support this item. To wait another 9 or 10 months does not help.

Chief Guimond was present and answered questions from the Council.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. The motion passed 6-1 (Fickett). A motion for reconsideration was made by Councilor Bowring and seconded by Councilor Maietta. The reconsideration passed 7-0. A motion for amendment was made by Councilor Maietta and seconded by Councilor Boudreau to keep the trade-in and change the authorized amount for purchase to \$559,125. The amendment passed 6-1 (Fickett). The main motion as amended passed 6-1 (Fickett)

5. ORDER #35-03/04 – Accepting \$856.00 under the asset forfeiture program. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know if the money had to be designated to the Police Department. The Manager responded to Mr. Lee's question and said that

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the money did have to stay in the Police Department and could not supplant the approved budget for the department.

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

6. ORDER #36-03/04 - Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Public Safety Dispatchers IAFF Local #1476. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked for clarification about the dispatchers and whether they were part of a union.

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

7. ORDER #37-03/04 – Implementing the FY 2004 Capital Improvement Program. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith had concerns with equipment in the CIP designated for the Wainwright Complex.

Ray Lee, 28 Henry Street - Mr. Lee questioned whether the items were wants or needs.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 4-2 (Fickett, Bowring) (Maietta was out of the room)

8. ORDER #38-03/04 – Award of bid to Barry Strock Consulting Associates, Inc., of Geneva, NY, for consulting services associated with the purchase of an IP Telephony System. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know how justification could be made for this purchase with the limited growth that has occurred in the city.

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

9. ORDINANCE #8-03/04 – Amending Chapter 2, “Administration and Legislation”, directing 5% of sales price of city-owned property be placed in the Land Bank. First reading. Passage requires majority vote.

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The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith does not agree with a Land Bank because every property purchased by the city would become exempt from taxes.

Ray Lee, 28 Henry Street - Mr. Lee agreed with Mr. Beckwith. He said the money from the sale of property should be used to help the elderly pay their taxes.

Tom Blake, 195 High Street – Mr. Blake supported the ordinance sighting that South Portland was denser than Houston Texas and that the need for open space is critical. He encouraged the Council to save the money and not wait to have to borrow it.

Deann Lewis, 97 Deake Street – As the current President of the Land Trust, Ms. Lewis is also in support of the ordinance. She said that to have money in the Land Bank Account puts the city in a better position when nice properties become available.

Rosemarie De Angelis, 30 Buttonwood Street – Ms. De Angelis reaffirmed the stand from the previous two speakers. She said she supports affordable housing.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. A motion to amend the ordinance was made by Councilor Boudreau and seconded by Councilor Jacobs to change “5% of the sale price” to “5% of the net proceeds (sales price less any past due taxes, interest and costs)”. The amendment passed 6-1 (Fickett). A motion was made by Councilor Bowring and seconded by Councilor Maietta to bring this item back to a workshop. The motion failed 2-5 (Jacobs, Hughes, Boudreau, Fickett, Baxter) The main motion passed as amended 4-3 (Fickett, Bowring, Maietta)

10. ORDINANCE #9-03/04 – Amending Chapter 18, “Parks and Recreation”, directing 5% of sales price of city-owned property be placed in the Land Bank. First reading. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee asked if city owned property belonged to the Council or the people of South Portland. If it belongs to the people then part of the money belongs to him.

Tom Blake, 195 High Street – Mr. Blake said that South Portland is a wise city and that we are saving something for all the citizens of South Portland.

Maxine Beecher, 1359 Highland Ave. – Mrs. Beecher said that years ago she initially had been opposed to the city buying the golf course. She has since changed her mind because every household that is built in the city costs other tax payers money. She

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 33
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noted that Bug Light Park could have been closed off to everyone and consisted of one or two mansions instead.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said we have plenty of open space now and does not feel that we need anymore.

Deann Lewis, 97 Deake Street – Ms. Lewis remarked on the value of the developed property.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Motion to amend the ordinance to add “net” before “proceeds” was made by Councilor Jacobs and seconded by Councilor Boudreau. The amendment passed 6-1 (Fickett). The main motion passed as amended 4-3 (Bowring, Maietta, Fickett)

11. ORDER #39-03/04 - Award of bid for the installation of a sidewalk and storm drain on Darling Avenue. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Valorie Swiger, 77 School Street – Mrs. Swiger said there was not a group working on the yellow ribbon campaign, she has bought, made and hung them herself. She said she respects Councilor Jacobs and his position on the Council. She said if she didn’t put the yellow ribbons up it would go against what she believes in and that the yellow ribbons are a message of thanks for the job the soldiers are doing. She would like to conduct a fund drive to send packages for the holidays.

J. Councilor’s Round Robin

Councilor Jacobs thanked Mrs. Swiger and said he would be pleased to be part of the fund drive. He said he had attended a legislative update hosted by Jensen Baird and Gardner. He is concerned and is looking at ways of assisting people who can’t afford to pay their taxes.

Councilor Maietta said he has received numerous calls about the change in hours at the Transfer Facility. He suggested that the issue be brought back to a workshop.

Mayor Baxter said that the Facility is now closed Friday afternoons and Sundays.

Councilor Bowring attended the dedication of the new flag pole at the Firefighters Memorial Park on September 11th. He recognized the donation from the Thornton

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 34
SEPTEMBER 15, 2003**

Heights Lions Club. He also announced that his email address has changed to Cbowring@maine.rr.com.

Councilor Hughes said he also attended the dedication at the Firefighters Memorial Park and was moved by the ceremony.

Councilor Boudreau said the Jetport Noise Committee would be holding a meeting that was open to the public on the 24th. She said that the committee has tried to reach out to the community but very few people have participated. A final report will be coming shortly. She said there has not been very much discussion regarding the tax relief proposals and that people should know that they can vote no to both proposals. She feels that neither proposal is very good and that citizens should try to learn what they are all about in order to make an informed decision on election day.

Councilor Fickett said there are 371.25 grains of silver in a silver dollar and that England accepted them from 1790 to 1968. The Federal Reserve did away with the silver dollar in 1968 and inflation has been out of control since then.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(e), Legal rights and duties of the City Council, regarding Wainwright Farms.

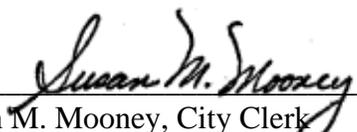
A motion to adjourn to executive session was made at 10:55 by Councilor Hughes and seconded by Councilor Boudreau. The motion failed 2-4 (Jacobs, Baxter, Bowring Fickett) (Maietta abstained). Because the report regarding Wainwright Farms was still pending it was decided that discussion regarding Wainwright Farms did not have to be conducted in executive session. Councilor Hughes made a motion to discuss it now in public session and Councilor Boudreau seconded the motion. Motion passed with a vote of 5-0 (Fickett left and Maietta abstained). The Manager passed out a letter from David Lourie dated September 15th and also a letter from Woodward & Curran, dated September 9th.

There was discussion raised about whether additional testing had been done over and above the scope of work originally approved by the Council. The Manager and the City Attorney will make a written request to obtain a report based on the scope of work agreed on by the Council.

Motion to adjourn was made at 11:20 P.M. by Councilor Bowring and seconded by Councilor Hughes. Adjournment passed 5-0 (Fickett and Boudreau absent).

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 35
OCTOBER 6, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the meeting of September 15, 2003. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items:

- The new Library brochure that will be mailed out with the next tax bill.
- Note from Theresa Wiper highlighting the results of the Willard Beach/Pleasantdale Cove/Spring Point Cleanup.
- Annual Household Hazardous Waste Drop-off scheduled for October 25th.
- Email from Dick Ingalls complimenting the Public Works Department for a job well done regarding the curb replacement at Pine and Front Streets

Councilor Bowring extended his appreciation to all the city staff that assisted with Baystock. He noted that the Community Cancer Center on Main Street would be the recipient of proceeds next year.

Mayor Baxter said that he had attended the opening celebration at the Community Cancer Center and read a proclamation. He also acknowledged the dedication of Small and Kaler Schools.

Councilor Jacobs thanked staff, especially Tony Vigue, for help with the updates to the Council Chambers.

Mayor Baxter asked the City Clerk to read a letter from Priscilla Daniels regarding yellow ribbons so that it could be read into the records, as requested.

C. Petitions and Communications

Planning Board report regarding a zoning map change – One Stop Party Shoppe

Planning Board report regarding a zone change – Summit Associates

D. Appointment Calendar

E. Consent Calendar

Street Closing

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 36
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Maura MacDonald, 1 Woodbury St. is requesting the closing of Woodbury Street on October 18, 2003 (rain date October 19) from 9:00 A.M. to 5:00 P.M. for a Block Party. Passage requires majority vote.
There was no public discussion.

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

F. Citizen Discussion (First Part)

Valorie Swiger, 77 School Street – Ms. Swiger said she could not find any State laws that would prohibit her from attaching yellow ribbons to utility poles. She distributed copies of her research to the Council members.

Geri Bissonnette, Bellaire Road – Mrs. Bissonnette read an email that was circulating about placing purple ribbons to celebrate the return of Christ. She said she thinks it is terrible for the community to not support our troops.

Ray Lee, 28 Henry Street - Mr. Lee wanted to know who authorized the ribbons to be taken down. He said if the yellow ribbons have to come down, so should the banners on the poles in the Mill Creek area.

G. Public Hearings and Action

2. ORDINANCE #8-03/04 – Amending Chapter 2, “Administration and Legislation”, directing 5% of sales price of city-owned property be placed in the Land Bank. Amended and passed first reading on 09/15/03. ROLL CALL VOTE Passage requires majority vote.

The following people spoke in support of this ordinance amendment;

Nancy Crowell, 165 Fickett Street
Deann Lewis, 97 Deake Street
Linda Eastman, 100 Chapel Street
Maxine Beecher, 1359 Highland Ave.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. The item passed 4-3 (Fickett, Bowring, Maietta)

3. ORDINANCE #9-03/04 – Amending Chapter 18, “Parks and Recreation”, directing 5% of sales price of city-owned property be placed in the Land Bank. Amended and passed first reading on 09/15/03. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Motion for amendment was made by Councilor Boudreau and seconded by Councilor Jacobs to amend the order to remove “or personal” in Sec. 18-73 (c) and also “At least” in Sec. 18-76 (4). The amendment passed 6-1 (Fickett). The main motion passed as amended 4-3 (Fickett, Bowring, Maietta)

H. Action on Old and New Business

4. ORDINANCE #10 - 03/04 – Amending Chapter 27, “Zoning,” for a zoning map change from Residential District A to Limited Business District LB for One Stop Party Shoppe. First reading. Passage requires majority vote.

There was no public discussion. Tex Haeuser, City Planning Director gave an overview of the proposed zoning map change.

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

5. ORDINANCE #11-03/04 – Amending Chapter 27, “Zoning,” for a zone change from Residential District A and Residential District G to Conditional Residential District G-4 for Summit Associates. First reading. Passage requires majority vote.

There was no public discussion. George McDonough, the landscape architect with SMRT answered questions.

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

6. ORDER #40-03/04 – Setting the time for opening the polls for the November 4, 2003 General Election. Passage requires majority vote.

There was no public discussion. The City Clerk provided a brief explanation of the three ballots that the public would be filling out on election day and noted that information would be posted on the home page of the web site as it became available.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Bowring again thanked city staff for help with Baystock.

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Councilor Boudreau expressed thanks for all the support and concern she has received regarding her sons recent illness.

Councilor Jacobs extended thanks to Theresa Wiper and all those who assisted with Coastal Clean-up Day. In regard to recent conflict surrounding the upcoming Candidate Forum, he said that he feels that partisan people should not be involved with moderating or question selection. He expressed thanks for the fresh coat of paint in the chambers.

Mayor Baxter challenged anyone, anywhere to prove that he was not in support of the troops. He remarked that he regrets that we were slow to enforce the ordinance regarding the yellow ribbons.

Councilor Maietta said that he had received calls about the absence of port-a-potties at school games.

K. Executive Session

A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of City Clerk; and pursuant to 1 M.R.S.A. §405(6)(e), for discussion with Corporation Counsel of legal rights and duties of the City Council regarding Wainwright Farms; and pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with the South Portland Firefighters IAFF Local #1476.

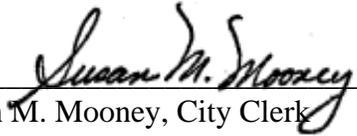
Motion to adjourn to executive session was made at 8:51 P.M. by Councilor Boudreau and seconded by Councilor Bowring. Passed 7-0

Motion to return to regular session was made at 10:20 P.M. by Councilor Bowring and seconded by Councilor Jacobs. Passed 6-0 (Maietta left)

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Hughes.

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 39
OCTOBER 20, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the meeting of October 6, 2003. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Marion Peterson presented Councilors with new Library Cards that would provide accessibility to the library data base on-line. She thanked the Friends of the Library for another very successful annual book sale.
- Letter from Fawn Dunphy, President of the South Portland Cape Elizabeth Chamber of Commerce, in support of the proposed renovation of the I-295 Exit 3 interchange.
- Letter from the Harbor Commission regarding amendments to Rules 17 and 18. The rules create an apprenticeship program for Bar Pilots and Docking Masters.
- Appointment of Kevin Davis to fill the Branch Librarian position.
- 10th Annual Household Hazardous Waste program to be held Saturday from 9:00 A.M. to 1:00 P.M.
- Free Leaf and Yardwaste disposal November 9th to November 23rd.

Councilor Jacobs sent thanks to the South Portland Police Department and staff for a survey, Thornton Heights Methodist Church for their fund raising efforts for the local food pantry, and all participants in the Candidates Forum. He announced several upcoming meetings including the Democratic Meeting, Willard Neighborhood Assoc. He also wanted to send a reminder about the dedication of the Ge Erskine Memorial Park on Saturday at 11:00 A.M.

Councilor Bowring inquired as to whether City Attorney, Mary Kahl, had spoken to Dan Cummings in regard to his interpretation of the City Ordinance as it pertains to yellow ribbons. She had not and will make contact with him tomorrow.

The City Manager also wanted to recognize the recipients of the 2003 Employee Recognition Breakfast.

- Dedication to Public Service – Peter MacVane, Police Department
- Service Above and Beyond - Nathan Hanlan, Parks Department
- Day to Day Excellence – Tom Werley, Public Library
- Manager's Award – Colleen Selberg, Finance Department
- Can Do Award – Sarah Neuts, Parks Department
- Leadership by Example – Jim Jones, Water Resource Protection

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- Valued Idea – Tom Hill, Water Resource Protection and Rick Sargent, Transportation and Waterfront Department

C. Petitions and Communications

Harbor Commission Rules and Regulations

D. Appointment Calendar

1. ORDER #41-03/04 – Ward Clerk, District 5, Pro-Tempore for the November 4, 2003 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Cushing, 29 Rhode Island Ave., was made by Councilor Boudreau and seconded by Councilor Fickett. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Valorie Swiger, 77 School Street – Ms. Swiger said she walked away from the last meeting thinking the majority of the Council did not have a problem with yellow ribbons. She said the Council should have spoken together about it.

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourian requested that there be an allowance for yellow ribbons to be hung from SMCC to the American Legion for the Veteran's Day Parade on November 11th.

George MacLean, 123 Elm Street – Mr. MacLean said that a tree that fell down near his home was rotted out. He requested that someone come and do an assessment.

Ray Lee, 28 Henry Street - Mr. Lee said the City Attorney had no right to send notice to have the ribbons removed from the utility poles. He remarked that Congress said you can not make a law to abridge Freedom of Speech.

William Harris, 247 Mussey Street – Mr. Harris said he would like to set a positive tone to the issue of yellow ribbons. He said we are fortunate to live in South Portland because of the quality of life here.

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G. Public Hearings and Action

2. Business License

Tim's Variety, 586 Westbrook Street, for a Pinball/Video license. Variance required as the business is within 500 feet of a residential zone. Passage requires majority vote.

There was no public discussion.

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

3. ORDINANCE #10-03/04 – Amending Chapter 27, “Zoning,” for a zoning map change from Residential District A to Limited Business District LB for One Stop Party Shoppe. Passed first reading on 10/06/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Tex Haeuser, Planning Director, gave an overview of the ordinance amendment. There was no public discussion.

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

4. ORDINANCE #11-03/04 – Amending Chapter 27, “Zoning,” for a zone change from Residential District A and Residential District G to Conditional Residential District G-4 for Summit Associates. Passed first reading on 10/06/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Tex Haeuser, Planning Director, gave an overview of the ordinance amendment. The following people addressed this item;

Jane Heath, 80 Everett Ave. – Ms. Heath inquired why the builder would have to have a setback on his own property. She would like the Everett and Lowell Street setback to be increased from 175 to 200 foot buffer.

Ray Lee, 28 Henry Street - Mr. Lee said Mr. Lucarelli should be able to put what he wants on his own property. He also said the city should pay for a street light if they feel it is necessary to have one there and that Mr. Lucarelli should not have to pay for it.

Cory Sprague, 110 Summitt Terrace – Mr. Sprague addressed concerns about light pollution and air pollution. He feels concessions should be negotiated.

Jeannie Bourke, 61 Lowell Street – Ms. Bourke said the Planning Board did a great job but also feels the setback on Lowell and Everett should be increased.

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Dean Shepard, Everett Ave. – Mr. Shepard said he shares the same views as the others who have spoken on this issue.

Rosemarie De Angelis, 30 Buttonwood Street – Ms. De Angelis urged the Council to delay the ordinance for further discussion.

Lorraine Fine, 37 Bowers Street – Ms. Fine asked if she could offer her 5 minutes to Jeannie Bourke. The Mayor made an allowance in favor of this request.

Jeannie Bourke, 61 Lowell Street – Ms. Bourke stated that she did not want a large structure overshadowing the neighborhood.

Motion to send this back to the Planning Board was made by Councilor Jacobs and seconded by Councilor Hughes. Councilor Hughes agreed with Councilor Jacobs that issues have been raised that need to be addressed and action should be held until all questions have been answered. Councilor Boudreau wants to revisit the conditional zone issue as it pertains to affordable housing. Councilor Bowring requested that the issues be resolved at this meeting. Councilor Boudreau offered an amendment to the main motion to send this item back to a Council Workshop. Councilor Fickett seconded the amendment. The amendment passed 6-1 with Maietta in opposition. Councilor Bowring supported the amendment because he did not want this item to have to go back to the Planning Board. The main motion passed as amended 5-2 with Maietta and Bowring in opposition. There was a request that information on affordable housing in new construction and clarification on what happened with the paper street be researched for the workshop.

H. Action on Old and New Business

5. ORDER #42-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #43-03/04 – Accepting a Maine Municipal Association Safety Grant in the amount of \$2,000.00. Passage requires majority vote.

There was no public discussion.

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

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7. ORDER #44-03/04 – Award of bid Hall Implement, Co. of Windham, ME, for the purchase of a riding/rotary mower for the Parks Department. Passage requires majority vote.

There was no public discussion.

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

8. ORDINANCE #12-03/04 – Amending Chapter 27, “Zoning” for a text change to the Central & Regional Commercial District CCR, regarding side yard setbacks. Passage requires majority vote.

There was no public discussion. Lee Lowry, the attorney for Hannaford Bros. and Steve Bushy were available to answer questions.

Motion for passage was made by Councilor Hughes and seconded by Councilor Bowring. Motion for amendment to include addition verbiage as submitted was made by Councilor Maietta and seconded by Councilor Bowring. Amendment passed 6-1 (Boudreau). The main motion passed as amended 6-1 (Boudreau)

9. ORDER #45-03/04 – Waiving the bid process and authorizing the donation of a parcel of City-owned property to Habitat for Humanity. Passage of waiver requires six (6) affirmative votes.

Jamie Schwartz of Strathmore Road was available as a volunteer from Habitat for Humanity to answer questions. The following people addressed this item;

William Harris, 247 Mussey Street – Mr. Harris said Habitat for Humanity is a terrific program and he is very much in favor of this order.

Maxine Beecher, 1359 Highland Ave. – Mrs. Beecher said she is glad we are giving one family the opportunity to be able to buy a home in South Portland. She inquired as to whether this will allow other residents to tie into the water and sewer lines that will be piped to this home.

