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**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 1**  
**JULY 7, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 6:59 P.M. Eric Carson sat in for the City Manager who was on vacation.

**A. Acceptance of Minutes**

Motion to accept the minutes from the June 21st Council meeting was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0

**B. Communications from City Manager**

There were no communications from the City Manager.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #103-08/09 – Economic Development Committee, District One (Coward) to fill a term which expires on 03/23/12. Postponed since 3/16/09. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint David Owen of 68 Willard Street. Councilor Blake seconded and the motion passed 7-0.

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

There was no public discussion.

Councilor Boudreau motioned to postpone Items #2 through #9. Councilor Blake seconded. The motion to postpone passed 7-0.

3. ORDER #125-09/10 – Economic Development, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

Postponed, see Item #2 for details

4. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 4/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #2 for details

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 2**  
**JULY 7, 2010**

5. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #2 for details

6. ORDER #178-09/10 - Board of Assessment Review, District Three (De Angelis), for a term which expires 03/16/12. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #2 for details

7. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed on 06/21/10. Passage requires majority vote.

Postponed, see Item #2 for details

8. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Passage requires majority vote.

Postponed, see Item #2 for details

9. ORDER #2-10/11 – Library Advisory Board, District Three (De Angelis), for an unexpired term which expires on 12/31/11. Passage requires majority vote.

Postponed, see Item #2 for details

**E. Consent Calendar**

10. Street Closing

The residents of Charlotte Street and a portion of Phillips Road are requesting the closure of these streets for a block party. Passage requires majority vote.

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned why the city would hire an engineer to review the High School Renovation project. He said the scope of the project was too large. He also objected to the Assessor stating that values in the community were pretty equitable and he said a town wide re-evaluation was needed.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 3**  
**JULY 7, 2010**

Greg Lewis, 153 Mussey Street – Mr. Lewis raised concerns over the asking price of 100 Waterman Drive at 4.8 million when the Assessor’s records showed the assessed value at 2.7 million and a replacement value of 3.4 million.

**G. Public Hearings and Action**

11. ORDINANCE #18-09/10 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding business licenses. Amended and passed first reading on 06/21/10. ROLL CALL VOTE. Passage requires majority vote.

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

David Cowan, owner of 396 Main Street – Mr. Cowan was concerned over language regarding car wash language and an inability to police self service car washes with customers leaving without drying vehicles. The Mayor assured Mr. Cowan that the language addressing the drying of vehicles is not new and that nothing would change from how things have been handled to date.

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

**H. Action on Old and New Business**

12. ORDER #3-10/11– Setting the Schedule of License, Permit and Application Fees to be adopted effective July 27, 2010. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #4-10/11 - Accepting \$48,650 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #5-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 4**  
**JULY 7, 2010**

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

15. ORDER #6-10/11– Setting the street opening fees for FY 2011. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #7-10/11 – Award of Bid #76-10 to O’Connor GMC, of Augusta, ME, and Yankee Ford, of South Portland, ME., for the purchase of three pick-up trucks for the Water Resource Protection Department. Passage requires majority vote.

The following person addressed this item;

Greg Lewis, 153 Mussey Street – Mr. Lewis asked if these were replacement vehicles or if they were new inventory.

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

17. ORDER #8-10/11 - Establishing a Municipal Revolving Loan Fund Program. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #9-10/11 – Award of Bid #79-10 to Liberty Chevrolet, of Wakefield, MA for the purchase of a 2010 SUV for the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

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

19. ORDINANCE #1-10/11 Amending Chapter 8, “Fire Prevention” regarding terminal inspections. First reading. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 5**  
**JULY 7, 2010**

Councilor Boudreau motioned for passage. Councilor Hughes seconded the motion and the Ordinance passed first reading 7-0.

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Mayor Coward said the 4<sup>th</sup> of July celebration at the South Portland Historical Society was wonderful. He reminded folks about the Long Creek Memorial dedication on Sunday at 2:00 P.M.

Councilor Smith invited residents to attend "Chem Free Lawn" with Paul Tukey at the Community Center on Wednesday, July 14<sup>th</sup>.

Councilor De Angelis thanked Carin Dunay for her service on the Library Advisory Board.