Motion for passage was made by Councilor Bowring and seconded by Councilor Jacobs. Councilor Jacobs offered an amendment to set a sale price at \$2,000.00. There was no second. The main motion passed 6-1 (Fickett)

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

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Councilor Jacobs said he believes in the message of the yellow ribbons. He stated that his involvement was only in the respect that he questioned the legality of them as it pertained to the ordinance. He would have brought an amendment forward if he had been asked.

Councilor Hughes noted that the Council works hard to maintain a civil atmosphere.

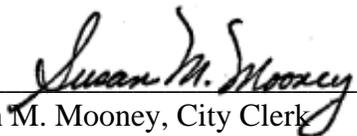
Councilor Boudreau thanked all those involved in Ge Erskine Park and the dedication program. She said the park looks beautiful.

K. Executive Session

Councilor Boudreau offered a motion for adjournment was made at 10:07 P.M.
Councilor Hughes seconded the motion and it passed 7-0.

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 45
NOVEMBER 3, 2003**

Roll Call: Mayor Baxter called the meeting to order at 7:00 P.M. Councilor Hughes arrived at 7:10 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Maietta to accept the minutes from the meeting of October 20, 2003. Passed 6-0. (Councilor Hughes had not arrived yet)

Councilor Jacobs made a motion to amend the minutes of October 20th under the section, "Communications from City Manager", that addressed his involvement with fund raising effort for the food pantry. He wanted to clarify that the food pantry is located at St. Johns church. Amended 6-0 (Councilor Hughes had not arrived yet)

B. Communications from City Manager

The Manager addressed the following items;

- The Manager explained that the Referendum question on the city ballot was actually a refinancing of retirement debt and is not the issuance of new debt.
- Recycling Committee efforts. Public Works Director, Steve Johnson spoke briefly about the successes of the Committee. Michelle Sturgeon, Tom Kane and Commercial Paving were acknowledged for their involvement. The 12 month average is currently at 21.8%.
- Manager's attendance at the Fireman's Fall Social.
- MMA Safety Grant Award – Recognition of award of safety grant applied for by Pam St. John.
- Graph showing an increase of 14% in bus ridership from last year.

The Clerk read an email into the record from Deanna DiPietrantonio, 8 Free St. in support of yellow ribbons.

Mayor Baxter reported on the Master Building Committee saying that studies are beginning on Dyer School and that a punch list of items from Small and Kaler School is being completed. He attended the Ge Erskine Park Dedication and recognized Ralph Kilgore as the chairperson of the project.

Councilor Jacobs also attended the Dedication and remarked about the great job that was done. He also attended the Hazardous Waste dropoff and said the new location was terrific.

Councilor Boudreau reported as a member of the Cumberland County Budget Advisory Committee member stating that a 2.84% increase is projected. The final wrap up

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meeting is scheduled for November 18th at 7:00 P.M. at the Scarborough Town Hall for anyone interested.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #46-03/04 – Conservation Commission, District 1, (Jacobs), to fill an unexpired term which expires 11/20/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Douglas Roncarati, Jr. of 31 Ocean View Ave. was made by Councilor Jacobs and seconded by Councilor Bowring. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Jack Berman, 43 Loveitts Field Road – Mr. Berman noted concern with candidates using the yellow ribbons as a means to gather patriotic votes and also with negative coverage regarding conflicts of interest. He would like to see the City Council request mediation to resolve the Wainwright Fields issue.

Andrea McCall, 580 Ocean Street – Urged the Council not to change the ordinance to allow yellow ribbons. She supports the show of ribbons for the parade but is concerned about setting a precedent for other causes.

Roger Sabourin, 111 Jordan Ave. - As Commanding Officer of the Sea Cadats, Mr. Sabourin threatened to find a location for the program outside of South Portland if the Council does not allow yellow ribbons to be placed on public display.

Valorie Swiger, 77 School Street – Mrs. Swiger continued her stand to place yellow ribbons on utility poles. She will be taking action to bring forward a petition in support of the issue.

Richard Lee, South Portland Firefighter – When the Manager spoke about the Firefighters Fall Social he mentioned that Richard Lee would be going to Ottawa. Mr. Lee wanted to clarify that it is Richard Urban, not Richard Lee that would be going.

Carl Smith, Commander of American Legion Post #35 – Mr. Smith spoke in support of the yellow ribbons stating that they mean as much as the American flag does.

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Cathy Cabana, 81 Providence Ave. – Mrs. Cabana said that while she supports Mrs. Swiger and our troops she feels it is wrong to waive the current ordinance to allow yellow ribbons.

Gerri Bissonnette, 15 Bellaire Road – Mrs. Bissonnette said that since Mrs. Swiger had the permission of the utility companies to hang yellow ribbons, she should be allowed to. She wants a public apology for being cut off at a previous meeting.

David Lowry, Attorney for Theodore Wainwright – Mr. Lowry called on the Council to take a stand on the missing loam at Wainwright Fields stating the loam was a valuable city asset and that it has not been protected.

Ray Lee, 28 Henry Street – Mr. Lee said that a Portland Press Herald poll showed 87% support for yellow ribbons. He said the symbolic ribbons date back to the 1800's and did not just come about from a song from the 70's.

George MacLean, 123 Elm Street – Mr. MacLean continues to be concerned with the condition of a tree near his property. The tree has been assessed by John Switzer in the Parks Department and determined to not be in a highly dangerous condition. The Manager will look back into the situation.

Dick Bernard, 5 E Street – Mr. Bernard is concerned about improving the diversity of the Council. Mr. Bernard has been a resident for two years and compared South Portland to other places he has lived in his life.

Pat Smith, American Legion Auxiliary President – Ms. Smith spoke in support of yellow ribbons saying that they represented hostages in the Civil War. She does not understand why anyone would object to them.

Nancy Crowell, 165 Fickett Street – Ms. Crowell said she does not object to yellow ribbons on private property but cannot support them on public property. She urged the Council to take a stand on the Wainwright Field situation.

Deb Theriault, 21 Spear Ave. – Ms. Theriault thanked the Veteran's in attendance and feels the ordinance should be revised. She said she has respect for the elected officials and that they should not be subject to personal attacks.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said the Ge Erskine Park Dedication was great. He said he supports the bond referendum and urged everyone to get out and vote. He also commented that Agnes Bennett was named as supporter of the De Angelis campaign and was listed as being affiliated with Me. State Housing Authority in error. She should have been listed as a South Portland Housing Authority board member.

Rosemarie De Angelis, 30 Buttonwood Street – Ms. De Angelis named people who have supported her campaign. She said she has been here, attending meetings and

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noted the numerous places that she has gone out to meet people. She also attended the Hazardous Waste drop off.

Justine Morris, VFW – Cannot figure out what the issue is, since permission was granted to hang the ribbons from the utility company.

Dave Stevens, 26 Wilson Street – Mr. Stevens asked for an explanation of an error that occurred when the tax bills were printed. The Manager explained that Direct Mail of Maine did not print the value of the homestead exemption on the bills but the tax amounts were correct.

Sam Flynn, Commander of the VFW Post – Mr. Flynn spoke in support of the yellow ribbons and said he does not understand what the problem is.

G. Public Hearings and Action

2. Business License

Benjamin Building and Wrecking Company, Renewal of Automotive Graveyard/Junkyard license. Passage requires majority vote.

There was no public discussion.

The Manager raised concerns about the condition of the fencing around the property and distributed photographs. Since there was no one present from the company, a motion was made by Councilor Boudreau and seconded by Councilor Bowring to withdraw this item until a representative from the company could be available to answer questions. Withdrawn 6-0 (Councilor Jacobs out of room).

3. ORDINANCE #12-03/04 – Amending Chapter 27, “Zoning” for a text change to the Central & Regional Commercial District CCR, regarding side yard setbacks. Amended and passed first reading on 10/20/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion. Tex Haeuser and Lee Lowry were available to answer questions.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Councilor Boudreau noted that she could not support this ordinance because of concerns she has regarding maintaining the integrity of the shopping plazas as they were approved. Passed 6-1 (Boudreau)

H. Action on Old and New Business

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 49
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4. ORDER #47-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

5. RESOLVE #1-03/04 - Asking that bells be rung at 11:00 a.m. on Veterans Day and authorizing the placement of yellow ribbons along the Veterans Day Parade route. Passage requires majority vote.

The following people addressed this item;

Kevin Glynn, 109 Huntress Ave. – Mr. Glynn said he supports the Resolution as written, noting that this is the first Veteran’s Parade since WWII.

Ray Lee, 28 Henry Street – Mr. Lee said eight days was not a long enough period of time to hang yellow ribbons. He said the utility poles are private property. He feels this issue should be sent to the voters.

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourin agreed with Mr. Lee.

Valorie Swiger, 77 School Street – Questioned how you can put a time limit on support and said she will be requesting a petition for yellow ribbons.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Motion to amend the Resolution to change the length of time that yellow ribbons could be hung to be unlimited was made by Councilor Maietta and seconded by Councilor Bowring. The amendment failed 3-4 (Boudreau, Baxter, Hughes and Jacobs). A second amendment was made to allow the ribbons to be hung from November 8th to December 8th, and to also extend approval of placement on City property rather than limiting ribbons to the Parade route, was made by Councilor Boudreau and seconded by Councilor Jacobs. The amendment passed 7-0. The main motion passed as amended 7-0.

6. ORDER #48-03/04 – authorizing the City Manager to submit a grant application to the State of Maine Recreational Trails Grant Program. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #49-03/04 – Award of bid for the purchase of computer equipment for the School Department. Passage requires majority vote.

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There was no public discussion. Andy Wallace, IT Director for the School Department was available to answer questions.

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

8. ORDER #50-03/04 – Award of bid for the purchase of a street sweeper for the Public Works Department. Passage requires majority vote.

There was no public discussion. Steve Johnson, Public Works director, gave an overview of various types of street sweepers and answered questions from the Council.

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

9. ORDER #51-03/04 – Authorizing the City Manager to sign a contract with Commercial Paving, Blue Rock Construction and Maietta Construction for Public Works maintenance operations. Passage requires majority vote.

There was no public discussion.

Councilor Maietta abstained from this item. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 6-0 (Maietta abstaining)

10. ORDER #52-03/04 – Award of bid for the purchase of a stand by power system for City Hall. Passage requires majority vote.

There was no public discussion. Shawn Pennington, IT Director, was available to answer questions.

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

11. ORDER #53-03/04 – Accepting a 1993 GMC Suburban under the Asset Forfeiture Program. Passage requires majority vote.

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

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

12. ORDER #54-03/04 – Accepting a Homeland Security Overtime Program Grant from the Office of Community Oriented Policing Services. Passage requires majority vote.

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There was no public discussion.

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

13. ORDER #55-03/04 – Authorizing the City Manager to sign a collective bargaining agreement with South Portland Firefighters IAFF Local #1476. Passage requires majority vote.

The following person addressed this item;

Maxine Beecher, 1359 Highland Ave. – Mrs. Beecher urged the Council to support this agreement. She noted the risk of health that firefighters face.

Mike Williams was available to answer questions. Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 7-0.

14. ORDER #56-03/04 – Authorizing the transfer of funds for the rehabilitation of Engine 5. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #57-03/04 – Amending Order #135-00/01 regarding award of bid to T Y LIN for engineering services associated with the reconstruction of Western Avenue. Passage requires majority vote.

There was no public discussion.

The Manager suggested this item be postponed because additional information will be coming forward for further consideration. Motion to withdraw was made by Councilor Bowring and seconded by Councilor Jacobs. Withdrawn 7-0.

I. Citizen Discussion (Second Part)

Maxine Beecher, 1359 Highland Ave. – Mrs. Beecher thanked SPCTV, Kevin Glynn, Larry Bliss, League of Women Voters, and all the people in the community that have supported her. She reminded everyone that Councilors are elected city wide and that you do not have to reside in the district to vote for a Councilor. She supports the referendum question and encouraged everyone to get out and vote.

J. Councilor's Round Robin

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 52
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Councilor Maietta took offense to an article in the Forecaster. He said that Robert Schwartz does not work for Maietta Construction and he considers all members of the Council a friend. He said they write what they assume to be true.

Councilor Bowring also took offense to the article in the Forecaster. He said he appreciated support from the people who elected him to put him back for another three years.

Mayor Baxter wanted to thank the Press and all city employees below the department head level. He recognized how hard they work and how much he has appreciated their efforts. He encouraged people to get out and vote.

Councilor Hughes wished all the candidates good luck. He said the work and time involved as a Councilor is eye opening and that Councilors put a lot of themselves on the line.

Councilor Boudreau acknowledged the quality of employees working for the City of South Portland. She said her job as Councilor is easier because of the quality of staff.

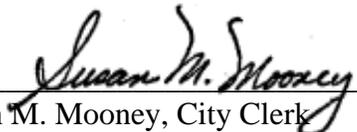
Councilor Fickett said he has seen a lot of people come and go since he started on the Council in 1981.

Councilor Jacobs said the outcome of the election is unpredictable. He said the goal is to make South Portland the best place to live. He said people should respect one another and that it is never appropriate to abuse someone just because they do not agree. He also encouraged people to get out and vote.

K. Executive Session

Councilor Boudreau offered a motion for adjournment was made at 11:14 P.M.
Councilor Hughes seconded the motion and it passed 7-0.

A TRUE COPY

ATTEST 
Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 53
NOVEMBER 17, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:02 P.M. Councilor Hughes arrived at 7:06 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Bowring to accept the minutes from the meeting of November 3, 2003. Passed 6-0. (Councilor Hughes had not arrived yet)

B. Communications from City Manager

The Manager addressed the following items;

- Memo from Colleen Selberg outlining the costs savings from switching cell phone use to a single vendor. The estimated savings over the course of one year is \$2,600.00
- The Manager distributed a resource guide developed by the South Portland Inter-agency Coalition for Youth
- Copy of a memo that will be mailed out from Susan Szwed's office to delinquent personal property account owners.
- Memo from David Lourie requesting that the Council wait until December to conduct a hearing regarding the topsoil volume evaluation at Wainwright Farms Recreation Complex.
- Thanks to all the individuals who assisted in the annual Triad raking for Seniors. Special recognition was giving to Ed Knudsen, Bob Libby and Mary Perry for all their efforts in coordinating the event.
- Gifts were distributed to Council members in recognition of all the hours they put in over the year. The stipend for Councilors is minimal and the gift is a thank you for all their time and effort.
- The Manager acknowledged Councilor Bowring's six years of service and Mayor Baxter's nine years of service on the Council. He read a letter from Mayor Baxter's son.

C. Petitions and Communications

Department Reports for the month of October, 2003.

Attendance Reports for the month of October, 2003.

D. Appointment Calendar

1. ORDER #55-03/04 – Housing Authority, Tenants appointment, to fill a term which expires 10/10/08. Passage requires majority vote.

There was no public discussion.

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Motion to re-appoint Agnes Bennett, 46 Landry Circle, to the position was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

2. ORDER #56-03/04 – Conservation Commission, District 3, (Baxter), for a term which expires 11/20/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone this appointment was made by Mayor Baxter and seconded by Councilor Bowring. Postponed 7-0.

3. ORDER #57-03/04 – Conservation Commission, District 4, (Bowring), for a term which expires 11/20/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone this appointment was made by Councilor Bowring and seconded by Councilor Boudreau. Postponed 7-0.

4. ORDER #58-03/04 – Conservation Commission, District 5, (Hughes), to fill an unexpired term which expires 11/20/04. Passage requires majority vote.

There was no public discussion.

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

The Mayor invited any Councilor to speak about upcoming meetings or events.

Councilor Bowring stated that he participated in the first Veteran's Day Parade in 60 years. He commented that Roger Sabourin did an outstanding job organizing the event. He thanked the Manager for his kind words and also thanked all the people who have supported him over the last six years. He said, as Council members it is natural to debate and he apologized if he has ever offended anyone.

Councilor Jacobs said that there is a Willard Beach Neighborhood Meeting at the Betsy Ross House, Thursday at 7:00 P.M.

Councilor Boudreau announced that there would be a Cumberland County budget meeting tomorrow night at Scarborough Town Hall at 7:00 P.M. She said there is also going to be a facilitated County government discussion at the Holiday Inn West on November 24th and for anyone interested in attending to please respond to Barbara Buckley by November 19th.

Mayor Baxter said that he had recently called Roger Sabourin to thank him for his efforts in putting the Veteran's Day Parade together. He invited Mr. Sabourin up to the

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podium, where Mr. Sabourin presented the City with a proclamation from the State of Maine recognizing the First Annual Veteran's Day Parade.

E. Consent Calendar

5. Business License

Benjamin Building & Wrecking Company, 41 Jackson Street, for renewal of Automobile Graveyard/Automobile Recycling Business and/or Automobile Junkyard. Postponed on 11/03/03. Passage requires majority vote.

There was no public discussion.

The City Clerk requested that this item be postponed due to the fact the Public Hearing was not publishing in the local paper. Motion to postpone this item was made by Councilor Jacobs and seconded by Councilor Bowring. Postponed 7-0.

F. Citizen Discussion (First Part)

Glenn Ekholm, 89 Simmons Road – Mr. Ekholm came to thank Mayor Baxter for his nine years of service.

The following people spoke in support of Item #9, the CDBG grant for the former Maine Youth Center;

Delores Broberg, 38 Bellevue Ave.
Jean McGinnis, 194 Pleasant Street
Donna Yellen, 77 Willow Street
Marsha Berman, 43 Loveitts Field Road
Merle Broberg, 38 Bellevue Ave.

The following people spoke in support of yellow ribbons on utility poles;

Pricilla Daniels, 126A Margaret Street
Ray Lee, 28 Henry Street
Valorie Swiger, 77 School Street
Rita Caron, 10 Soule Street
Maureen Gavett, 54 Smith Street
Clarence Beckwith, 51 Bonnybriar Road
Roger Sabourin, 111 Jordan Ave.
Gerri Bissonnette, 15 Bellaire Road
Commander Carl Smith, American Legion Post 35

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The following people spoke against allowing yellow ribbons on public property;

Marsha Berman, 43 Loveitts Field Road
Jean Heath, 80 Everett Ave.
Andrea McCall, 580 Ocean Street
Rommie Brown, 10 E Street
John Zappia, 38 A Street
Kathy Bernard, 5 E Street
Diane Orberbeck, 1058 Highland Ave.
Nancy Crowell, 165 Fickett Street
Dick Bernard, 5 E Street
Rosemarie De Angelis, 30 Buttonwood Street

Stan Cox, Highland Ave. – Mr. Cox remarked that it was probably a good thing that Jessica Lynch was not from South Portland.

Jack Berman, 43 Lovietts Field Road – Mr. Berman encouraged the Council to forget their fixed position and look at what the community is interested in regarding the yellow ribbons.

G. Public Hearings and Action

6. ORDINANCE #11-03/04 - Amending Chapter 27, "Zoning," for a zone change from Residential District A and Residential District G to Conditional Residential District G-4 for Summit Associates. Passed first reading on 10/06/03. Sent back to workshop on 10/20/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following people addressed this item;

Stan Cox, 876 Highland Ave.
Jean Heath, 80 Everett Ave.
Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, 28 Henry Street
Valorie Swiger, 77 School Street
Lorraine Fine, 37 Bowers Street
Eugene Shephard, 79 Everett Ave.
Rosemarie De Angelis, 30 Buttonwood Street
Jeanine Bourke, 61 Lowell Street

City Planner Tex Haeuser was present and answered questions from the Council. Motion for passage was made by Councilor Bowring and seconded by Councilor Fickett. An amendment was made by Councilor Jacobs and seconded by Councilor Boudreau to delete paragraph 8 out of Section 27-431 Conditions. The amendment passed 6-1 (Hughes)

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A second amendment was made by Councilor Jacobs and seconded by Councilor Boudreau to add a new paragraph 8 in Section 27-431 Conditions to be, "Roof top facilities or structures shall be limited to facilities or structures normally associated with residential uses." The second amendment passed 7-0.