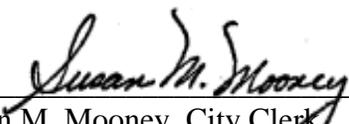
The City Clerk mentioned that Passport Fees would be increasing on Tuesday, July 13<sup>th</sup>.

**K. Executive Session**

Motion to adjourn was made at 8:26 P.M. by Councilor Boudreau and seconded by Councilor Blake. The motion passed 7-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 6**  
**JULY 19, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 7:01 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the July 7th Council meeting was made by Councilor Blake and seconded by Councilor Beecher. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Co-peer review of the High School Renovations Plans is in the works
- Discussion at the Workshop next Monday regarding location options for City Hall
- Congratulations to Tex Haeuser on receiving the “Planner of the Year” award

**C. Petitions and Communications**

Department reports for the month of June, 2010.

Attendance reports for the month of June, 2010.

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Smith motioned to postpone Items #1 and Items #3 through #7. Councilor Beecher seconded. The motion to postpone passed 7-0.

2. ORDER #125-09/10 – Economic Development Committee, District Three (De Angelis), for a term which expires 03/23/13. Postponed since 3/15/10. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned to appoint Sarah Kirn, 58 D Street. Councilor Hughes seconded. The motion passed 7-0.

3. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 4/01/13. Postponed since 04/05/10. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 7**  
**JULY 19, 2010**

Postponed, see Item #1 for details

4. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #178-09/10 - Board of Assessment Review, District Three (De Angelis), for a term which expires 03/16/12. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed on 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #2-10/11 – Library Advisory Board, District Three (De Angelis), for an unexpired term which expires on 12/31/11. Postponed on 07/07/10. Passage requires majority vote.

There was no public discussion. The paper work for this item did not get put in the Council notebooks. Councilor De Angelis motioned to allow the addition of the order and position paper to the packet. Councilor Blake seconded and the motion passed 7-0.

Councilor De Angelis motioned to appoint Kathy Berube, 6 Hoyt Street. Councilor Hughes seconded. The motion passed 7-0.

9. ORDER #10-10/11 – Board of Appeals, At-Large (Blake) to fill a term which expires on 07/23/13. Passages requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 8**  
**JULY 19, 2010**

Councilor Blake motioned to reappoint Gordon Stanhope, 11 Northeast Lane. Councilor Beecher seconded. The motion passed 7-0.

10. ORDER #11-10/11- Board of Appeals, At-Large (Boudreau) to fill a term which expires on 07/23/13. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to reappoint Gary Crosby, 2 Tanner Street. Councilor Beecher seconded. The motion passed 7-0.

**E. Consent Calendar**

11. Street Closing

Tri for a Cure is requesting the closure of Davis Street, Fort Road, Benjamin Pickett St. and Surfside Rd. from 2:00 P.M. to 5:00 P.M. on August 15, 2010 for a Triathlon. Passage requires majority vote.

The following person addressed this item;

Susan Rowan, 29 Sylvan Road – Ms. Rowan said there are over 900 women participating this year and a significant amount of funds will be raised for cancer research.

Councilor Beecher motioned for passage. Councilor Smith seconded and the item passed 7-0.

**F. Citizen Discussion (First Part)**

Richard Rottkov, 14 Woodbury Street – Mr. Rottkov thanked the Council for their work regarding Land Bank Funding and encouraged them to support the maximum recommendation.

**G. Public Hearings and Action**

12. ORDINANCE #1-10/11 Amending Chapter 8, “Fire Prevention” regarding terminal inspections. Passed first reading on 07/07/10. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 9**  
**JULY 19, 2010**

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

**H. Action on Old and New Business**

13. ORDER #12-10/11 - Appealing the denial of a Taxicab Driver's license. Passage requires majority vote.

The following person addressed this item;

Raun Mackin, 10 Cox Street – Mr. Mackin read through a written statement that requested that the Council to support his appeal.

Motion to deny was made by Councilor Boudreau and seconded by Councilor Hughes. The vote of the denial was 7-0. Motion to accept the findings of fact as read was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0.

14. ORDINANCE #17-09/10 – Amending Chapter 2, “Administration and Legislation,” and Chapter 18, “Parks and Recreation” regarding the South Portland Land Bank. Postponed on 06/21/10. First reading. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage and Councilor Smith seconded. Motion was by Councilor Smith to accept the broadened language included on the green sheet. Councilor Beecher seconded.