A third amendment was made by Councilor Jacobs and seconded by Councilor Hughes to change Section 27-431 Conditions, paragraph 4 to extend all the referenced setbacks be set at 135 feet. The amendment failed 2-5 (Boudreau, Fickett, Baxter, Bowring, Maietta)

The main motion passed as amended 5-2 (Jacobs, Hughes)

Councilor Bowring requested that Item #12 be taken out of order. The request failed with a vote of 3-4 (Hughes, Boudreau, Jacobs and Baxter)

H. Action on Old and New Business

7. ORDER #59-03/04 - Award of bid for the replacement of the generator at Pearl Street Wastewater Pump Station. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, 28 Henry Street

Senior City Engineer, Dave Pineo, was available to answer questions. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 7-0

8. ORDER #60-03/04 – Award of bid for the removal of the underground fuel tank at Alice Sawyer School. Passage requires majority vote.

There was no public discussion.

Senior City Engineer, Dave Pineo, requested that this item be withdrawn because they are evaluating more cost effective options to replace the tank. Motion to withdraw was made by Councilor Bowring and seconded by Councilor Boudreau. Withdrawn 7-0.

9. ORDER #61-03/04 - Authorizing the City Manager to submit a Community Development Block Grant (CDBG) public infrastructure grant application for the former Maine Youth Center redevelopment project. Passage requires majority vote.

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The following people addressed this item;

Richard Berman, developer of the Maine Youth Center project now known as Brick Hill.

Susan Raye, 71 D Street

Kathy Bernard, 5 E Street

State Representative Kevin Glynn, 109 Huntress Ave.

State Senator Lynn Bromley, 102 Mitchell Road

Ray Lee, 28 Henry Street

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

10. ORDER #62-03/04 – Authorizing the City Manager to sign an agreement with GLM Associates regarding a setback violation. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #13-03/04 – Amending Chapter 27, “Zoning,” regarding car washes associated with gas stations. First reading. Passage requires majority vote.

There was no public discussion.

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

12. ORDINANCE #14-03/04 – Amending Chapter 17, “Offenses – Miscellaneous Provisions”, regarding the placement of signs, advertisements and other matter on utility poles and other public property. First reading. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street

Maxine Beecher, 1359 Highland Ave.

Colonel Carl Smith, Commander of the American Legion Post 35

Pat Smith, American Legion Auxiliary President

Dick Bernard, 5 E Street

Roger Sabourin, 111 Jordan Ave.

Rommie Brown, 10 E Street

Rosemarie De Angelis, 30 Buttonwood Street

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Nancy Crowell, 165 Fickett Street
Valorie Swiger, 77 School Street
Diane Orberbeck, 1058 Highland Ave.

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. A motion to amend the ordinance as follows;

“No person shall attach, place, paint, write, stamp, paste or otherwise affix any sign, advertisement or other matter upon any electric light pole, tree or fire hydrant, or on any bridge, pavement, sidewalk or crosswalk, public building or any property or thing belonging to the city or located in the public streets or other public places; except that this prohibition shall not apply to utility poles in the public right of way, provided that this shall not be construed to prevent any public official from so doing for any public purpose. After two years the City Council shall hold a public meeting and otherwise obtain comments from business representatives, residents and other stakeholders. The Council then may make such amendments or revisions to the ordinance that they deem appropriate.”

was made by Councilor Bowring and seconded by Councilor Boudreau. The amendment passed 4-3 (Jacobs, Hughes, Baxter).

Councilor Bowring made a motion to amend this item to hold a special meeting before the workshop on November 24th to bring the ordinance to final passage. Councilor Maietta seconded the motion. The amendment failed 3-4 (Baxter, Boudreau, Hughes, Jacobs)

The main motion passed as amended 4-3 (Jacobs, Hughes, Baxter).

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Boudreau thanked Councilor Bowring and Mayor Baxter and said she appreciates the service they have given to the city.

Councilor Hughes echoed Councilor Boudreau’s comments and said he was amazed that they were able to make the commitment for that many years.

Councilor Jacobs said they should be commended for the amount of time volunteered. He also acknowledged the citizens who take the time to come down and participate.

Councilor Maietta said he feels the same as the others who have commented.

Mayor Baxter thanked the Department Heads for all their help over the years. He also thanked Corporation Counsel, the Manager, the City Clerk and all of the citizens of

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NOVEMBER 17, 2003**

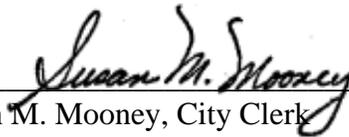
South Portland. He said he hopes the Mayors pictures will be hung back up in the Council Chambers.

K. Executive Session

Motion to adjourn was made at 12:25 A.M. by Councilor Bowring and seconded by Councilor Maietta. Adjournment passed 7-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 65 PAGE 61
COUNCIL INAUGURATION
DECEMBER 1, 2003

Mayor Baxter introduced John Rimkunas, the Director of the South Portland High School Vocal Ensemble. Members; Karen Harris, Nicole Kuehner, Shana Kieran, Abby Levis, David Arnold, Seth Jacobson, Briggon Snow, Henry Keiter, sang the National Anthem. The Mayor then invited Reverend Birger Johnson to offer the invocation. The meeting was called to order at 4:10 P.M. All members were present.

Mayor Baxter led the Pledge of Allegiance

City Clerk Mooney administered the Oath of office to Councilors-elect Beecher and De Angelis.

City Clerk Mooney declared Councilors Beecher and De Angelis duly qualified Councilors.

Councilor Hughes nominated Councilor Boudreau for Mayor for year 2003/2004. Councilor Maietta seconded the motion.

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

After taking the roll call vote, City Clerk Mooney announced Councilor Boudreau as Mayor for 2003/2004 by unanimous vote.

Mayor Boudreau presented Outgoing Mayor Baxter with an official gavel, portrait and plaque and Councilor Bowring with a plaque recognizing his years of service to the City.

Mayor Boudreau then presented the Inaugural Address.

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

City Clerk Mooney read RESOLUTION #2-03/04 establishing time and place of meetings. Councilor Jacobs moved for passage. Councilor Fickett seconded the motion. Mayor Boudreau took the vote and declared the Resolution duly passed.

Councilor Jacobs recognized Mark Loring, the owner of the Salt Water Grille, for hosting a reception following the Inauguration.

Motion to adjourn was made by Councilor De Angelis and seconded by Councilor Beecher. Mayor Boudreau announced the Inauguration adjourned at 4:38 P.M. and the Council would be meeting back in the Chambers at 7:00 P.M. for the December 1st Council Meeting.

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DECEMBER 1, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor De Angelis and seconded by Councilor Maietta to accept the minutes from the meeting of November 17, 2003. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items

- Letter from CMP and a copy of a Municipal Decorative Pole Attachment Agreement
- A copy of the Mayor's Inaugural Address
- Gift from William Dale to Mayor Boudreau. The gift was a red colored recycling bin.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #56-03/04 – Conservation Commission, District 3, (De Angelis), for a term which expires 11/20/06. Postponed on 11/17/03. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #57-03/04 – Conservation Commission, District 4, (Beecher), for a term which expires 11/20/06. Postponed on 11/17/03. Passage requires majority vote.

There was no public discussion.

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

3. ORDER #58-03/04 – Conservation Commission, District 5, (Hughes), to fill an unexpired term which expires 11/20/04. Postponed on 11/17/03. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 63
DECEMBER 1, 2003**

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

4. ORDER #63-03/04 – Library Advisory Board, At-Large (Fickett), for an unexpired term which expires on 12/31/05. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

5. Business License

Benjamin Building & Wrecking Company, 41 Jackson Street, for renewal of Automobile Graveyard/Automobile Recycling Business and/or Automobile Junkyard. Withdrawn on 11/03/03. Postponed on 11/17/03. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor De Angelis. Motion to amend the license to expire June 1, 2004 as a condition to ensure that the fence is repaired by that date was made by Councilor Jacobs and seconded by Councilor Beecher. The amendment passed 7-0. Motion to accept Counselor Kahl's Fact Finding Statement was made by Councilor De Angelis and seconded by Councilor Fickett. Passed 7-0 The main motion passed as amended 7-0.

6. Street Closing

Request from Michael Drinan, President of the Waterfront Market Association to close Hinckley Drive from Cottage Road to Ocean St. on December 5, 2003 from 5:00 P.M. to 9:00 P.M for Holiday-fest. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Janice Doctor, 199 High Street – Responding to negative comments regarding the hiring process to fill the pending vacancy of the Superintendent of Schools, Ms. Doctor stated that she supported the hiring of Wendy Houlihan. When the School Board

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DECEMBER 1, 2003**

initially hired Ms. Houlihan as Deputy Superintendent, the search was focused on selecting an individual that would fill Mr. MacDonald's seat when he retired.

George MacLean, 123 Elm Street – Mr. MacLean inquired as to why the rotted tree was not taken down by his home yet. The Manager said he would check into it.

Christopher Bowring, 151 Elderberry Drive – Mr. Bowring asked that the City Manager follow up on two items for him; John Pappi's refusal to sign a hauling agreement and an alleged change of an ordinance in Portland that is resulting in vehicles being towed to Rigby Yard in South Portland.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith handed out a copy of an editorial from the newspaper regarding spending and wages in Maine. He congratulated the two new Councilor's on their election and said he hopes they keep spending in line.

Valorie Swiger, 77 School Street – Ms. Swiger reflected back on the Vietnam era and commented on the lack of support through that time. She said we must stand out with public displays of support. She read a rendition of "Twas The Night Before Christmas".

Ray Lee, 28 Henry Street - Mr. Lee said he had to recently decide whether to pay his taxes or his life insurance. He said he hopes the new Council will do something about raising taxes.

Andrea McCall, 580 Ocean Street – Ms. McCall congratulated new Council members and urged the Council to not change the existing ordinance that would allow the posting of materials on utility poles.

G. Public Hearings and Action

7. ORDINANCE #13-03/04 – Amending Chapter 27, "Zoning," regarding car washes associated with gas stations. Passed first reading on 11/17/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

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

8. ORDINANCE #14-03/04 – Amending Chapter 17, "Offenses – Miscellaneous Provisions", regarding the placement of signs, advertisements and other matter on utility poles and other public property. Amended and passed first reading on 11/17/03. ROLL CALL VOTE. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 65
DECEMBER 1, 2003**

The following people spoke in support of this ordinance amendment;

Ray Lee, 28 Henry Street
Christopher Bowring, 151 Elderberry Drive
Valorie Swiger, 77 School Street
Roger Sabourin, 111 Jordan Ave.
Priscilla Daniels
Clarence Beckwith, 51 Bonnybriar Road

The following people spoke in support of keeping the ordinance as it is;

Rommy Brown, 10 E Street
Diane Orberbeck, 1058 Highland Ave.
Dick Bernard, 5 E Street
Susan Raye, 71 D Street
John Howard, 94 Loveitts Field Road
Laurie Bowring – Michaud, 10 Hudson Road
John Zappe, 38 A Street
Robert Rosenthal, 30 Spurwink Ave.

John Carroll, Manager of Communications and Community Relations also addressed the City Council and stated that CMP's decision to allow patriotic displays after the tragedy of 9-11 was intended to be a one-time, short lived exception to their policy of only allowing special Municipal Decorative Pole Attachments with a signed agreement.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. With the new information passed along from CMP in regard to the liabilities incurred by the municipality by attempting to allow some displays to put up prompted reconsideration or the ordinance change and the motion failed 1-6 (Jacobs, De Angelis, Beecher, Hughes, Fickett, Boudreau)

H. Action on Old and New Business

9. ORDER #64-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

10. PROCLAMATION #2-03/04 – Proclaiming December 2003 as Neighborhood Spirit Month. Passage requires majority vote.

The following people addressed this item;

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Nancy Crowell, 165 Fickett Street – Ms. Crowell recognized the importance of neighborhoods and encouraged people to attend neighborhood association meetings.

Stan Cox, 460 Highland Ave. – Mr. Cox did not feel this proclamation was relevant to city business and that if the Council passes this, it should consider other proclamations recognizing people and events going on in the community.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith agreed with Mr. Cox. He feels this will lead to more control by certain folks in the city.

Andreas Peterson, 134 Fort Road – Mr. Peterson inquired about what the guidelines were that determined whether a proclamation was deserved. The Manager said that there were no guidelines in place.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Motion to amend the proclamation to read “Be it proclaimed by the City Council of South Portland” rather than “Be it proclaimed by the City of South Portland” was made by Councilor Hughes and seconded by Mayor Boudreau. The amendment failed 3-4 (Boudreau, Fickett, Jacobs, Beecher). The main motion passed 6-1 (Fickett).

11. ORDER #65-03/04 – Award of bid for the purchase of an ambulance for the Fire Department. Passage requires majority vote.

There was no public discussion.

Fire Chief Kevin Guimond was present and answered questions. Motion for passage was made by Councilor Jacobs and seconded by Councilor Maietta. Passed 7-0.

12. ORDER #66-03/04 – Award of bid for the purchase of six (6) trucks; two for the Fire Department; three for Public Works and one for the Parks Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked what we were doing with the Chief’s car and why are we leasing. The Chief said the 1996 Crown Victoria will be traded in and the Manager explained that the lease would allow financing over two budget years.

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

13. ORDER #67-03/04 – Accepting \$1,290 in cash under the Asset Forfeiture Program. Passage requires majority vote.

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DECEMBER 1, 2003**

There was no public discussion.

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

14. RESOLVE #2-03/04 - pursuant to §612 of the City Charter, determining details of issue of \$8,200,000 principal amount of bonds authorized by bond ordinance finally passed and enacted August 18, 2003. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked what the typical rates were running on bond issuances. Dan Fisher, the City’s Financial Advisor said the range was anywhere from 3% to 7 ½ %. Mr. Fisher said these were not tax exempt bonds.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Motion to amend the resolve to remove “and Chairman of the City Council” in several passages in the resolve was made by Councilor Jacobs and seconded by Councilor Boudreau. The amendment passed 7-0 and the main motion passed as amended 7-0.

15. ORDER #68-03/04 –Authorizing the transfer of \$497,790 budget savings from the Maine State Retirement Account to a Pension Obligation Bond Reserve Account. Passage requires majority vote.

The following people addressed this item;

Andreas Peterson, 134 Fort Road – Mr. Peterson asked if the city had the \$497,790 currently.

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

I. Citizen Discussion (Second Part)

Stan Cox, 460 Highland Ave. – Mr. Cox said he realizes the proclamation for neighborhoods doesn’t really mean anything. He said he feels that Councilor Jacobs singled out a small few and we should be treating everyone the same. He also felt that one person representing a neighborhood association should not have a significant voice in a matter unless they have a petition signed by the whole neighborhood to present a message to the Council.

J. Councilor’s Round Robin

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Councilor Jacobs welcomed the two new Council members and noted that this was his first anniversary on the Council. He thanked residents for their support and encouraged people to get to know their neighbors over the holidays. He acknowledged Birger Johnson's Invocation and also the new Mayor, Linda Boudreau.

Councilor De Angelis thanked citizens for electing her. She also thanked her friends, her brother, Michael, Mark Loring, owner of the Salt Water Grille, Mayor Baxter and fellow Councilors and said she appreciates their support. She was surprised at the response to the neighborhood proclamation. She promoted strong neighborhoods during her campaign.

Councilor Beecher recognized Mayor Boudreau and said she did a great job tonight. She said we do good things in our community and we need to toot our own horn more. She also acknowledged Mark Loring's generosity.

Councilor Hughes welcomed the new Councilors and Mayor Boudreau. He noted that it was a long first year in his seat and he will continue to strive to fulfill the duties and responsibilities of the Council to make sure great services continue in an economical way. He hopes that when resolutions are brought forward in the next year that the question is asked if it will be improving services.

Mayor Boudreau thanked everyone who made this day special. She also thanked Mark Loring for a great reception and recognized Councilor Jacob's initiative for looking to CMP for the information that was brought forward tonight from Mr. Carroll. She said the workshop on December 8th will focus on team building skills for the Council.

K. Executive Session

A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(e), for discussion with Corporation Counsel of legal rights and duties of the City Council regarding Wainwright Farms.

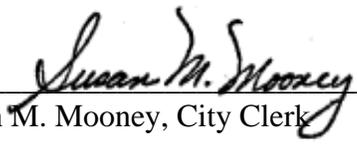
Discussion was held in regard to members of the Council who may have a conflict of interest in the matter of Wainwright Farms. As a member of the Maietta family, Councilor Maietta felt that he should abstain from all discussions and decisions pertaining to Wainwright Farms. Councilor Boudreau also felt that she was in a position of conflict because her husband is employed by Maietta Construction. Councilor Beecher acknowledged a \$200.00 campaign contribution from Mr. Wainwright but also stated that her husband occasionally works for Maietta Construction. She stated that she felt that she could be impartial about the whole matter and did not feel it was necessary for her to abstain from participating in discussions and decisions on the matter. Councilor Fickett left during this discussion at about 11:25. The issue of Councilor Fickett's friendship with Mr. Wainwright was questioned, however, Councilor Fickett had already left so a determination of whether he should abstain could not be made. The Council decided to not adjourn to executive session.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 69
DECEMBER 1, 2003**

Motion to adjourn was made at 11:55 by Councilor Beecher and seconded by Councilor De Angelis. Adjourned 6-0 (Fickett gone)

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 70
DECEMBER 15, 2003**

Roll Call: Mayor Boudreau called the meeting to order at 7:01 P.M. Councilor Maietta was absent.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Jacobs to accept the minutes from the meeting of December 1, 2003. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Details of the Christmas Tree Collection Program
- Memo from Dick Ingalls requesting relief from his position on the Portland Harbor Commission

C. Petitions and Communications

Department Reports for the month of November, 2003.

Attendance Reports for the month of November, 2003.

D. Appointment Calendar

1. ORDER #56-03/04 – Conservation Commission, District 3, (De Angelis), to fill a term which expires 11/20/06. Postponed since 11/17/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint James Boyle, 1309 Broadway, was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

2. ORDER #57-03/04 – Conservation Commission, District 4, (Beecher), for a term which expires 11/20/06. Postponed since 11/17/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jeffrey Tarling, 24 McKinley Street, was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

3. ORDER #58-03/04 – Conservation Commission, District 5, (Hughes), to fill an unexpired term which expires 11/20/04. Postponed since 11/17/03. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 71
DECEMBER 15, 2003**

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

4. ORDER #63-03/04 – Library Advisory Board, At-Large (Fickett), for an unexpired term which expires on 12/31/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Andrew Wallace, 36 Ardsley Street, was made by Councilor Fickett and seconded by Councilor Jacobs. Passed 6-0

5. ORDER #69-03/04 – Library Advisory Board, District 5, (Hughes), to fill a term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

Motion to re-appoint Linda Johnson, 27 Rhode Island Ave., was made by Councilor Hughes and seconded by Councilor De Angelis.

E. Consent Calendar

F. Citizen Discussion (First Part)

George MacLean, 123 Elm Street – Mr. MacLean thanked the city for the removal of the tree near his property.

Katie Hughes, Member of S.P.C.A.S.A. – Ms. Hughes gave the Council an update of the Sticker Shock Program which reminds adults to not buy alcohol for underage children. She acknowledged the stores that allowed S.P.C.A.S.A. to put stickers on their products.

Andrea McCall, 580 Ocean Street – Mrs. McCall came to express her support and appreciation to the Council for their willingness to serve the City. She also acknowledged the great staff in the Schools, at the Recreation Center, the Manager and all the City employees.

Ray Lee, 28 Henry Street - Mr. Lee felt that the City should not display Christmas lights if yellow ribbons are not allowed. He also voiced dissatisfaction with the condition of the roads after the storm last evening.

G. Public Hearings and Actions

H. Action on Old and New Business

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 72
DECEMBER 15, 2003**

6. ORDER #70-03/04 – Award of bid for the purchase of transportation routing software for the School Department. Passage requires majority vote.

There was no public discussion. Andrew Wallace, School Department IT Director, was present to answer questions.

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

7. ORDER #71-03/04 – Award of bid for paving the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Motion to amend the order to accept a donation of 1,000 yards of Class D gravel from Maietta Construction was made by Councilor Hughes and seconded by Councilor De Angelis. The amendment passed 6-0. The main motion passed as amended 5-1 (Fickett).