Councilor Boudreau motioned to amend section 18-72;  
“that ~~many~~ sensitive lands and resources ~~are currently not well protected and are maybe~~ threatened by the ~~rapid~~ pace of development; and that public interest in the future quality and availability for all South Portland residents and visitors of lands for recreation and conservation is best served by significant additions of lands to the public domain.”  
Councilor Beecher seconded and the amendment passed 5-2 (Blake, De Angelis)

The revised ordinance passed as amended 7-0.

15. ORDINANCE #2-10/11 – Amending Chapter 27, “Zoning,” and Chapter 10, “Health, Welfare and Sanitation Generally” regarding medical marijuana dispensaries. First reading. Passage requires majority vote.

There was no public discussion. Motion to have the Ordinance read by title only was made by Councilor Boudreau and seconded by Councilor Hughes.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 10**  
**JULY 19, 2010**

Councilor Beecher motioned for passage. Councilor De Angelis seconded. The Ordinance passed first reading 7-0.

16. ORDER #13-10/11 – Amending Public Works Solid Waste Contract with Pine Tree Waste. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #14-10/11 – Amending the *Traffic Schedule* to make Thomas Street One-Way from Cottage Road to Ocean Street and repealing and replacing the Bus Stops and Taxi Stands Schedule. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #15-10/11 – Award of bid to Stryker EMS Equipment, of Portage, MI, for the purchase of two power lift stretchers to be used by the South Portland Fire Department. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #16-10/11 – Adoption of the Schedule of License, Permit Inspection and Application Fees related to Chapter 8 of the Code of Ordinances. Passage requires majority vote.

There was no public discussion.

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

20. ORDINANCE #3-10/11 – Amending Chapter 26, “Weapons”. First reading. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 11**  
**JULY 19, 2010**

Councilor De Angelis motioned for passage. Councilor Boudreau seconded. Councilor Blake motioned to postpone the item. Councilor De Angelis seconded. The Ordinance was postponed 7-0.

21. ORDER #17-10/11 – Accepting \$17,548.00 from the Wyndam Portland Airport Hotel for the Wetlands and Upland Buffer Compensation fee. Passage requires majority vote.

There was no public discussion.

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

22. ORDER #18-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Boudreau remarked that Department reports indicate that the economy may be starting to turn around.

Councilor De Angelis talked about the Green Lawn Care presentation and recognized Rick Peruzzi for his efforts with keeping Wainwright Fields looking great without pesticides and chemicals. She thanked Mayor Coward for his leadership with the Land Bank Ordinance amendment.

Mayor Coward expressed appreciation for the kind words.

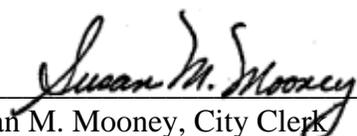
Councilor Blake said the Long Creek Dedication Ceremony was a well done event.

**K. Executive Session**

Motion to adjourn was made at 10:36 P.M. by Councilor De Angelis and seconded by Councilor Hughes. The motion passed 7-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 12**  
**AUGUST 2, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 6:59 P.M. Councilor De Angelis arrived at 7:30 P.M.

**A. Acceptance of Minutes**

The minutes from the previous Council meeting were not done.

**B. Communications from City Manager**

The Manager addressed the following items;

- Congratulations to Rick Peruzzi for his organization with the American Legion Baseball Tournament at Wainwright Fields.
- South Portland City/School Track Team – Unofficially in first place with the Maine Corporate Track Team
- Art in the Park – Mary Kahl provided details of the 31<sup>st</sup> Annual Art in the Park program to be held August 14, 2010.

**C. Petitions and Communications**

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Blake motioned to postpone Items #1, #2, #3, #5 and #6. Councilor Beecher seconded. The motion to postpone passed 6-0.

2. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #178-09/10 - Board of Assessment Review, District Three (De Angelis), for a term which expires 03/16/12. Postponed since 06/07/10. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 13**  
**AUGUST 2, 2010**

Councilor Beecher motioned to appoint David Rooker, 27 Grove Ave. Councilor Hughes seconded and the appointment passed 6-0.

5. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed on 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

7. Street Closure

Scott Hutchinson, of 107 Strout St., is requesting the closure of 101 – 115 Strout Street on September 11, 2010, from 4 P.M. to 8:00 P.M. for a birthday gathering. Passage requires majority vote.

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

8. ORDINANCE #17-09/10 – Amending Chapter 2, “Administration and Legislation,” and Chapter 18, “Parks and Recreation” regarding the South Portland Land Bank. Postponed on 06/21/10. Amended and passed first reading on 07/19/10. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion. Councilor Hughes motioned to have the ordinance read by title only. Councilor Beecher seconded. Motion passed 6-0.

Councilor Smith motioned for passage and Councilor Blake seconded. The ordinance passed roll call vote 5-1 (Boudreau)

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 14**  
**AUGUST 2, 2010**

- 9      ORDINANCE #2-10/11 – Amending Chapter 27, “Zoning,” and Chapter 10, “Health, Welfare and Sanitation Generally” regarding medical marijuana dispensaries. Passed first reading 07/19/10. ROLL CALL VOTE. Passage requires five affirmative votes.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said he believed these locations had already been determined.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Hughes seconded. The motion passed 6-0.

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

**H.      Action on Old and New Business**

10.     ORDER #19-10/11 – Award of Bid # 77-10 to Casey and Dupuis Equipment Corp. of Watertown, MA for the purchase of a sewer cleaner/vactor truck for the Water Resource Protection Department. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo inquired whether just the vacuum could be replaced and whether this vehicle could be shared with another community.

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

11.     ORDER #20-10/11 – Award of Bid # 04-11 to Valley Communications Systems, Inc., of Chicopee, MA for the purchase of smartboards and speakers for the School Department. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned the need for an additional ten smart boards and raised an issue that a cost benefit analysis had not been provided.

Gary Crosby, 2 Tanner Street – Mr. Crosby questioned why this would come out of the city budget. The Manager indicated that it is not being paid out of the city budget.

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

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 15**  
**AUGUST 2, 2010**

12. ORDER #21-10/11 - Award of Bid #05-11 to Systems Engineering of Portland, ME, for the purchase of Cisco equipment for the School Department. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #22-10/11 – Award of Bid # 08-11 to Dell Computers of Round Rock, TX, for the purchase of computer equipment for the School Department. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo indicated that these laptops were much higher processing speed and higher cost than they need to be.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked what would happen with the money for this expenditure if the Council did not approve the purchase.

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

14. ORDER #23-10/11 – Accepting a Target national night Out Grant for \$500.00 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

Gary Crosby, 2 Tanner Street – Mr. Crosby said he missed the last workshop. He indicated that 100 Waterman Drive is not a good deal for the city. He requested that the workshop on the High School upgrade and renovation be televised.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo handed out a spreadsheet with information that he felt outlined some discrepancies in valuations.

Greg Lewis, Mussey Street – Mr. Lewis urged the Council to drop the issue of pursuing the purchase of 100 Waterman Drive.

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 16**  
**AUGUST 2, 2010**

Councilor Boudreau remarked about the sharing of Willard Beach with families and dog owners. She commented that some dog owners are leaving behind “doggie bags” and she asked that they take the extra step to properly dispose of them.

Councilor De Angelis thanked Councilor Beecher for moving her appointment of David Rooker forward. She commented on a letter to the editor that she submitted praising our EMT services.

Mayor Coward said what a pleasure it is to provide “Mayoral” services in the community and said he is looking forward to Art in the Park.

Councilor Blake asked for an update on the Broadway repaving project. The Manager said the section between Anthoine and Evans will be complete by the 6<sup>th</sup>. The sewer project in Cash Corner is expected to take 30 to 45 days.

Councilor Blake reminded folks that the Don Campbell Band will be playing in the park this week and the gazebo is just about done. He congratulated the City/School track team and thanked Matt Green for heading up this effort.

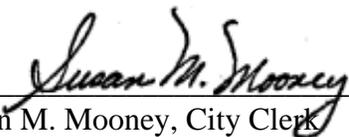
Councilor Smith said Tri for a Cure will be held in two weeks.