8. ORDINANCE #15-03/04 - Amending Chapter 2, “Administration and Legislation,” to establish the Community Development Advisory Committee. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 5-1 (Fickett)

9. ORDER #72-03/04 - Accepting a U.S. Fish and Wildlife Service Boating Infrastructure Supplemental Grant for the Thomas Knight Park Boat Landing. Passage requires majority vote.

The following person addressed this item;

Sarah Kirn, 58 D Street, member of the Boat Landing Advisory Committee – Ms. Kirn provided some background on the design process and spoke in support of the project.

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

10. ORDER #73-03/04 – Authorizing the Finance Director to accept prepayment of FY 2005 property taxes. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 73
DECEMBER 15, 2003**

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Motion to amend the order to add, "The amount of said taxes accepted in pre-payment being the same amount as taxed in 2003/2004", was made by Mayor Boudreau and seconded by Councilor Beecher. The amendment passed 6-0. The main motion passed as amended 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Boudreau thanked Dick Ingalls for his 11 years of service on the Portland Harbor Commission. She encouraged folks to stop by and see the Holiday Tree made from recycled materials. Members of the Recycling Committee put one up in the Community Center, City Hall and the Library.

Councilor Jacobs thank Cheryl Beeman for her gift of fudge to the Councilors. He noted the flyer prepared by the Recycling Committee on recycling wrapping paper is available from the city web site or can also be picked up a various locations around the city. He asked residents to help shovel out fire hydrants and storm drains close to their homes. He also talked about workshops on team building and brain storming and said he was looking forward to the next year.

Councilor De Angelis thanked Roger Sabourin for taking down the yellow ribbons and talked about the recent Neighborhood Conference. She said there was a great turnout and the Manager did an excellent job on his presentation. She thanked Tex Haeuser, Planning Director, for his patience and commitment working with zoning issues. She also thanked Andrea McCall for her comments and said that she would be moving forward with an initiative to create a Veteran's Advisory Committee.

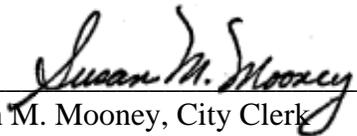
Councilor Beecher commended Katie Hughes on her presentation to the Council on the Sticker Shock Program. She wished everyone happy holidays.

K. Executive Session

Motion to adjourn was made at 8:34 P.M. by Councilor De Angelis and seconded by Councilor Jacobs. Adjournment passed 6-0.

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 74
JANUARY 5, 2004**

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

A. Acceptance of Minutes

Motion was made by Councilor Jacobs and seconded by Councilor De Angelis to accept the minutes from the meeting of December 15, 2003. Passed 6-0.

B. Communications from City Manager

Jane Eberle, Volunteer Coordinator for the South Portland School System, addressed the Council and gave an update of the volunteer program and the Best Foundation. The collaboration between government, business and education is working very well, with over 1,000 volunteers in the schools and over 60 area business and local government offices inviting students to job shadow in their organization.

The Manager addressed the following items;

- Details of the Greenbelt Paving Contract
- Notice of a \$229.28 Homeland Security Grant for expenses incurred by South Portland during periods of heightened Homeland Security Alerts.
- Email from a citizen complimenting the Public Works Department.
- Conflict of interest letter from the Manager to the Council advising them of his wife's employment with Norman Hanson & Detroy.
- 2003 Year in Review – rundown of accomplishments in the City
- 2003 Recognition and Awards from the School, City and local community members
- Announcement that the West End Fire Station is now open

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #58-03/04 – Conservation Commission, District 5, (Hughes), to fill an unexpired term which expires 11/20/04. Postponed since 11/17/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint Birger Johnson, 27 Rhode Island Avenue, was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-0.

2. ORDER #74-03/04 – Library Advisory Board, District 1, (Jacobs), to fill a term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 75
JANUARY 5, 2004**

Motion to re-appoint William Laidley, 2 Taylor Street, was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Ray Lee, 28 Henry Street – Mr. Lee wanted to know why there was no response to the issue that he raised at the last Council meeting regarding Christmas lights on City property. He also commented that the Manager’s goals for 2004 did not include a no tax increase.

G. Public Hearings and Actions

3. ORDINANCE #15-03/04 - Amending Chapter 2, “Administration and Legislation,” to establish the Community Development Advisory Committee. Passed first reading on 12/15/03. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee said he was confused about the purpose of this committee and questioned if this was just another thing to take rights away. The Manager explained that the committee was required as a condition of acceptance of CDBG funds and that the committee would be advising the City Officials how to best utilize the funds.

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

H. Action on Old and New Business

4. ORDER #75-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #76-03/04 – Approving 2004 rates for Spring Point Marina. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 76
JANUARY 5, 2004

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

6. ORDER #77-03/04 – Amending Order #135-00/01 regarding award of bid to T Y LIN for engineering services associated with the reconstruction of Western Avenue. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee questioned why this was allowed to go over the original approved order. The Manager said that the ordinance authorizing him to issue a change order up to 10% of the approved order.

Ed Reidman, City Engineer, was available to answer questions. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-1 (Fickett).

7. ORDER #78 -03/04 – Amending the *Traffic Schedule* regarding through trucks on Woodbury Street. Passage requires majority vote.

The following person addressed this item;

Maura McDonald, 1 Woodbury Street – Ms. McDonald supported the proposed amendment.

Lieutenant Mark Clark was available to answer questions. Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0.

8. ORDER #79 -03/04 – Awarding a bid for the purchase of a sidewalk tractor for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said the Council should not approve any spending until they get an idea of what the budget for the next year is going to come in at.

Steve Johnson, Public Works Director, was available to answer questions. Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 4-2 (Fickett, Beecher).

9. ORDER #80 -03/04 – Authorizing an appropriation for the purchase of a street sweeper and catch basin cleaner from the FY 2004 Capital Improvement Plan. Passage requires majority vote.

This item was withdrawn at the request of the Manager.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 77
JANUARY 5, 2004

10. ORDER #81 -03/04 – Authorizing the transfer of \$32,000 from the Executive Department Budget to the Human Resources Budget for the purpose of hiring an HR Director. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 4-2 (Fickett, Maietta)

11. ORDER #82 - 03/04: Authorizing the City Manager to sign a mutual aid agreement with Cape Elizabeth for Fire Department response.

There was no public discussion.

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

12. ORDER #83 -03/04: Authorizing the City Manager to sign agreements accepting impact fees for improvements to the intersection of Highland Avenue and Evans Street.

There was no public discussion.

Tex Haeuser was available to answer questions. Motion for passage was made by Councilor Maietta and seconded by Councilor Jacobs. After some discussion, there was support to postpone this item to gather more information at the next workshop. Motion to postpone was made by Councilor Maietta and seconded by Councilor De Angelis. Postponed 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Fickett read through an article that he pulled from his school works.

Councilor Jacobs responded to a letter in the paper regarding those who have to work over the holidays. He thanked all those who serve us locally.

Councilor De Angelis acknowledged the help of Deputy Superintendent, Wendy Houlihan for her assistance with advising her on the Master Building Committee. She also commented on the Christmas lights and thanked the employees who make it happen.

K. Executive Session

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 78
JANUARY 5, 2004

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

A motion to adjourn to executive session was made at 9:22 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0

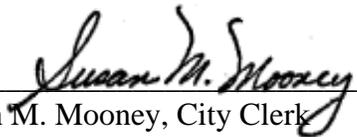
Motion to return to regular session was made at 9:48 by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0

A motion to pass Hardship Abatement #1-03/04 was made by Councilor De Angelis and seconded by Councilor Fickett. The abatement passed 6-0.

Motion to adjourn to a workshop was made at 9:49 by Councilor Maietta and seconded by Councilor Fickett. Adjournment passed 6-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 79
JANUARY 21, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. Councilor Maietta was absent due to illness.

A. Acceptance of Minutes

Motion was made by Councilor Jacobs and seconded by Councilor Beecher to accept the minutes from the meeting of January 5, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Announcement of the CDBG Citizen Input Forum scheduled for January 24th at the Eagle's Club on Broadway. This is an opportunity for citizens to share their vision of the Community Development Block Grant Fund program.
- Press Release from the Portland / South Portland Public Library outlining a plan to share a new position to staff an outreach program to citizens in both communities.

The City Clerk announced that caucuses have been scheduled. The Republican Caucus will be held at SMCC on February 28th at 12:30 P.M. and the Democratic Caucus will be at the Memorial Middle School on February 8th from 2:00 to 4:00 P.M. The Clerk also said that legislative redistricting was nearing completion and that maps would be posted on the web sight. The Clerk's Office is conducting a purge of the voter registration file and she encouraged residents to contact the office with forwarding addresses if postcards came in for family members no longer living at home.

C. Petitions and Communications

Department Reports for the month of December, 2003.

Attendance Reports for the month of December, 2003.

D. Appointment Calendar

1. ORDER #84-03/04 – Community Development Advisory Committee, District 1, (Jacobs). To fill a term which expires 01/15/06. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #85-03/04 - Community Development Advisory Committee, District 2, (Maietta). To fill a term which expires 01/15/06. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 80
JANUARY 21, 2004**

There was no public discussion.

Motion to appoint Cheryl Beeman, 4 Edwards Street, was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 6-0.

3. ORDER #86-03/04 - Community Development Advisory Committee, District 3, (De Angelis). To fill a term which expires 01/15/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Linda Eastman, 100 Chapel Street, was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-0.

4. ORDER #87-03/04 - Community Development Advisory Committee, District 4, (Beecher). To fill a term which expires 01/15/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Doug Smith, 171 Elderberry Drive, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

5. ORDER #88-03/04 - Community Development Advisory Committee, District 5, (Hughes). To fill a term which expires 01/15/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 6-0.

6. ORDER #89-03/04 - Community Development Advisory Committee, At Large, (Boudreau). To fill a term which expires 01/15/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Judy Hills, 10 Victoria Court, was made by Mayor Boudreau and seconded by Councilor Jacobs. Passed 6-0.

7. ORDER #90-03/04 - Community Development Advisory Committee, At Large, (Fickett). To fill a term which expires 01/15/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Kathleen Bernard, 5 E Street, was made by Councilor Fickett and seconded by Councilor De Angelis. Passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 81
JANUARY 21, 2004**

D. Consent Calendar

8. Business License

Cousins, Inc., d/b/a Thatchers, 35 Foden Road, is requesting a Special Amusement License without dancing. New City license. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

The Mayor summarized an email from Andie-lynn Swiger that voiced support for yellow ribbons hung in support of the troops serving overseas.

G. Public Hearings and Actions

H. Action on Old and New Business

9. ORDER #91-03/04 – Accepting \$400,000 from the Department of Community Development as part of the CDBG grant application the City submitted on behalf of Long Creek Redevelopment LLC. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith requested that Mr. Berman show the areas where the money will be spent.

Mr. Berman, the Developer of Brickhill Development, showed a map of the project and pointed out where the first group of town houses will be built.

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

10. ORDER #92-03/04 – Award of bid for consulting services to prepare a Housing Plan for the City. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 82
JANUARY 21, 2004**

Richard Berman, Developer of the Brickhill Subdivision – Mr. Berman said he read through the proposal from EPR and thought it was a good proposal. He indicated that he had to have a market study for his first 66 units completed by March and would be willing to share the information if it helped.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith said it sounds like the Council is doing the right thing on this item but is bothered by the number of incidents where the City has not been accepting the low bid price.

The Manager passed out two letters to be entered into the record on this item. The first was a letter from Betsy Sawyer-Manter, Director of Housing Development for PROP confirming a contribution of \$3,000 toward the housing study and the second from Elaine Neelon, Executive Director, PHM, highly recommending EPR.

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

11. ORDER #93-03/04 – Authorizing Skelton, Taintor & Abbott, of Auburn, ME, to act as Legal Counsel to the Board of Appeals. Passage requires majority vote.

There was no public discussion on this item.

Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Motion to amend the order to change “South Portland Board of Appeals for **two** administrative appeals” to “South Portland Board of Appeals for **an** administrative appeals” was made by Councilor Jacobs and seconded by Councilor De Angelis. The amendment passed 6-0. The main motion passed as amended 6-0.

12. ORDINANCE #16-03/04 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally.” First reading. Passage requires majority vote.

There was no public discussion on this item. Due to the length of the ordinance, the item was read by title only.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Corporation Counsel, Mary Kahl, advised passing this item as first reading but postponing final passage to the February 18th meeting to allow the Rules Relating to Lodging Establishments and the State of Maine Food Code 2001 to officially be on file in the Clerk’s Office for 30 days before passage of the Ordinance takes effect. An amendment to include limousines in the definition of taxicabs was made by Mayor Boudreau and seconded by Councilor De Angelis. The amendment passed 6-0. First reading passed as amended 6-0.

13. ORDINANCE #17-03/04 – Amending Chapter 17, “Offenses – Miscellaneous Provisions”, regarding construction hours in residential districts. First reading. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 83
JANUARY 21, 2004

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith raised concerns about the lack of a provision for an emergency situation, sighting an incident of rain after cement had been poured when the Betsy Ross House was being built.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Councilor Beecher proposed an amendment to change the time in which construction could start in the morning hours from 7:00 a.m. to 8:00 a.m. Councilor Jacobs seconded the amendment. The amendment failed 1-5 (De Angelis, Hughes, Fickett, Beecher, Boudreau)

Councilor Jacobs proposed a second amendment, "If an emergency situation arises during the course of a project, the contractor/owner may continue working beyond the time limits set if the following conditions are met:

- The police and fire departments will be notified of the time overage;
- The contractor/owner will be liable for time overage in the form of a per hour fine for each hour beyond the set time limits.
- The contractor/owner may not take advantage of this emergency provision more than twice during the course of their project."

Councilor Hughes seconded the amendment, however, after further discussion Councilor Jacobs withdrew the amendment. The ordinance passed first reading and was postponed to the February 18th Council Meeting for final passage with the understanding that this item will come back for further consideration after contractors could be consulted. Passed 6-0.

14. ORDINANCE #18-03/04 – Amending Chapter 27, "Zoning", regarding accessory dwelling units. First reading. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith verbalized support for this ordinance saying it was badly needed.

Tex Haeuser, the Planning Director, presented the background on this item. Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. An amendment to strike out, "For purposes of this requirement, an owner-occupant who is staying in a rehabilitation facility, nursing home, assisted living facility or similar establishment, temporarily or for an extended period of time, will be deemed to remain an occupant of the dwelling." in Sec. 27-452 (f), was made by Mayor Boudreau and seconded by Councilor Beecher. The amendment passed 6-0. The ordinance passed as amended 6-0.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 84
JANUARY 21, 2004**

15. ORDER #94-03/04 – Authorizing the donation of \$50,000 from the Tax Increment Financing Public Improvement fund for the Center of Environmental Enterprise. Passage requires majority vote.

This item was withdrawn.

16. ORDER #95-03/04 - Authorizing the cost of repaving 5-year moratorium streets following emergency sanitary sewer line repairs to be paid from the Sewer User Fund. Passage requires majority vote.

The following person addressed this item;

Mark Reuscher, 490 Preble Street – Mr. Reuscher thanked the Council for considering this item.

Ed Reidman, the City Engineer, was present to answer questions. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

17. ORDER #96-03/04 - Amending Order #34-03/04 regarding the purchase of a Quint Truck for the Fire Department. Passage requires majority vote.

There was no public discussion on this item.

Chief Guimond was present to answer questions. He pointed out an error in the figures on the order.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. An amendment to fix the figures on the order was made by Councilor De Angelis and seconded by Councilor Jacobs. The amendment passed 6-0. The main motion passed as amended 6-0.

I. Citizen Discussion (Second Part)

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith said he listened to the Governor's speech. He was bothered by the Governor's statements that he is trying to hold the line on taxes but also wants to buy more land. Mr. Beckwith said that the more land the State buys, less tax money will be generated. Mr. Beckwith hopes the tax cap question gets on the ballot in the fall.

J. Councilor's Round Robin

Councilor Hughes thanked Mr. Beckwith for raising the issue on a lack of an emergency provision for time limits for construction projects. He also thanked Councilor Jacobs for his involvement with changes to Chapter 14, Business Licenses.

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 85
JANUARY 21, 2004**

Mayor Boudreau encouraged attendance at the CDBG forum on the 24th.

Councilor Jacobs recognized the recycling committee and the Public Works Department for the great job on the rubbish and recycling newsletter and also encouraged involvement with the CDBG forum.

Councilor De Angelis commented on what a great facility the public library is and said she is very pleased to see efforts to share staff and programs with the Portland Public Library. She also recognized the CDBG forum and the rubbish and recycling newsletter. She attended the Hose 2 dinner at Willard Square and said it was a great experience. She thanked the Planning Department for their support and efforts with the CDBG project, the movement on ADU's and support on the Brickhill project with Richard Berman.

Councilor Beecher thanked Willard Hose Company for the dinner. She also recognized the Planning Department.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with South Portland Dispatchers IAFF Local #1476.

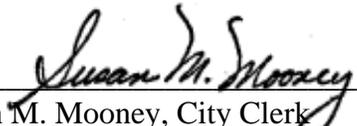
Motion to adjourn to executive session was made at 9:41 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Adjournment passed 6-0.

Motion to return to regular session was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0

Motion to adjourn was made by Councilor De Angelis and seconded by Mayor Boudreau at 10:50 P.M. Adjournment passed 6-0.

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 86
FEBRUARY 2, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of January 21, 2004. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items

- Letter from Deborah Johnson, Dept. of Economic and Community Development notifying the City that job creation requirements of the Community Development Block Grant Program have been met and this determination releases the City of its job creation contractual obligations of the 1998 Economic Development Infrastructure Program.
- Jane Eberle introduced the "Create a Mascot Poster Contest" for the recycling committee.
- Skillin Playground Project will be holding a spaghetti supper on February 6th.
- Announcement of a workshop at the end of the meeting concerning the Regional Waste System strategic plan.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #84-03/04 – Community Development Advisory Committee, District 1, (Jacobs). To fill a term which expires 01/15/06. Postponed on 01/21/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Elizabeth Morin, 557 Preble Street, was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

2. ORDER #88-03/04 - Community Development Advisory Committee, District 5, (Hughes). To fill a term which expires 01/15/06. Postponed on 01/21/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Richard R. Swan, 116 Westbrook Street, was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

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E. Consent Calendar

Motion to accept a request by Councilor Maietta to abstain from this item due to the fact that it pertains to a family member was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0 (Maietta abstaining)

3. Business License

The Thomas Room, 729 Broadway, for a FSE/Class A Restaurant with Liquor (part-time) License and Special Amusement with Dancing permit. New City and State License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0 (Maietta abstaining)

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Regarding the workshop on the Wainwright loam issue, Mr. Beckwith said the Council should hold a public hearing to let people know what is going on.

Ray Lee, 28 Henry Street – Mr. Lee was recently in Florida, where the community he was visiting awarded a “Great Person Award” to all the serviceman fighting for this Country. He indicated that he watched the workshop on the loam issue and he feels that there should be an investigation. He also felt that Councilor Fickett should not have been made to abstain from that issue.

Casamira McIntire, 72 Skillings Street – Ms. McIntire said she is interested to see what is going to happen with the Wainwright issue.

G. Public Hearings and Actions

4. ORDINANCE #18-03/04 – Amending Chapter 27, “Zoning”, regarding accessory dwelling units. Amended and passed first reading on 01/21/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

A motion to read this ordinance by title only was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0.

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The following people addressed this item;

Stanley Cox, 460 Highland Ave. – Mr. Cox supports this ordinance but would like to see the requirement of two parking spaces cut back to one. He also felt the reference to doors and windows in Section 27-452 (G) should be deleted.

Ray Lee, 28 Henry Street - Mr. Lee said restrictions on parking should be eliminated and a second door should be allowed. He asked for clarification on whether there can be a side entrance. Tex Haeuser clarified that the intention was not to have an entire front lawn taken up for parking. The intent is to try and preserve a single home appearance. He indicated that there is nothing in the ordinance prohibiting a side entrance.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he is glad to see this come forward. He is concerned about a two space parking requirement and feels that one should be adequate.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. An amendment was brought forward by Councilor De Angelis to change the parking requirement to be, if one bedroom – one parking space, if two bedrooms – two parking spaces. Councilor Jacobs seconded the motion. The amendment failed after further discussion by 2-5 (Jacobs, Maietta, Boudreau, Fickett, Hughes).

A second amendment was made by Mayor Boudreau and seconded by Councilor Jacobs to change 27-452 (C) to;

(c) Where the creation of an accessory dwelling An accessory dwelling unit changes the footprint of the structure in which the ADU is located, the addition to the structure must conform to the setback and lot coverage requirements for the zoning district in which it is located. Where not specified, the maximum building coverage is twenty-five percent (25%). The creation of an ADU within a lawfully nonconforming structure is permitted providing it does not increase the nonconformity of the structure and providing it meets all other relevant requirements of this Chapter."

The amendment passed 7-0. The main motion passed as amended 7-0.

H. Action on Old and New Business

5. ORDER #83-03/04 - Authorizing the City Manager to sign agreements accepting impact fees for improvements to the intersection of Highland Avenue and Evans Street. Postponed on 01/05/04. Passage requires majority vote.

The following people addressed this item;

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Vincent Maietta, 199 Elderberry Drive – Mr. Maietta questioned whether residents in the outer Highland Ave. area received notice of this item. He feels this is a disservice to residents.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta asked if he built an accessory dwelling unit in his home, would he have to pay a per trip impact fee. Tex Haeuser said it would not. Mr. Maietta said he did not feel that the City Manager should be able to sign agreements without them being brought to Council first. He does not support impact fees.

Ray Lee, 28 Henry Street - Mr. Lee also felt that impact fees are wrong and that it is unfair to charge fees for new development and not older developments.

Motion for passage was made by Councilor Hughes and seconded by Mayor Boudreau. Passed 5-2 (Fickett, Maietta)

6. ORDER #97-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #98-03/04 – Award of bid for brush and leaf waste grinding services for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee questioned whether any consideration had been made to buying a grinder. Steve Johnson, Public Works Director, said that a tub grinder would be in the vicinity of \$75,000 to \$80,000 and a horizontal grinder would be around \$180,000 to \$200,000. He commented that the maintenance costs of these machines were high.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith asked if we grind leaves. Steve Johnson said that they do because it causes the leaves to compost quicker.

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

8. ORDER #99-03/04 – Award of bid for the purchase of eight (8) cruisers for the Police Department. Passage requires majority vote.

The following people addressed this item;

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Ray Lee, 28 Henry Street - Mr. Lee asked if we took low bidder and wanted to know who we purchased them from. Chief Googins said that low bid was accepted and awarded to Rowe Ford.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith asked why so many in one year, why not buy four every year and purchase out of the budget. Chief Googins said that replacement vehicles are purchased every two years and that by purchasing eight every two years instead of four per year, the City gets a much better deal.

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

9. ORDER #100-03/04 – Amending the *Traffic Schedule* regarding a three-way stop at Preble and Woodbury Streets. Passage requires majority vote.

The following people addressed this item;

Maura McDonald, 1 Woodbury Street – Ms. McDonald said she was grateful for the quick action when the City passed a “no through trucks” ban and she said she supports the placement of this stop sign.

Richard Rottkov, 14 Woodbury Street – Mr. Rottkov said he hopes the Council supports this and also hopes the consider other recommendations for this area.

Ray Lee, 28 Henry Street - Mr. Lee said he did not feel three way stop signs were effective.

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

10. ORDER #101-03/04 – Establishing a PACTS “Metropolitan Planning Area” and “Study Area”. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #102-03/04 – Authorizing Barton & Gingold for consulting services to assist the City Council in its Strategic Planning Process. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said people should not run for Council if they do not know how to create a strategic plan without a facilitator.

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

12. ORDER #103-03/04 – Authorizing the donation of \$50,000 from the Tax Increment Financing Public Improvement fund for the Center of Environmental Enterprise. Passage requires majority vote.

The following person addressed this item;

James Ortiz, President of Southern Maine Community College – Mr. Ortiz said he fully supports this order and recognized the Center of Environmental Enterprise’s value to promote entrepreneurship in this area.

John Fernald, President of the Center of Environmental Enterprise and Bill Goldsmith were also present to answer questions. Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 6-1 (Fickett)

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor De Angelis said that she had a very positive meeting with the Veteran’s group. They seem very interested in working together.

A motion to adjourn to workshop for a review of the background and history of Regional Waste Systems was made by Councilor Jacobs. Councilor De Angelis seconded the motion.

A motion was made to return to the regular meeting at 10:59 P.M. by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6) (e), consultation with Corporation Counsel regarding pending litigation, Frustaci v. City of South Portland and City of South Portland v. Fill-It-Up-Please.

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

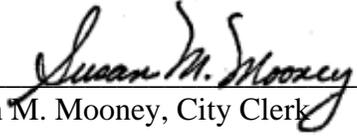
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Motion to return from executive session was made at 11:18 P.M. by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0

Motion to adjourn was made at 11:19 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 65 PAGE 93
FEBRUARY 18, 2004**

Roll Call: Mayor Boudreau called the meeting to order at 7:03 P.M. Councilors Maietta and Fickett were absent.

A. Acceptance of Minutes

Motion was made by Councilor Jacobs and seconded by Councilor Beecher to accept the minutes from the meeting of February 2, 2004. Passed 5-0.

B. Communications from City Manager

The Manager addressed the following items

- Letter to the Portland Press Herald from CDR Mark O'Malley, U.S. Coast Guard, thanking them for highlighting the importance of securing our ports and waterways.
- South Portland Public Library French Conversational Group meetings
- Employees with perfect attendance in the Police Department;
 - Deputy Chief Amy Berry Officer Patricia Maynard
 - Sgt. George Berry Evidence Technician Mark Carlton
 - Lt. Mark Clark Det. Erik Larsen
 - Sgt. Chris Cook Det. Steve Webster
- John Melrose from the Maine Service Centers Coalition - letter regarding mitigating losses caused by exempting personal property taxation.

C. Petitions and Communications

Department Reports for the month of January, 2004.

Attendance Reports for the month of January, 2004.

D. Appointment Calendar

1. ORDER #104-03/04 – Housing Authority, Tenant's appointment. Term to expire 10/10/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Laurie Carr, Hill Street, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

E. Consent Calendar

F. Citizen Discussion (First Part)

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Stanley Cox, Highland Ave. – Mr. Cox presented a fee schedule that he felt was more equitable than the blasting permit fees presented in Item #8.

Ray Lee, 28 Henry Street - Mr. Lee remarked that the U.S. flag should be standing higher than the State of Maine flag. He raised the issue of city signage on utility poles and questioned the equality of this issue.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he attended the dedication of the new fire station and remarked that he was glad that the city did not go overboard on the design. He remarked that 1,100 in South Portland signed the Palesky petition supporting a state wide tax cap.

Kathy Stratton, 4 Chambers Ave. – Mrs. Stratton said neighbors were not notified that The Pet Shop was going to be coming into the neighborhood. She said parking is an issue in this area.

G. Public Hearings and Actions

2. ORDINANCE #16-03/04 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally.” Amended and passed first reading on 01/21/04. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee questioned why there had to be both a state and local license fee for food service establishments. He stated that the state inspection was much more vigorous than the city inspection.

Motion passage was made by Councilor Jacobs and seconded by Councilor De Angelis. This item passed on a roll call vote 5-0

3. ORDINANCE #17-03/04 – Amending Chapter 17, “Offenses – Miscellaneous Provisions”, regarding construction hours in residential districts. Passed first reading on 01/21/04. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith again raised the issue making allowances for contractors faced with an unforeseen emergency.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Councilor De Angelis said she recollected that the issue that Mr. Beckwith raised was going to be addressed at some point at a future workshop when contractors could be invited to share in the discussion. The ordinance passed in a roll call vote 5-0.

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FEBRUARY 18, 2004**

H. Action on Old and New Business

4. ORDER #105-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #106-03/04 – Award of bid for the Sokokis storm drain replacement project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Craig Worth from the Engineering Department was present and answered question from the Council. Passed 5-0.

6. ORDER #107-03/04 –Setting March 1, 2004 as the public hearing date to establish a Brick Hill Affordable Housing Tax Increment Financing District. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith asked if he could be provided with a copy of background information provided by the City Manager.

Motion to set March 1st as the public hearing date was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-0.

7. ORDER #108-03/04 – Amending the “Traffic Schedule” regarding no parking on Chambers Avenue. Passage requires majority vote.

The following person addressed this item;

Kathy Stratton, 4 Chambers Ave. – Mrs. Chambers indicated that Mark Duval, owner of the property where The Pet Shop is located, has been very accommodating regarding the parking concerns.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Officer Mark Clark provided the Council with a map of the area and explained why parking has become a problem in the area. The motion passed 5-0.

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8. ORDINANCE #19-03/04 – Amending Chapter 14, “Licenses, Permits and Business Licenses Generally,” regarding blasting permit fees. First reading. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith suggested that Mr. Cox’s amendments to the blasting fees schedule be considered.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed first reading and postponed to the March 15th meeting to allow the Boca National Fire Protection Code to be on file in the Clerk’s Office for 30 days before final passage, 5-0.

9. ORDINANCE #20-03/04 – Amending Chapter 26, “Weapons and Explosives” regarding blasting. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed first reading and postponed to the March 15th meeting 5-0.

10. ORDER #109-03/04 – Authorizing Attorney Susan Szwed to bring suit against Fill-It-Up-Please, Inc., to collect past due personal property taxes. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Kathy Stratton, 4 Chambers Ave. - Council waived standing rules to allow Mrs. Stratton to speak a second time. Mrs. Stratton requested that a “deaf child” sign be put up on her street to accommodate her son.

J. Councilor’s Round Robin

Councilor Beecher said that she had spoke with Chief Googins regarding the sign. She said a program has been started at the High School with the help of South Portland CASA and a One Maine Grant aimed at reducing the drop out rate.

Councilor Jacobs thanked Nancy at the Drapery Trading Company and said she had been very helpful assisting with the window treatment project in the Council Chambers.

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FEBRUARY 18, 2004**

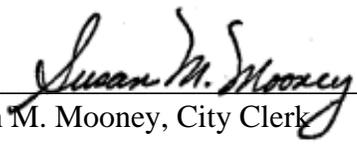
He also said he wants to ensure that South Portland has a voice at the table regarding tax reform issues.

K. Executive Session

Motion to adjourn was made at 8:21 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Adjournment passed 5-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 98
MARCH 1, 2004

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

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Hughes to accept the minutes from the meeting of February 18, 2004. Passed 5-0.

B. Communications from City Manager

The City Manager addressed the following item;

- Letter from Roy Bernardi, Assistant Secretary at the U.S. Department of Housing and Urban Development outlining the Fiscal Year 2004 allocations for the Office of Community Planning and Development's formula programs.

C. Petitions and Communications

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Janice Doctor, 99 Preble Street – Ms. Doctor said the Brickhill TIF will cost the taxpayers in South Portland. She asked the Council to think hard and put the taxpayers first.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith asked if the Council had met with the School Board to set guidelines for their budget. The City Manager said they had not. Mr. Beckwith voiced concerns with the increases and said he hopes the Council puts the brakes on spending.

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourin spoke again on flag etiquette saying the U.S. Flag should be at least four inches higher than any other flag and suggested that this be rectified. He said that future parades routes will travel up Broadway from now on rather than coming down Cottage Road from Meeting House Hill. He also gave an update on the Sea Cadet Program.

Ray Lee, 28 Henry Street - Mr. Lee criticized the placement of the TIF on the agenda saying it was wrong to place it last on the agenda. He agreed with Ms. Doctor's comments and said he hopes everyone votes for the tax cap.

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MARCH 1, 2004

G. Public Hearings and Actions

1. Bowring Enterprises, LLC, d/b/a Zingers Bar & Grill, 725 Broadway. Application for Class A Lounge with Liquor license and Special Amusement license with dancing. New City and State license. Passage requires majority vote.

There was no public discussion.

Louis Maietta, owner of 725 Broadway, was present to answer questions from the Council. Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Motion passed 5-0.

2. SPGOVS, LLC, d/b/a Governor's, Main Street. Change in Corporate Structure. Class A Restaurant with Liquor license. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

3. PROCLAMATION #3-03/04 – Proclaiming Jeff Caldwell as Officer of the Year. Passage requires majority vote.

There was no public discussion.

Chief Googins presented Officer Caldwell with a plaque and congratulated him for this award. The Mayor presented Officer Caldwell with a framed copy of the proclamation. Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 5-0.

4. ORDER #111-03/04 – Accepting Grant funds from the South Portland /Cape Elizabeth Rotary Club. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #112-03/04 – Waiving the bid process and authorizing the sale of city-owned property on Surfsite Road. Passage requires majority vote.

This item was postponed. Waiving the bid process requires 6 affirmative votes.

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 100
MARCH 1, 2004

6. ORDER # 113-03/04 - Appealing the denial of the Public Works Director for a curb cut on Main Street for Dunkin Donuts. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said he likes Dunkin Donuts but feels the Council should think twice before passing this order. He feels this is a dangerous area for a curb cut.

Attorney Eugene Gaudette was available to answer questions from the Council. Motion for passage was made by Mayor Boudreau and seconded by Councilor Beecher. The motion passed 4-1 (De Angelis).

7. ORDER #114-03/04 - Appealing the denial of the Public Works Director for curb cuts for Helen H. Dyer Elementary School and waiving Section 23-37(2)(a)(1) regarding the radii of two of the curb cuts. Passage requires majority vote.

There was no public discussion.

Bob Metcalf from Mitchell Associates was available to answer questions from the Council. Motion for passage was made by Councilor Maietta and seconded by Councilor Beecher. The motion passed 3-2 (Beecher, De Angelis)

8. ORDER #115-03/04 – Award of bid for the purchase of a complete breathing air compressor system and cylinder charge station for the Fire Department. Passage requires majority vote.

There was no public discussion.

Fire Chief, Kevin Guimond was available to answer questions from the Council. Motion for passage was made by Councilor Maietta and seconded by Councilor De Angelis. The motion passed 5-0.

9. ORDER #116-03/04 – Accepting cash, a 1993 Mercedes Benz, and one handgun under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. The motion passed 5-0.

10. ORDER #117-03/04 – Amending the “Traffic Schedule” regarding a 25 mph speed limit on Preble Street at the junction of Fort Road to the Cape Elizabeth town line. 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 Hughes. The motion passed 4-0 (De Angelis was out of the room).

11. ORDER #118-03/04 –Establishing a Brick Hill Affordable Housing Tax Increment Financing District. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith said he is in favor of this project but not in favor of giving away money. He questioned whether the value of the property would remain fixed over the twenty five year agreement. The Manager said the model must be based on the starting value and cannot anticipate increases in value in accordance with State law, however, actual valuation adjustments will be made during that twenty five year span.

Ray Lee, 28 Henry Street - Mr. Lee said he is not against the project but doesn't know why there is a hurry to get the whole project done.

Tim O'Neil, 81 Adelbert Street – Mr. O'Neil said he supports the TIF. He said South Portland should be commended for being the first to pass a housing TIF. He also said it is important to recognize the risk that the developer is taking.

Richard Berman, Developer of Brickhill – Mr. Berman said this is a win-win situation and that he would be unable to do affordable housing without the TIF. He said the first 66 units have passed approval and he is getting ready to bid the project out.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. The motion passed 5-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Boudreau remarked that the Business Council Session at National Semiconductor was very productive. She also attended the South Portland / Cape Elizabeth Chamber of Commerce meeting the previous Thursday and recognized the importance of building relationships with area businesses. On Saturday, she and Councilor Hughes and the Manager met with RWS members and the Board of Directors.

Councilor Maietta recognized National Semiconductor and Fairchild Semiconductor for their donation for the breathing air compressor system and cylinder charge station from Item #8. He also said he hopes Councilor Fickett is recovering well from his recent heart surgery.

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MARCH 1, 2004

Councilor De Angelis said the Sea Cadets are doing a great job. She thanked the Veteran's group for inviting her to be an event judge at a recent oratorical competition. She attended the Chamber dinner and said it was great. She also thanked National Semiconductor for hosting the Business Summit.

K. Executive Session

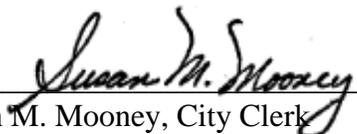
A motion may be made to go into executive session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of City Manager.

Motion to adjourn to Executive Session was made at 8:50 P.M. by Councilor Maietta and seconded by Councilor Beecher. Adjournment passed 5-0.

Motion to return from Executive Session was made at 9:35 P.M. Motion to adjourn was made by Councilor Maietta and seconded by Councilor Beecher. Passed 5-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 103
MARCH 15, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. Councilor Fickett was absent. Councilors Jacobs and De Angelis arrived at 7:02 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of March 1, 2004. Passed 4-0.

B. Communications from City Manager

The City Manager addressed the following item;

- The Manager's overview of the Proposed FY 2005 Budget

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #119-03/04 – Board of Assessment Review, District 2, (Maietta). To fill a term which expires 03/15/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Beecher. Postponed 6-0.

2. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

3. Whitmore's Taxi, 650 Main St., Unit 200, Certificate of Public Convenience. Passage requires majority vote.

There was no public discussion.

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

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MARCH 15, 2004

F. Citizen Discussion (First Part)

Dick Campbell, 29 Washington Ave. – Mr. Campbell said the school department should reduce their proposed 9.6% increase down to 5.9%, the same as Portland. He said wages should not be increased.

G. Public Hearings and Actions

4. ORDINANCE #19-03/04 – Amending Chapter 14, “Licenses, Permits and Business Licenses Generally,” regarding blasting permit fees. Passed first reading on 02/18/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Tex Haeuser, Planning Director, gave an overview of the amendment. Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed by roll call vote 6-0.

5. ORDINANCE #20-03/04 – Amending Chapter 26, “Weapons and Explosives” regarding blasting. Passed first reading on 02/18/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Tex Haeuser, Planning Director, gave an overview of the amendment. The ordinance was read by title only. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed by roll call vote 6-0.

H. Action on Old and New Business

6. ORDER #112-03/04 – Waiving the bid process and authorizing the sale of city-owned property on Surfsite Road. Postponed on 03/01/04. Passage requires six (6) affirmative votes.

The following people addressed this item;

James Audiffred, Attorney representing Mr. & Mrs. Banks – Mr. Audiffred outlined the need for this property for a septic system.

Mike Vaillancourt, Attorney representing Mr. & Mrs. McGarvey – Mr. Vaillancourt gave an overview of the history of the McGarvey’s interest in this property.

Roland Marcotte, 123 Fort Road – Mr. Marcotte spoke in support of the Banks request to purchase the property.

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Ray Lee, 28 Henry Street - Mr. Lee felt that the Banks should be given the opportunity to obtain this piece of land to improve their sewer system.

Motion to postpone this item to do additional research was made by Councilor De Angelis and seconded by Councilor Beecher. Postponed 6-0.

7. ORDER #121-03/04 – Authorizing the City Manager to sign a Letter of Intent with Tri-Town Ice House Inc. Passage requires majority vote.

The following people addressed this item;

Phil Doria, 241 Highland Ave. – As the middle school hockey coach, Mr. Doria has had to travel to and from Hebron Academy for practices. He supports this project.

Ray Lee, 28 Henry Street - Mr. Lee wanted to know why this isn't being built in Cape Elizabeth or Scarborough. He questioned whether the purchase agreement on Wainwright Field actually allowed for something like this.

Bill Fenton, 70 Springwood Road – Mr. Fenton spoke in support of this project. He indicated that with the support of the three communities, ice hockey can be greatly improved for kids and families.

Attorney Rod Rovzar, representing the City in this project confirmed that the deed does not restrict a project of this nature.

Tom Laprade, Vice President of Tri Town Ice showed on a map the reason Wainwright Field would be the perfect location for this project. Wainwright Field is just about the center point of the areas of South Portland, Cape Elizabeth and Scarborough.

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

8. ORDER #122-03/04 – Award of bid for the purchase of a utility truck for the Public Works Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee remarked that Public Works spending has been at an all time high since Ge Erskine left.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Steve Johnson was present and answered questions from the Council. Passed 6-0.

9. ORDER #123-03/04 – Award of bid for the purchase of fixtures in connection with the lighting upgrade to the South Portland Main Library. Passage requires majority vote.

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Motion to withdraw this item was made by Councilor Maietta and seconded by Councilor Jacobs. Withdrawn 6-0.

10. ORDER #124-03/04 – Award of bid to provide installation of fixtures in connection with the lighting upgrade to the South Portland Main Library. Passage requires majority vote.

Motion to withdraw this item was made by Councilor Jacobs and seconded by Councilor Beecher. Withdrawn 6-0.

11. ORDER #125-03/04 – Award of bid for the purchase of two mowers and one truckster for the Parks Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee indicated that we are buying mowers every year and questioned why we need so many.

Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. John Switzer, Parks Superintendent was present and answered questions from the Council. Passed 6-0.

12. ORDER #126-03/04 – Authorizing the City Manager to sign a revenue sharing agreement with Long Creek Redevelopment LLC. Passage requires majority vote.

Motion to postpone this item until the arrival of Richard Berman was made by Councilor Maietta and seconded by Councilor De Angelis. Postponed 6-0. This item was reconsidered after Item #15 was complete. Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 6-0.

13. ORDER #127-03/04 – Award of bid for the sale of city-owned property at 0 Thadeus Street and 15 Mast Lane. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #128-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

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15. ORDER #129-03/04 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #130-03/04 – Authorizing the City Manager to sign an application for a continuation of a pre-rule quiet zone regarding train whistles in Pleasantdale. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Tex Haeuser, Planning Director, gave background, information on this item. Passed 6-0.

17. ORDER #131-03/04 – Authorizing Skelton, Taintor & Abbott, of Auburn, ME, to act as Legal Counsel to the Board of Appeals on 03/24/04. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #132-03/04 -Setting April 7, 2004, as the date for public hearing in City Council Chambers for the Proposed FY 2005 Municipal Budget. Passage requires majority vote.

There was no public discussion.

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

19. ORDINANCE #21-03/04 – Amending Chapter 8, “Fire Protection and Prevention,” regarding blasting. First reading. Passage requires majority vote.

The following person addressed this item.

Ray Lee, 28 Henry Street - Mr. Lee wanted to know if this would prohibit hunters from being able to load their own shells.

Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Tex Haeuser, Planning Director was present and answered questions. He said

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he would look into Mr. Lee's concerns before this comes back for final passage.
Passed 6-0.

20. ORDINANCE #22-03/04 – Amending Chapter 27, “Zoning,” regarding blasting. First reading. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Ray Lee, 28 Henry Street - Mr. Lee indicated that a friend of his that lives in Orlando, Florida has said that Orlando has reduced taxes for its' citizens. He wondered what would be cut if a 1% tax cap were implemented here.

J. Councilor's Round Robin

Councilor Jacobs wanted to address concerns about not being able to call him at the phone number listed in the telephone book. He relies totally on his cell phone now because it is cost effective and he is always available to it. He reminded citizens that after April 1st dogs were no longer allowed on the beach. He also noted that, if implemented, the tax cap would not allow sufficient funding for education even if the municipal budget was entirely eliminated. A meeting between State Delegates and City Officials is scheduled on March 30th to review this matter.

Councilor De Angelis wanted to clarify points made earlier and indicated that there was a 3% increase for staff salaries proposed in the budget and that the City would be maintaining the surrounding perimeter of the proposed ice arena, should it be built. She remarked that it was wonderful to have the Council Chambers filled tonight. She also indicated that she had recently attended a conference in Seattle and noted that it is the second most fit city in the Country. She said there were great parks and flower beds.

Councilor Hughes said that Colorado Springs was listed at the number one most fit community in America.

Councilor Boudreau said a committee is preparing information for the March 30th meeting. On another issue related to RWS, the Board there voted to not construct an ash fill at this time. They are working to settle an issue with a letter of credit with Casala Waste.

K. Executive Session

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A motion may be made to go into executive session to discuss, pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with the South Portland Public Safety Dispatchers IAFF Local #1476 and pursuant to 1 M.R.S.A. §405 (6)(E) pending litigation regarding City of South Portland v. Fill-It-Up-Please, Inc.

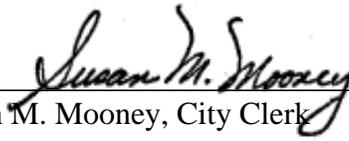
Motion to adjourn was made at 9:24 P.M. by Councilor De Angelis and was seconded by Councilor Hughes. Passed 6-0.

Motion to return from executive session was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 6-0.

Motion to adjourn was made at 9:58 P.M. by Councilor De Angelis and seconded by Councilor Hughes. The adjournment passed 6-0.

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ATTEST



Susan M. Mooney, City Clerk

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APRIL 5, 2004

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

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor De Angelis to accept the minutes from the meeting of March 15, 2004. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- The Manager presented the City Council with the complete proposed municipal budget document for 2004/2005.
- Memo from Chief Googins outlining awards, merits and appreciations to citizens and officers at the April 7th Annual Award Ceremony.
- Memo from RWS Chairman, James Cloutier, outlining strategies that RWS has planned for improving finances and strengthening leadership.
- The Manager presented retirement plaques to Wendell Wing, retired Park Mechanic and Malcolm Grant, retired Public Works Lead Mechanic.

C. Petitions and Communications

The Manager provided an overview of a communication from Charles Lane regarding a Board of Harbor Commission Amendment to Rules 12.1 and 16.2. The rules call for an increase in fees for applications for pilots and docking masters and also regulate the width on channels between wharfs and piers. Dick Ingalls, Chair of the Harbor Commission, was present and answered questions from the Council.

D. Appointment Calendar

1. ORDER #119-03/04 – Board of Assessment Review, District 2, (Maietta). To fill a term which expires 03/15/07. Postponed on 03/15/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jerome J. Gamache, of 111 Harriet Street, was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0.

2. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed on 03/15/04. Passage requires majority vote.

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

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3. ORDER #133-03/04 – Community Development Advisory Committee, At-Large (Boudreau). To fill an unexpired term which expires on 01/15/05. Passage requires majority vote.

There was no public discussion.

Motion to appoint Suzanne L. Dubois, of 16 Ledgefield, was made by Mayor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

4. ORDER #134-03/04 – Community Development Advisory Committee, District 5 (Hughes). To fill an unexpired term which expires on 01/15/06. Passage requires majority vote.

Motion to postpone this item was made by Councilor Hughes and seconded by Councilor Jacobs. Postponed 7-0.

5. ORDER #135-03/04 - Harbor Commission, Mayoral appointment. To fill an unexpired term which expires 06/30/06. Passage requires majority vote.

The following person addressed this item;

Dick Ingalls, 301 Front Street – Mr. Ingalls thanked the Council and administration of South Portland for their support, guidance and protection over the years that he has been a member of the Harbor Commission. He indicated that the Commission has come a long way in the years since he started and it currently has outstanding staff members.

Motion to appoint Mark J. Gandolfo, of 41 Sandy Hill Road, was made by Mayor Boudreau and seconded by Councilor Jacobs. Passed 7-0.

6. ORDER #136-03/04 – Housing Authority, District 2 (Maietta). Term to expire 03/25/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Clarence Beckwith, 51 Bonnybriar Road, was made by Councilor Maietta and seconded by Councilor De Angelis. Passed 7-0.

7. ORDER #137-03/04 – Planning Board, District 1 (Jacobs). Term to expire on 04/01/07. Passage requires majority vote.

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

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8. ORDER #138-03/04 – Planning Board, District 2 (Maietta). Term to expire on 04/01/07. Passage requires majority vote.

There was no public discussion.

Motion to waive Standing Rule 3(e) to allow this order to be added to the agenda was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0. Motion to appoint Kay Loring, 11 Riverplace Drive, was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0.

9. ORDER #139-03/04 – Planning Board, At-Large (Boudreau). Term to expire on 04/01/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Paul Nixon, of 158 Preble Street, was made by Mayor Boudreau and seconded by Councilor Maietta. Passed 6-1 (Jacobs)

10. ORDER #140-03/04 – Conservation Commission, District 2 (Maietta). To fill an expired term which expires on 11/20/05. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Dick Campbell, 29 Washington Ave. – Mr. Campbell complained about the proposed Department Head raises in the upcoming budget. He feels salaries should be frozen. He inquired about whether the Assistant City Manager got paid for working from home. The Manager said that the Assistance City Manager, who resigned a year ago, was paid her severance pay.

Dave Bourke, 26 Henry Street – Mr. Bourke said the Manager and Superintendent did not receive guidance from the Council before putting their budgets together. He feels that leads to a tendency to ask for more than what is necessary. He said inflation is running about 2% and neither budget should be passed for any more than that.

Jim Soule, 23 Whitworth Drive – Mr. Soule said he was bothered that the City is not enforcing an ordinance as it pertains to the Friendship House. He indicated that the Friendship House is being used at a higher level than what it has been approved by the Zoning Board for and questioned why the City is allowing this to happen. Mary Kahl

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provided background information regarding the property and indicated that the matter is better considered in court.

Jim Hoy, 77 Hill Street – Mr. Hoy raised concerns about Public Works and spending in the City.

Ray Lee, 28 Henry Street - Mr. Lee said we should have gotten out of RWS 15 years ago. He said the City is spending about 20 million more than it needs to.

A motion was made by Councilor Jacobs and seconded by Councilor Beecher to take item #16 out of order. Passed 7-0 (See Item 16 for details)

G. Public Hearings and Actions

11. ORDINANCE #21-03/04 – Amending Chapter 8, “Fire Protection and Prevention,” regarding blasting. Passed first reading on 03/15/04. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Tex Haeuser, Planning Director, provided an overview and offered an amendment for consideration. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Motion to amend the ordinance to add, “according to the definitions, exemptions, and regulations contained in the BOCA National Fire Prevention Code, 1999, Chapter 30.” to the end of the first sentence was made by Councilor Beecher and seconded by Councilor Jacobs. The amendment passed 7-0. The main motion passed as amended 7-0.

12. ORDINANCE #22-03/04 – Amending Chapter 27, “Zoning,” regarding blasting. Passed first reading on 03/15/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

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

H. Action on Old and New Business

13. ORDER #-141-03/04 – Award of bid for the purchase of fixtures in connection with the lighting upgrade to the South Portland Main Library. Passage requires majority vote.

The following person addressed this item;

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Ray Lee, 28 Henry Street - Mr. Lee inquired about the number of bidders and said this Council passes everything that comes before it.

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

14. ORDER #-142-03/04 – Award of bid to provide installation of fixtures in connection with the lighting upgrade to the South Portland Main Library. Passage requires majority vote.

The following people addressed this item;

Jim Hoy, 77 Hill Street – Mr. Hoy talked about the dramatic increase in the price of steel and cautioned about spending.

Ray Lee, 28 Henry Street - Mr. Lee agreed that the fixtures needed to be replaced but felt that they could be replaced at a much lower cost.

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

15. PROCLAMATION #4-03/04 – Proclaiming the week of April 11th as Maine Public Safety Telecommunicators Week. Passage requires majority vote.

There was no public discussion.

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

16. PROCLAMATION #5-03/04 – Proclaiming recognition of Daniel Mooers receipt of Rotary International's "Service Above Self Award". Passage requires majority vote.

There was no public discussion.

This item was taken out of order and presented before item #11. Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 7-0.

17. ORDER #143-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

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18. ORDER #144-03/04 – Accepting an Efficiency Maine’s Commercial and Industrial Grant under the Prescriptive Lighting Program from the Maine Public Utilities Commission in the amount of \$4,005 to be used by the South Portland Library. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #145-03/04 – Award of bid for line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Steven Johnson, Public Works Director was present and answered questions. Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 7-0.

20. ORDER #146-03/04 – Authorizing the City Manager to sign an Interlocal Agreement with the City of Westbrook for assessing services. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired about what would be paid to the Assessor for this work. He said he would feel better about it if the staff were working the extra hours on weekends and after their regularly scheduled workday here in South Portland.

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

21. ORDER #147-03/04 – Award of bid for the purchase of a telephone system. Passage requires majority vote.

The following person addressed this item.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked whether this phone system would extend to the School Department. The Manager indicated that it would not.

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

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22. ORDER #148-03/04 – Authorizing the City Manager to sign Amendment #2 to the Wright-Pierce Professional Engineering Services Contract. Passage requires majority vote.

There was no public discussion.

Pat Cloutier, Water Resource Director, was present and answered questions. Motion for passage was made by Councilor Maietta and seconded by Councilor Hughes. Passed 7-0.

23. ORDER #149-03/04 – Granting permission to Port Harbor Marine to sublease a concrete pier to Joe's Boathouse for a lobster pit. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired about payment arrangements from Mr. Loring to Port Harbor Marine. Mr. Loring indicated that the lease arrangement called for 8% of the gross earnings.

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

24. ORDER #150-03/04 – Authorizing the City Manager to sign a Side Letter to the Collective Bargaining Agreement with IAFF Local #1476 South Portland Public Safety Dispatchers. Passage requires majority vote.

There was no public discussion.

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

25. RESOLVE #4-03/04 – Regarding the PACTS Transportation Improvement Plan (TIP). Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Motion to amend the order to include Clarks Pond Boardwalk for \$50,000. was made by Councilor De Angelis and seconded by Councilor Hughes. The amendment passed 6-1 (Fickett). The main motion passed as amended 6-1 (Fickett).

I. Citizen Discussion (Second Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith requested that the Council take a hard look at the budget. He said people signed and supported the Palesky

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petition because they are desperate for tax relief. In regard to the Proclamation recognizing Mr. Mooers, Mr. Beckwith said that Mr. Mooers created a difficult time during the construction of the Betsy Ross House and drove up the cost of construction.

J. Councilor's Round Robin

Councilor De Angelis chastised Mr. Lee for his comment about the Council being a bunch of dummies earlier in the evening. She said she is committed to address the lack of courtesy at the podium. Regarding the budget she said she supports the work of the staff and department heads and that their salaries are well warranted.

Councilor Beecher responded to a comment made about the Council passing everything that comes before them without much consideration. She said that the Council spends a considerable amount of time reviewing items at workshop and they are not just automatically rubber stamped at the Council meetings. She encouraged citizens to pick up the Homeowners Guide to Tax Information from the Assessor's Office.

Councilor Hughes commented on the Step Up Program at Fairchild Semiconductor that he and Mayor Boudreau have been involved with. The program addresses water and air quality control and that the efforts made by Fairchild exceed DEP regulations. He said he was impressed with the people and the amount of time and effort put into the program.

Mayor Boudreau requested that people control and clean up after their dogs. She said there would be an ice cream social at the Community Center on April 30th and the winner of the mascot for the recycling program will be announced. She also wanted to remind citizens that the Public Hearing on the budget is scheduled for Wednesday evening in the Council Chambers.

Councilor Fickett commented on inflation raising the value of homes and driving up taxes. He said inflation was a double edge sword and no other generation has had to deal with it.

Councilor Jacobs said he was disappointed with Mr. Beckwith's comments about Mr. Mooers. He also talked about tax reform and that we have been waiting too long for Augusta to do something about it. He hopes that the delegates are able to come up with a solution. He thanked all the participants who contributed to the forum on tax reform held at the Community Center on March 30th.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(F), consultation with Corporation Counsel regarding Ascanio Painting and Decorating Inc. v. City of South Portland et al.

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Motion to adjourn was made at 10:44 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Adjournment passed 7-0.

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ATTEST _____
Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 65 PAGE 119
APRIL 21, 2004

Roll Call: Mayor Boudreau called the Special Meeting to order at 6:32 P.M. Councilor Maietta was absent.

K. Executive Session

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

Motion to adjourn to executive session was made at 6:32 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passage 6-0.

Motion to return from executive session was made by Councilor De Angelis and seconded by Councilor Hughes. Passage 6-0

Motion to adjourn from the special meeting was made by Councilor Hughes and seconded by Councilor De Angelis at 7:00 P.M. Passed 6-0.

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ATTEST _____
Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 65 PAGE 120
APRIL 21, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. Councilor Maietta was absent. Robert Combs, the City Finance Director sat in for City Manager, Jeffrey Jordan, who was on vacation.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Jacobs to accept the minutes from the meeting of April 5, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Memo from the Dept. of Economic and Community Development advising that the audit report received on April 2, 2004 meets the audit requirements for the 1998 Economic Development Infrastructure Grant.
- Memo from Robert Malley, Public Works Director for Cape Elizabeth recognizing Dave Thomes and Lee Gagnon, Sewer Maintenance Department, for their assistance with a plugged storm drainpipe.
- Letter from Maine Department of Transportation announcing a new website to provide travelers with transportation alternatives within the state (www.exploremaine.org)
- Letter from the Portland City Manager, Joseph Gray, indicating that Portland joins South Portland in requesting that governmental entities be exempted from permit fees imposed in Rule 12.2 Permits of the Rules of the Harbor Commission.
- Letter from K.C. MacArthur, Associate Director of Day Treatment at the Spurwink School advising the City of their intent to replace the boiler in the Roosevelt School building, which houses the Spurwink School's Day Treatment Program.
- Letter and award from the Convention and Visitors Bureau of Greater Portland recognizing the people of the community who participated in restoring Bug Light Park.

C. Petitions and Communications

Department reports for the month of March, 2004.

Attendance reports for the month of March, 2004.

D. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #134-03/04 – Community Development Advisory Committee, District 5 (Hughes). To fill an unexpired term which expires on 01/15/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 6-0.

3. ORDER #137-03/04 – Planning Board, District 1 (Jacobs). Term to expire on 04/01/07. Postponed on 04/05/04. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee inquired why John Chapin was not re-appointed to this position.

David Bourke, 26 Henry Street – Mr. Bourke said that his experience working with Mr. Chapin was great.

Motion to appoint William Schreiber, 209 Stanford Street, was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 6-0.

4. ORDER #140-03/04 – Conservation Commission, District 2 (Maietta). To fill an expired term which expires on 11/20/05. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Valorie Swiger, 77 School Street – Ms. Swiger was thankful for the return of her son Jason, and said the reception for him at Exit 7 was awesome.

Camilla Whitehead, 218 Pine Street – Ms. Whitehead encouraged support of the School Budget.

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Meghan Gaven, 120 Thompson Street – Ms. Gaven hoped the Council would work with State Delegates to get the tax cap proposal put on the November ballot so that people would get good information on its impact. She also encouraged the Council to work with the School Department.

Jason Swiger, 77 School Street – Mr. Swiger extended thanks to everyone who helped with his homecoming. He would like to see that kind of welcoming home for all of his Brothers in Arms.

Angela Griffiths, 20 Davis Street – Ms. Griffiths thanked the Council for their commitment of service to our quality community. She felt that most citizens would opt to pay a little more to maintain the level of service they currently receive. She asked the Council members to ignore the doomsayers and support the school budget.

David Bourke, 26 Henry Street – Mr. Bourke said the inflation rate in the last year has been approximately 2% and we should not be looking at raising the budget more than that same amount. He pointed out the population has remained flat and school enrollment has been declining by approximately 62 students per year. He would like to see the City and School Department make an effort to share resources.

Ray Lee, 28 Henry Street – Mr. Lee said Seniors cannot afford any more tax increases. He said he has spoken with people from California that have indicated that Prop 13 was the best thing that ever happened for them.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he attended the budget workshop at Small School. He said laptop computers in the schools are too expensive to maintain and that the School Department should not be hiring any new staff. He said the only way to get local spending under control was to implement tax caps.

G. Public Hearings and Actions

5. ORDINANCE #23-03/04 – Public hearing and consideration of a citizen initiated proposed amendment to Chapter 2, “Administration and Legislation”, requiring the Mayor to read at the annual Memorial Day Ceremony, a statement as drafted by the petitioners. Council first reading and postponement to May 3rd for final action or referral to the November 2nd, 2004 ballot. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee said that the U.S. has lost more than 700 soldiers in Iraq. He supported this ordinance when Councilor Bowring brought it forward last year. He hopes that it goes to the voters.

Jason Swiger, 77 School Street – Mr. Swiger said he was happy this is finally going forward.

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Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he supports this ordinance 100% and hopes it goes to the voters.

David Bourke, 26 Henry Street – Mr. Bourke said the petition was well crafted and he supports the ordinance.

Rommie Brown, 10 E Street – Ms. Brown said she is a patriot and loves this Country and the Troops. She said the Constitution protects free speech for all and the last Whereas paragraph in the resolution is faulted. She urged the Council to not support it.

Kathy Bernard, 5 E Street – Mrs. Bernard also urged the Council to not support the ordinance. She said the resolution does not support the freedom of speech the troops are fighting for.

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourin said the voters should decide this issue in November.

Dick Bernard, 5 E Street – Mr. Bernard said that while this appeals to his sense of honoring the military, the last Whereas was rambling and off the mark. He said that he served in WWII in the South Pacific but never in conflict. He encouraged the City Attorney to help keep the Council from shooting themselves in the foot.

Chris Bowring, 151 Elderberry Drive – Mr. Bowring said he hopes the Council passes this ordinance tonight and does not allow it to be dragged through the political process.

Mayor Boudreau acknowledged a letter from John Zappe, 38 A Street, who was unable to attend the meeting. Mr. Zappe stated he felt the resolution seeks to inhibit the expression of sentiments in which the sponsors deem anti-war or anti-US policy.

Motion to refer this ordinance to the November 2nd ballot was made by Councilor Hughes and seconded by Mayor Boudreau. Passed 5-1 (Fickett)

H. Action on Old and New Business

6. ORDER #151-03/04 - Award of bid for the purchase and installation of a standby generator at the Winding Way Pump Station. Passage requires majority vote.

There was no public discussion.

Ed Reidman, the City Engineer was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

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7. ORDER #152-03/04 – Award of bid for the purchase and installation of the fence and stairway at Spring Point Shoreway. Passage requires majority vote.

There was no public discussion.

John Switzer, Parks Manager, was available and answered questions from the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 5-1 (Fickett).

8. ORDER #153-03/04 – Accepting a Bureau of Highway Safety grant through the 2004 Radar Program and authorizing the purchase of six (6) radar units to be used by the Police Department. Passage requires majority vote.

The following person addressed this item.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith supported the purchase of the radar units and said people drive crazy in this city.

Deputy Chief Berry was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 6-0.

9. ORDER #154-03/04 – Award of bid for the replacement of the roof on the Police Department building on Anthoine Street. Passage requires majority vote.

The following person addressed this item.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he hoped the roof replacement was on the old part of the building.

Deputy Chief Berry was available and answered questions from the Council. Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0.

10. ORDER #155-03/04 – Accepting Emergency Assistance Funds from the Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #24-03/04 – Amending Chapter 22, “Sewers and Drains”, authorizing Portland Water District to disconnect water service for failure to pay sewer bills. First reading. Passage requires majority vote.

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There was no public discussion.

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

12. ORDER #156-03/04 – Authorizing the City Manager to accept FY2003 supplemental State Homeland Security Grants in an amount up to \$661,635.29. Passage requires majority vote.

There was no public discussion.

Tom Meyers, Director of Transportation and Waterfront, was available and answered questions from the Council. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

13. ORDER #157- 03/04 – Accepting a Grant from the Department of Conservation for the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

Jim Gailey, CDBG Director, was available and answered questions from the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Jacobs. Passed 5-1 (Fickett).

14. ORDER #158-03/04 – Amending ORDER #71-03/04 regarding award of bid for the paving of the Green Belt Walkway. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher talked about the article in the paper with a picture of bullet holes on the walkway sign.

Councilor Hughes said he was struck by a comment made by Mr. Lee in which he indicated that the Council does not listen to citizens. He said that a recent ordinance was amended due to comments raised by Mr. Lee.

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Mayor Boudreau said she is having trouble with her email and requested that people contact her by phone if they need to get in touch. She said Rob Coombs had served well filling in for the Manager tonight.

Councilor Fickett said that inflation is a big problem. He stated that the Federal Reserve controls interest.

Councilor Jacobs said Earthday clean ups efforts have been scheduled. He reminded people that Commute Another Way Day will be here soon. He also brought up the One Community One Book effort underway.

Councilor De Angelis said she had not been able to get into her email account. She apologized to Roger Sabourin and the American Legion for sending a thank you note to the V.F.W. in error. She was thankful for the opportunity to judge a recent contest for the American Legion. She also was grateful for Jason Swiger's attendance tonight.

K. Executive Session

Motion to adjourn was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-0.

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ATTEST _____
Susan M. Mooney, City Clerk

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Roll Call: Mayor Boudreau called the Special Meeting to order at 6:01 P.M. Councilors Jacobs and De Angelis were absent.

K. Executive Session

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

Motion to adjourn to executive session was made at 6:32 P.M. by Councilor Beecher and seconded by Councilor Maietta. Passage 5-0.

Motion to return from executive session was made by Councilor Maietta and seconded by Councilor Hughes. Passage 5-0.

Motion to defer Hardship Abatement #02-03/04 to June 21st was made by Councilor Hughes and seconded by Councilor Maietta. Passed 5-0.

Motion to deny Hardship Abatement #03-03/04 was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0.

Motion to adjourn from the special meeting was made by Councilor Beecher and seconded by Councilor Hughes at 6:50 P.M. Passed 5-0.

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ATTEST _____
Susan M. Mooney, City Clerk

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Roll Call: Mayor Boudreau called the meeting to order at 7:01 P.M. Councilor De Angelis arrived at 8:42 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the meeting of April 21, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Jane Eberle, Volunteer Coordinator for the School Department, gave an overview of the Ice Cream Social sponsored by the Recycling Committee on April 30 to present the mascot design award. First place was presented to Sarah Small, Grade 4, for her submission of Rock E. Recycles.
- Tex Haeuser, Planning Director, presented David Sawyer and John Chapin, Planning Board members who have represented districts District Two and District One over recent years, with a plaque to recognize their contribution to the community.
- Rick Urban, Fire Department, presented a short video highlighting the Combat Challenge coming to South Portland this fall. The event features a competitive fitness challenge between firefighters and will be held at the Maine Mall on September 25th.

C. Petitions and Communications

Mayor Boudreau asked for a motion to bring Item #9., a Proclamation recognizing Richard Ingall's for his years of service to the Harbor Commission. Motion was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 6-0. See Item 9 for details.

D. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

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

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2. ORDER #134-03/04 – Community Development Advisory Committee, District 5 (Hughes). To fill an unexpired term which expires on 01/15/06. Postponed on 04/21/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Maietta. Postponed 6-0.

3. ORDER #140-03/04 – Conservation Commission, District 2 (Maietta). To fill an expired term which expires on 11/20/05. Postponed on 04/21/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Beecher. Postponed 6-0.

4. ORDER #159-03/04 – Appointment of Republican, Democratic and Unenrolled election workers. Passage requires majority vote.

There was no public discussion.

Councilor Jacobs will be submitting an amendment to the roster to be accepted at a future Council meeting. Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 6-0.

E. Consent Calendar

5. Business License

Snow Squall, Inc. d/b/a Snow Squall Restaurant, 18 Ocean St. Class A Restaurant with Liquor license. New owner of an existing business. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Jim Hoy, 77 Hill Street – Mr. Hoy would like to see a full disclosure of employee benefits. In particular, he would like the value of the City Manager's benefits.

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Candy Hoy, 77 Hill Street – Mrs. Hoy said South Portland student SAT scores are lower than both the State and National average and the cost per pupil is higher than tuition rates for both Cheverus and McAuley High Schools. She also said more money for the school department is not going to improve the scores and that teachers and administrators need to improve their commitment.

Scott Robinson, 241 Cottage Road – Mr. Robinson spoke against changing the Memorial Day Parade route from Meeting House Hill to Broadway. He said that both Rosella Loveitt and Elizabeth Hobbs are also concerned about the change. He presented the Council with a letter from Mrs. Hobbs.

David Bourke, 26 Henry Street – Mr. Bourke expressed dismay with the Council direction to get the budget to 4%. He said the Council should be following Westbrook and Portland's lead to stay under 3%.

Christin Rioux, 56 Sprague Street – Ms. Rioux spoke in favor of supporting the school department budget. She said she felt that most people will vote against the Palesky plan when they learn of its implications.

Ray Lee, Henry Street – Mr. Lee said we should be on a voucher system for education. He said the school budget should be cut in half and every director and assistant director in the City should be cut. He also said we should be looking at a 6% decrease, not a 4% increase.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said school spending is out of control and South Portland has to follow Westbrook and Portland. He said if the school department just cuts the new positions they plan on adding, they can easily make the \$400,000 decrease that has been directed of them.

Tex Haeuser, 152 Fort Road – Mr. Haeuser commented on the National Honor Society induction at the school tonight and how inspiring it was. He supported and thanked the teachers for their hand in directing these very bright and engaged students.

Roger Sabourin, 111 Jordan Ave. – Mr. Sabourin said there would not be a compromise on the parade route. The flat walk on Broadway is much easier on older Veterans and said he was sorry for the inconvenience to the people on Meeting House Hill who are disappointed in the change.

G. Public Hearings and Actions

6. ORDINANCE #24-03/04 – Amending Chapter 22, “Sewers and Drains”, authorizing Portland Water District to disconnect water service for failure to pay sewer bills. Passed first reading on 04/21/04. ROLL CALL VOTE. Passage requires majority vote.

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The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked if this applied to everyone. Learning that it would, he said this change was going to hurt the poor and elderly people.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 5-1 (Fickett).

7. ORDER #160-03/04 – Authorizing the City Manager to execute pertinent documents for the submission of the City’s Consolidated Plan and Annual Action Plan to the Department of Housing and Urban Development. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked if the city had to match any of these funds. The Manager said the match was of an “in kind” nature. Mr. Lee said it’s too bad this money couldn’t be applied to reduce taxes.

James Gailey, CDBG Director presented background material and introduced three of the Committee members present in the audience, Kathy Bernard, Suzanne Dubois and Cheryl Beeman. Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-1 (Fickett).

H. Action on Old and New Business

8. ORDER #161-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

9. PROCLAMATION #6-03/04 – Recognizing Richard Ingalls for his service to the Harbor Commission. Passage requires majority vote.

There was no public discussion.

The City Manager, City Attorney and the Mayor all spoke in recognition of Mr. Ingalls contribution to the community and the development of the Harbor Commission. Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 6-0.

10. ORDER #162-03/04 – Award of bid to provide professional auditing services. Passage requires majority vote.

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The following person addressed this item;

Polly Ward, School Business Manager – Ms. Ward spoke in support of Runyon Kersteen and Ouellette. She said we will be getting an auditing firm that will look out for the City of South Portland.

Ray Lee, 28 Henry Street – Mr. Lee said that he had never seen an audit report made available to the public.

Rob Coombs provided background information on the bid process. Kathy Tyson from RKO said the RFP process was thoughtful and thorough. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 6-1 (Fickett).

11. ORDER #163-03/04 – Award of bid to ICMA-RC for the City's 457(b) Deferred Compensation Plan. Passage requires majority vote.

The following people addressed this item;

Rick Lee, 163 Westbrook Street (Fire Dept.) – Mr. Lee spoke in support of Citistreet.

Jerry Collett, 58 Arbutus Ave. (Sewer Maintenance) – Mr. Collett spoke in support of Citistreet.

Ray Lee, 28 Henry Street – Mr. Lee felt that employees should be able to do what they want with their retirement money.

Elizabeth Sawyer, 10 Charlotte Road (Assessor) – Mrs. Sawyer said she has faith in the committee and management to bring forward what is best for the employees.

Eugene Swiger, 14 Boyd Road (School Dept) – Mr. Swiger spoke in support of Citistreet.

Polly Ward, School Business Manager – Ms. Ward asked if the School could separate from the City to create its own 457 plan. Mr. Jordan distributed emails from Citistreet and ICMA that this could take place without detriment to either entity.

Ed Petrillo, 14 Devereau Circle (School Dept.) – Mr. Petrillo questioned why all this was necessary if everyone was satisfied with Citistreet.

Dave Brochu, School Maintenance Supervisor – Mr. Brochu said he like the Gauranteed Investment Contract with Citistreet.

Background information was also contributed by Ed Fiebel, the attorney who assisted the city with the bid process, Greg Hyland and Scott Poulin from Citistreet, Don Dow and Joseph Teague from ICMA, Susan Borelli and Tim Gato, employee

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representatives. Motion for passage was made by Councilor Hughes and seconded by Mayor Boudreau. Passed 4-3 (Fickett, Beecher, Maietta)

12. ORDER #164-03/04 – Accepting cash, and one handgun under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #165-03/04 – Authorizing the City Manager to sign an Agreement with the Spring Point Ledge Lighthouse Trust. Passage requires majority vote.

There was no public discussion.

Tom Meyers presented information to the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 6-0 (De Angelis out of room).

14. ORDER #166-03/04 – Award of bid for canopy repair at the Spring Point Ledge Lighthouse. Passage requires majority vote.

There was no public discussion.

Tom Meyers presented information to the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor Beecher. Passed 7-0.

15. ORDER #167-03/04 – Authorizing the City Manager to accept a Community Gateways Grant for Thomas Knight Park in the amount of \$10,000. Passage requires majority vote.

The following person addressed this item;

Rommie Brown, 10 E Street – Ms. Brown thanked Tom Meyers for going after this grant. She said she is glad Thomas Knight Park will benefit from it.

Tom Meyers presented information to the Council. Motion for passage was made by Councilor Beecher and seconded by Councilor Maietta. Passed 7-0.

16. ORDER #168-03/04 – Accepting FY 2004 Homeland Security grants in an amount totaling \$597,148.28. Passage requires majority vote.

There was no public discussion.

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Tom Meyers presented information to the Council. Motion for passage was made by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

17. ORDER #169-03/04 – Ordering that notice be sent as required by statute regarding the proposed vacation of paper W Street. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Rick Lee, 163 Westbrook Street – Mr. Lee said he was disappointed in the Council's decision to support the ICMA plan. He would have like to have had the employees decide.

J. Councilor's Round Robin

Due to the late hour, the Mayor waived the Round Robin segment of the agenda.

K. Executive Session

Motion to adjourn was made at 11:58 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Adjournment passed 7-0.

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ATTEST _____
Susan M. Mooney, City Clerk

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Roll Call: Mayor Boudreau called the meeting to order at 7:00 P.M. Councilor Fickett was absent due to illness and Councilor De Angelis arrived at 7:40 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Hughes and seconded by Councilor Beecher to accept the minutes from the Special Meeting and the Regular Meeting of May 3, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Thank you letter from Joan Jagolinzer, Coordinator for the AARP Tax-Aide Program to the South Portland Public Library for providing space in the lower meeting room. They were able to assist 334 taxpayers.
- Letter from the Executive Board of the Southern Maine Library District announcing that Branch Librarian, Kevin Davis has been selected to receive a Certificate of Appreciation for his efforts and contributions.

B. Petitions and Communications

Department Reports for the month of April, 2004.

Attendance Reports for the month of April, 2004.

C. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Jacobs and seconded by Councilor Maietta. Postponed 5-0.

2. ORDER #134-03/04 – Community Development Advisory Committee, District 5 (Hughes). To fill an unexpired term which expires on 01/15/06. Postponed since 04/21/04. Passage requires majority vote.

There was no public discussion.

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Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 5-0.

3. ORDER #140-03/04 – Conservation Commission, District 2 (Maietta). To fill an expired term which expires on 11/20/05. Postponed on 04/21/04. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Harris of 247 Mussey Street was made by Councilor Maietta and seconded by Councilor Beecher. Passed 5-0.

4. ORDER #170-03/04 –Voter Registration Appeals Board, Chairperson. To fill a term which expires 09/29/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Richard Sullivan, 135 Cleveland Circle, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0.

D. Consent Calendar

Business Licenses

5. Benjamin Building & Wrecking Company, 41 Jackson Street, for renewal of Automobile Graveyard/Automobile Recycling Business and/or Automobile Junkyard. Passage requires majority vote.

There was no public discussion.

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

6. Bob's Discount Furniture of Massachusetts, LLC, dba Bob's Discount Furniture, 333 Clark's Pond Parkway. Application for Coin-operated machine license. Passage requires majority vote.

There was no public discussion on this item, however, Richard Campbell, 29 Washington Ave., indicated that he was unable to stay but requested that someone look into why there were extra teachers at Kaler School.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Due to concerns about a possible conflict with the company name, Councilor Jacobs questioned whether Bob's Discount Furniture was in good standing with the Secretary of States Office. Pending an answer, the motion was withdrawn and a motion

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to postpone was made by Councilor Jacobs and seconded by Councilor Maietta. The item was postponed with a vote of 5-0.

F. Citizen Discussion (First Part)

Ray Lee, 28 Henry Street – Mr. Lee said the city was heavy with help and Directors and that people cannot afford a 4% tax increase. He said Councilors are doing nothing to keep citizens here.

Motion to take Item #19 out of order was made by Councilor Jacobs and seconded by Councilor Beecher. See Item #19 for Council action.

G. Public Hearings and Actions

H. Action on Old and New Business

7. PROCLAMATION #7-03/04 - Proclaiming May 22, 2004 as Hometown Heroes Day within the City of South Portland. Passage requires majority vote.

There was no public discussion.

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

8. PROCLAMATION #8-03/04 – Proclaiming May 21, 2004 as Arbor Day within the City of South Portland. Passage requires majority vote.

The following person addressed this item;

Casimira McIntire, 72 Skillings Street – Ms. McIntire said she was delighted that Arbor Day is being recognized. She invited the young people in the city to visit her property to appreciate the plantings on her grounds.

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

9. PROCLAMATION #9-03/04 – Proclamation regarding Memorial Day. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked who actually placed the flags on the Veteran's graves. The Manager said that the V.F.W. and American Legion take care of the sites.

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

10. ORDER #171-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Regarding the \$1,000 donation from Sprague Energy to sponsor Tony Boffa's Band in Mill Creek Park, the Band is schedule for July 14th at 7:00 P.M. Passed 6-0.

11. ORDER #172-03/04 – Waiving the bid process and authorizing the sale of city-owned property on Robert Mills Road to James Dow and Mark Tinkham. Passage of waiver requires six (6) affirmative votes.

The following people addressed this item;

Casimara McIntire, 72 Skillings Street – Ms. McIntire expressed an interest to learn more about paper streets. She voiced concern and is disturbed with the commercial growth in the Cash Corner area.

Mark Tinkham, 56 Roberts Mills Road – Mr. Tinkham said that he has no plans to develop his portion of the property and that it will stay virtually the way it is now.

Ray Lee, 28 Henry Street – Mr. Lee said these parcels cannot be built on because they are too small.

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

12. ORDER #173-03/04 – Accepting an October, 2003 Safety Grant from Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #174-03/04 – Appropriating \$105,389.00 to the FY 2004 CIP and award of bid for the purchase of a catch basin cleaning unit for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

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

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De Angelis. Dave Thomes, Manager of Sewer Maintenance was available to answer questions. Passed 6-0.

14. ORDER #175-03/04 – Award of bid for engineering/architectural services for the development of a Space Needs Analysis Survey and Master Plan for the South Portland O’Neil Street Complex. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #176-03/04 – Award of bid for the sale of surplus property. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #177-03/04 – Award of bid for long distance telephone service. Passage requires majority vote.

There was no public discussion.

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

17. ORDINANCE #25-03/04 – Amending Chapter 27, “Zoning” regarding a text change in the Light Industrial District. First reading. Passage requires majority vote.

There was no public discussion.

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

Motion to take Item #20 out of order was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 6-0. See Item #20 for actions.

18. ORDER #178-03/04 – Authorizing Attorney Susan Szwed to file suit against Best Coffee of Maine, LLC and Michael Charron, Sr., dba Mike Charron Automotive Services to collect past due personal property taxes.

There was no public discussion.

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

19. ORDER #179-03/04 – Authorizing the use of School Department unobligated fund balance for the purpose of funding capital improvements. Passage requires majority vote.

Item #19 was taken out of order directly after Citizen Discussion – Part One. There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Mayor Boudreau. Polly Ward, the School Business Manager was available and answered questions. Passed 5-0.

20. ORDER #180-03/04 – Extending the contract with Pike Industries, of Portland, ME, to provide paving services for the 2004 season. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Boudreau commented on how nice the draperies looked and said she hoped that we are able to get back on track with the strategic plan.

Councilor Jacobs said it was nice to see people out enjoying the parks and walkways. He acknowledged the efforts of Parks & Recreation and all the work it takes for all our beautiful flowers.

Councilor Maietta commented on the bear that was shot and killed in South Portland. He said it was necessary because the only individuals authorized to tranquilize the bear were over an hour away. The bear was moving through heavily populated neighborhoods when children would be making their way to school and the danger was too high to wait for someone that could tranquilize it to get there. He acknowledged the work that the American Legion does to put the Memorial Day Parade together.

Councilor De Angelis apologized for being late and that the reason was that she was attending a prayer service for Peter Coolie, an injured Cape Elizabeth resident trapped on Mount Rainier. She congratulated Mike Fletcher and the Skillin School PTA in their goal of raising \$60,000 for a playground. She thanked Elizabeth Oatley and

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Christine MacLean for their involvement with the window treatments in the Council Chambers.

Councilor Beecher congratulated the South Portland Public Library on their 30th Anniversary.

Mayor Boudreau extended prayers and thoughts, on behalf of the Council, to the Michaud and Bowring families on the recent accidental death of T.J. Michaud. T.J.'s mother, Lori Bowring Michaud has been a strong contributor to the community.

K. Executive Session

Motion to adjourn was made at 9:02 P.M. by Councilor De Angelis and seconded by Councilor Maietta. Adjournment passed 6-0.

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ATTEST _____
Susan M. Mooney, City Clerk

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MAY 24, 2004

Roll Call: Mayor Boudreau called the meeting to order at 6:31 P.M. Councilor De Angelis arrived at 6:32 P.M.

G. Public Hearing

Bob's Discount Furniture of Massachusetts, LLC, dba Bob's Discount Furniture, 333 Clark's Pond Parkway. Application for Coin-operated machine license. Postponed on 05-17-04. Passage requires majority vote.

There was no public discussion. Robert Crawford, Attorney from Bernstein, Shur, Sawyer and Nelson and also Mike Snell, Bob's Discount Store Manager were both available and answered questions from the Council.

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

Motion to adjourn was made at 6:40 P.M. by Councilor Jacobs and seconded by Councilor Maietta. Adjournment passed 7-0.

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ATTEST _____
Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 65 PAGE 143
JUNE 7, 2004

Roll Call: Mayor Boudreau called the Special Meeting to order at 6:02 P.M.
Councilor Jacobs arrived late.

K. Executive Session

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

Motion to adjourn to executive session was made at 6:03 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passage 6-0.

Motion to return from executive session was made by Councilor Beecher and seconded by Councilor Fickett. Passage 7-0.

Motion to pass Hardship Abatement #04-03/04 was made by Councilor Hughes and seconded by Councilor De Angelis. Passage 7-0.

Motion to deny Hardship Abatement #02-03/04 was made by Councilor Hughes and seconded by Councilor De Angelis. Abatement denied with a vote of 7-0.

Motion to adjourn from the special meeting was made by Councilor Jacobs and seconded by Councilor Hughes at 6:48 P.M. Passed 7-0.

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ATTEST _____
Susan M. Mooney, City Clerk

IN REGULAR MEETING VOL. 65 PAGE 144
JUNE 7, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:01 P.M.

A. Acceptance of Minutes

Motion was made by Councilor Beecher and seconded by Councilor Maietta to accept the minutes from the Regular Meeting of May 17, 2004 and the Special Meeting of May 24, 2004. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- 2003/2004 Property and Casualty Pool Stewardship Report from Maine Municipal Association Risk Management.
- Letter from David Cole, Department of Transportation, advising of the approval of a Small Harbor Improvement Program (SHIP) Grant in the amount of \$25,000.00 for pier improvements.
- Memo from Tom Meyers providing details of Commute Another Way Day which will be held on June 9th.
- The Manager provided a handout of an amendment to the Board of Harbor Commissions amendment to Rule 12.2 Permits.

C. Petitions and Communications

Presentation of the Wastewater Facilities Plan prepared by Wright-Pierce

D. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #134-03/04 – Community Development Advisory Committee, District 5 (Hughes). To fill an unexpired term which expires on 01/15/06. Postponed since 04/21/04. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Brian Dearborn, 215 Settler Road Ext., was made by Councilor Hughes and seconded by Councilor Maietta. Passed 7-0.

3. ORDER #181-03/04 – Ward Clerk District 5, Pro-Tempore for June 8th, 2004 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Cushing, 29 Rhode Island Ave., was made by Councilor Beecher and seconded by Councilor Maietta. Passed 7-0.

4. ORDER #182-03/04 – Amending Order #159-03/04 regarding 2 year appointment of Election Clerks. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Ray Lee, 28 Henry Street – Mr. Lee handed out a list of salaries and benefits provided to City and School Administrators and said he felt the city did not need all these positions. He noted that the pool, bus service and recreation facility were luxuries enjoyed by a minimum number of citizens. He recalled that one nurse used to serve all the schools.

Edward Zellers, 42 Arbutus Ave – Mr. Zellers spoke against the new proposed trash truck with a mechanical arm. He was concerned about the maintenance costs and didn't think it would save the city money.

David Bourke, 26 Henry Street – Mr. Bourke commented that top level employees are being paid a lot of money. He feels that employees should be contributing 50% toward their insurance benefits. He indicated that city services should not be cut, but administrative positions should and divisions such as the golf course, pool and recreation center should be privatized.

Councilor De Angelis made a motion to waive the Standing Rules to add item 5A to the agenda. The motion was seconded by Councilor Hughes and passed 7-0.

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JUNE 7, 2004**

G. Public Hearings and Actions

- 5A. ORDER#191-03/04 – Ordering the vacation of the paper street identified as W Street. Passage requires majority vote.

The following person addressed this item;

Edward Zellers, 42 Arbutus Ave. – Mr. Zellers inquired where W Street was located. The Manager said it was in the Cash Corner area.

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

5. The City of South Portland lists the following Lodging Establishment licenses for the 2004-2005 year: Passage requires majority vote.

- 1) Amerisuites, 303 Sable Oaks Dr.
- 2) Budget Inn, 634 Main St.
- 3) Day's Inn, 461 Maine Mall Rd.
- 4) Maine Motel, 606 Main St.
- 5) Anchor Motel, 715 Main St.
- 6) Coastline Inn, 80 John Roberts Rd.
- 7) Hampton Inn, 171 Philbrook St.
- 8) Marriott Hotel, 200 Sable Oaks Dr.
- 9) Pine Haven Motel & Cottages, 857 Main St.
- 10) Best Western Motel, 700 Main St.
- 11) Comfort Inn, 90 Maine Mall Rd.
- 12) Howard Johnson Motel, 675 Main St.
- 13) Sheraton South Portland Hotel, 363 Maine Mall Rd.
- 14) Quality Inn & Suites, 738 Main Street

The following person addressed this item;

Dave Bourke, 26 Henry Street – Mr. Bourke inquired whether this ordinance change was going to require additional staffing. The Manager said it would not.

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

6. ORDINANCE #25-03/04 – Amending Chapter 27, “Zoning” regarding a text change in the Light Industrial District. Passed first reading on 05/17/2004. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

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

Motion to take item #8 out of order was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 7-0. See Item #8 for details.

H. Action on Old and New Business

7. RESOLVE #5-03/04 – Approving the Appropriation Resolve for Fiscal Year 2005. Passage requires majority vote.

Motion was made by Councilor Maietta and seconded by Councilor De Angelis to have the resolve read by title only. Passed 5-2 (Jacobs, Boudreau). The following people addressed this item;

Dave Bourke, 26 Henry Street – Mr. Bourke asked that the Council not approve the budget, saying that it was unrealistic. He said school enrollment is down, the population is stagnant, we should be privatizing recreation programs and downsizing the bus service.

Ray Lee, 28 Henry Street – Mr. Lee said the Mr. Beckwith has been very ill. He said the budget should be cut more. We should rent or lease the recreation center, pool and bus service.

Polly Ward, School Business Manager – Ms. Ward responded to a question about where the additional \$414,000 in cuts would be made. She said the School Board will be meeting next Monday to decide where the additional cuts would be made.

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

8. ORDINANCE #26-03/04 – Amending Chapter 27, “Zoning,” regarding a zoning map change from Residential G to Limited Business LB in Willard Square. First reading. Passage requires majority vote.

This item was taken out of order, before Item #7. The following people addressed this item;

Dave Bourke, 26 Henry Street – Mr. Bourke endorsed this amendment and said it fits in with the plan for the neighborhood.

Ray Lee, 28 Henry Street – Mr. Lee wished the owners great success. He said the sidewalk in front of the property was atrocious and also commented that he disagrees with the consideration being made to put a roundabout in Willard Square.

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

9. ORDER #177-03/04 – Award of bid for long distance telephone service. Postponed on 05/17/04. Passage requires majority vote.

There was no public discussion.

Motion to withdraw was made by Councilor De Angelis and seconded by Councilor Jacobs. Withdrawn 7-0.

10. ORDER #183-03/04 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #184-03/04 – Award of bid for the purchase of furnishings for Brown Elementary School. Passage requires majority vote.

There was no public discussion.

Dave Brochu, School Maintenance Director was available and answered questions from the Council. Motion for passage was made by Councilor Jacobs and seconded by Councilor De Angelis. Passed 7-0.

12. ORDER #185-03/04 – Award of bid for the purchase of technology equipment for Brown Elementary School. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #186-03/04 – Authorizing the purchase of Point of Sale systems for South Portland High School and Brown Elementary School lunch programs. Passage requires majority vote.

There was no public discussion.

Andy Wallace, Director of Computer Services for the School Department answered questions from the Council. Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-1 (Fickett).

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14. ORDER #187-03/04 – Accepting a 2004 Seat Belt Grant from the 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 Jacobs and seconded by Councilor Hughes. Passed 7-0.

15. ORDER #188-03/04 – Accepting a Safe Street/Portable Speed Bump Grant from the 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 Jacobs and seconded by Councilor De Angelis. Passed 6-0 (Fickett out of the room).

16. ORDER #189-03/04 – Accepting a Small Harbor Improvement Program (SHIP) grant for repairs at Portland Street Pier. Passage requires majority vote.

There was no public discussion.

Tom Meyers, Transportation and Waterfront Director was available to answer questions. Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

17. ORDER #190-03/04 – Authorizing the City Manager to sign a License Agreement with the State of Maine regarding the Casco Bay Bridge right-of-way and accepting the granite piers at Thomas Knight Park. Passage requires majority vote.

There was no public discussion.

Tom Meyers credited Steve DeWitt with the photos presented. He also credited Jack Rickett for the mounting of the photos. Motion for passage was made by Councilor De Angelis and seconded by Councilor Beecher. Passed 7-0.

A motion to reconsider Item #7, Resolve #5-03/04 was made by Councilor De Angelis and seconded by Councilor Hughes. Motion to amend page 2, paragraph 5 to remove, “to School Hold Harmless Tax Rate Stabilization Reserve” was made by Councilor De Angelis and seconded by Councilor Beecher. The amendment passed 7-0. The main motion passed as amended 6-1 (Fickett).

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JUNE 7, 2004

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Maietta asked the City Manager to look into the traffic lights on the East side of the City. He believes they are flashing directly from red to green.

Councilor De Angelis reminded citizens of Franco American Week and the projects going on at the Library to celebrate it. She was a chaperone for the Relay for Life and also attended the High School Graduation and Project Graduation. She congratulated the Class of 2004. She spent 3 hours visiting the Water Resource Facility and thanked Pat Cloutier for his time.

Councilor Hughes, responding to negative remarks made earlier in the evening, said he thought there would be easy cuts to be made when he became a Councilor. He said he now realizes how lean and efficient the city is run. On representing the Council at the Memorial Day Parade, he thanked the South Portland Veteran's Association and said that it was fun.

Mayor Boudreau encouraged citizens to get out and vote tomorrow, saying the referendum ballot had an important issue to be considered. She clarified that District Three, previously the Eagles is now the Thomas Room and that the location has not changed. She was stung by negative comments made about Knightville and is very proud of what has transpired in that area. She thanked the Manager and Councilors for all the time spent on the budget.

Councilor Fickett talked about 0% inflation from 1790 to 1968. He said bank notes are not money and the County is in huge debt.

Councilor Jacobs remarked all that we get for our tax dollars. He gave recognition to the following; Clerk's Office and the Election Workers, Commute Another Way Day, Congratulations to the 2004 graduates, South Portland Historical Society Annual Meeting and the South Portland Land Trust Annual Plant Sale. He said South Portland is a great place to live.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A. § 405(6)(e), legal rights and duties of the City Council, regarding Wainwright Farms.

A motion to adjourn to executive session was made by Councilor De Angelis and seconded by Councilor Hughes at 10:17 P.M. There was considerable discussion on who should abstain from this session and whether it should, in fact, be discussed in

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executive session. It was decided that the Mayor did not have a conflict of interest but Councilors Fickett and Maietta did. It was also decided that the information being presented was public record and that the Council did not have to recess to executive session to discuss it.

The Manager provided the Council with a memorandum from Woodard and Curran in response to Attorney Lourie's letter dated May 24, 2004. The Council took several minutes to read the material over. After discussion of the memorandum, it was decided that there was not enough evidence to substantiate that loam had been removed from the Wainwright Complex and the City Council would take no further action to pursue this matter.

Councilor De Angelis withdrew her motion to adjourn to executive session, as did Councilor Hughes.

Motion to adjourn was made by Councilor Jacobs at 11:12 P.M. and seconded by Councilor Beecher. Adjournment passed 5-0 (Fickett and Maietta sitting out from the loam discussion).

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ATTEST _____
Susan M. Mooney, City Clerk

IN REGULAR MEETING VOL. 65 PAGE 152
JUNE 21, 2004

Roll Call: Mayor Boudreau called the meeting to order at 7:02 P.M. Councilor Maietta was absent.

A. Acceptance of Minutes

Motion was made by Councilor De Angelis and seconded by Councilor Beecher to accept the minutes from the Regular Meeting of June 7, 2004 and the Special Meeting of June 7, 2004. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Portland Pipe Line regarding the award of The William M. Benkert Marine Environmental Protection Award.
- Notice of the Special Workshop tomorrow night to review the Strategic Plan.

C. Petitions and Communications

The Willard neighborhood Master Plan

Department Reports for the month of May, 2004.

Attendance Reports for the month of May, 2004.

D. Appointment Calendar

1. ORDER #120-03/04 – Civil Service Commission, District 3, (De Angelis). To fill a term which expires 03/01/09. Postponed since 03/15/04. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Actions

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2. ORDINANCE #26-03/04 – Amending Chapter 27, “Zoning,” regarding a zoning map change from Residential G to Limited Business LB in Willard Square. Passed first reading on 06/07/04. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Planning Director Tex Haeuser presented information to the Council. Motion for passage was made by Councilor De Angelis and seconded by Councilor Jacobs. Passed 5-1 (Fickett)

3. ORDER #192-03/04 – Accepting the Consolidated Housing and Community Development Program Plan, the Annual Action Plan and the Citizen Participation Plan for the Community Development Program. Passage requires majority vote.

There was no public discussion.

CDBD Director, Jim Gailey presented an overview of the recommendations of the CDAC’s proposed action plan. Councilor Hughes motioned to amend the plan to take funds from the Pleasantdale Sewer Separation Project and dedicate them to set up a Housing and Rehabilitation Loan Program. Councilor Jacobs seconded the motion. The amendment failed 1-5 (Beecher, Jacobs, Fickett, Boudreau, De Angelis). The main motion passed as presented 5-1 (Fickett).

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.)

4. ORDER #193-03/04 – Amending the 1992 Comprehensive Plan regarding “The Willard Neighborhood Master Plan”. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee talked about how the Willard Beach Association used to work together without any problems. He said newcomers have come in and want to change things and he does not agree with the Association recommendations.

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

5. ORDER #194-03/04 – Award of bid for medical services to City employees. Passage requires majority vote.

The following person addressed this item;

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Ray Lee, 28 Henry Street – Mr. Lee asked what would happen to these services if the Palesky tax cap passes. The City Manager said the law requires random drug testing, however, this is not a guaranteed paid service. If the City does not end up having to use the service, there would be no payout.

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

6. ORDER #195-03/04 – Setting the sewer user fees for Fiscal Year 2005. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #196-03/04 – Approving a sub-surface wastewater holding tank at 2065 Broadway. Passage requires majority vote.

There was no public discussion.

Bob Metcalf from Mitchell and Associates provided the Council with background information. Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0.

8. ORDER #197-03/04 – Extending the contract with Pine Tree Waste, Inc., of South Portland, to provide curbside collection of recyclable materials. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked how much recycling has saved us from R.W.S. The City Manager said that recycling efforts across member municipalities costs R.W.S. about \$200,000 annually. South Portland diverts about 2,000 tons of waste and is recycling at a rate of about 21.3%.

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

9. ORDER #198-03/04 – Award of bid for the sale of used police cruisers. Passage requires majority vote.

There was no public discussion.

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

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10. ORDER #199-03/04 – Amending the “Traffic Schedule” establishing a No Truck Zone on Skillings Street from Main Street to the end and on Pleasant Avenue from Skillings Street to Cash Street. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked for clarification on what No Trucks meant, did it refer to pickup trucks. Lieutenant Mark Clark said No Trucks means that tractor-trailers are not allowed.

Casimara McIntire, 72 Skillings Street – Ms. Casimara said at one time there used to be a trucking terminal there that was demolished in 1995. For the past 8 years, more trucks have traveled through the neighborhood than ever before. She voiced concern about how this amendment could be enforced.

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

11. ORDER #200-03/04 – Accepting a Maine Municipal Association October 2003 Safety Grant in the amount of \$695.54 to be used by the Police Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee asked if this grant required matching funds. The City Manager said that it did not.

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

12. ORDINANCE #27-03/04 – Amending Chapter 23, “Streets and Sidewalks,” regarding parking of recreational vehicles on City streets. First reading. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee felt that as long as a vehicle is registered, the owner should have the right to park it on the street as long as it did not block a drive way.

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

13. ORDER #201-03/04 – Award of bid for the purchase of a service truck for the School Department. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor De Angelis. Polly Ward, School Business Manager, was present and provided information on why it would be difficult for the School Department to share the City's service truck. It was decided that the school would explore the possibility of sharing the service truck with surrounding communities. Passed 5-1 (Fickett)

I. Citizen Discussion (Second Part)

Ray Lee, 28 Henry Street – Mr. Lee felt Councilor Hughes suggested amendment to the CDBG program was a fantastic idea. He referred to a story in the Forecaster, saying that it encouraged people to vote for the Palesky tax cap. He said the Council should pass a Charter amendment requiring a 2/3 vote for any municipal bonds.

J. Councilor's Round Robin

Councilor Beecher said that Staples is taking old computers and printers until July 11 and encouraged people to take advantage of that opportunity.

Mayor Boudreau said the airport was going to hold a public hearing on the Noise Study at the Doubletree in Portland on July 13th at 6:00 P.M.

Councilor Fickett said there are two ways of calculating the value of a home, either by Federal Reserve Notes or in silver dollars. He said the Country is in trouble and is in violation of the Constitution.

Councilor Jacobs expressed appreciation at being able to attend a fire training session with the City Manager. They were able to gear up and enter a burning building. He said it was an amazing experience.

Councilor De Angelis praised both the attendants at the Transfer Station where she visited on Saturday and Police personnel that responded to an incident near her home.

K. Executive Session

Motion to adjourn was made at 9:58 P.M. by Councilor De Angelis and seconded by Councilor Beecher. Passed 6-0.

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ATTEST _____
Susan M. Mooney, City Clerk