Councilor Beecher thanked Mary Kahl for her work with the Art in the Park program. She also reminded folks that the Comprehensive Plan Committee would be meeting tomorrow night and the public is welcome.

**K. Executive Session**

Motion to adjourn was made at 8:55 P.M. by Councilor Blake and seconded by Councilor Boudreau. The motion passed 7-0.

A TRUE COPY

ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 17**  
**AUGUST 16, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the July 19<sup>th</sup> Council meeting and the August 2<sup>nd</sup> Council meeting was made by Councilor Blake and seconded by Councilor Boudreau .  
Passed 7-0

**B. Communications from City Manager**

The City Manager addressed the following items:

- Art in the Park had a great turnout and he thanked all the volunteers for their efforts.
- Tri-for-a-Cure had more participants than last year and he thanked the Community for coming out and cheering them on.

**C. Petitions and Communications**

Department reports for the month of July, 2010.  
Attendance reports for the month of July, 2010.

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #5. Councilor Smith seconded and the postponement passed 7-0.

2. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 18**  
**AUGUST 16, 2010**

4. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

No one spoke at Citizen's Discussion

**G. Public Hearings and Action**

6. Business License

CPS d/b/a Loose Caboose, Clark's Pond Parkway, seeking a variance to operate a FE/Mobile Vending Unit within 500' of other city licensed food establishments. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded and the variance passed 7-0.

**H. Action on Old and New Business**

7. ORDER #24-10/11 – Authorizing the City Manager to sign a collective bargaining agreement with AFSCME Local 481, Council 93 from July 1, 2009 to June 30, 2012. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 19**  
**AUGUST 16, 2010**

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

8. ORDER #25-10/11 – Award of RFP to Government Payment Processing (GovPay), of Portland, ME, to provide electronic and credit card merchant services. Passage requires majority vote.

Albert DiMillo, 64 Colchester Drive addressed this item stating that he felt that is was a high set of fees and doubted that many people would use it.

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

9. ORDER #26-10/11 – Extending the service agreement between New England Organics and the City for the disposal of biosolids. Passage requires majority vote.

There was no public discussion.

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

10. RESOLVE #1-10/11 - Committing to sustainable practices. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #27-10/11 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to take this item out of order and Councilor Hughes seconded. Passage to take out of order passed 7-0.

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

**I. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 20**  
**AUGUST 16, 2010**

Albert DiMillo, 64 Colchester Drive spoke on the High School Renovations bond. He felt the new plan gave too much square footage per student. And that the statistics gave a false ratio due to the Auditorium not being factored in. He stated that the ratio should be less and that the project was 20 million dollars over priced.

**J. Councilor's Round Robin**

Councilor Boudreau stated she had been getting calls concerning airplane noise and explained that the pilots can only use the Harbor Visual approach when certain conditions are met.

Councilor De Angelis thanked everyone involved in Art in the Park and Tri-for-a-Cure.

Councilor Coward stated that Art in the Park was a huge success and that SPC-TV would be airing interviews with the winners of the show. He also commended the work being done on the new gazebo.

Councilor Blake recognized Gene Hunter, a former South Portland history teacher who passed away. He also was frustrated with the amount of young people that had passed away due to car accidents. He felt there needed to be more education regarding this issue.

Councilor Smith thanked and congratulated the participants of Tri-for-a-Cure.

Councilor Beecher attended Art in the Park and was impressed with the student art. She also praised the Finance Department for their efficiency and the great job they do. She also commented on how good the Community Center looked after its summer cleaning.

Councilor Hughes commented on the fact that many artists started their careers at Art in the Park.

**K. Executive Session**

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

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

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 21  
AUGUST 23, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 6:38 P.M. Councilor Beecher was absent and Councilor De Angelis arrived at 6:40 P.M.

**F. Citizen Discussion (First Part)**

Councilor Boudreau motioned to suspend Citizen Discussion. Councilor Smith seconded and the motion passed 6-0.

**H. Action on Old and New Business**

1. Ordinance # 3-10/11 - Appropriating \$44,200,000 for renovations of South Portland High School and to authorize \$44,200,000 principal amount of bonds to finance such appropriations. First reading. Passage requires majority vote.

The following people addressed this item;

Christine Moynihan, 284 Sawyer Street  
Ralph Baxter, Jr., 50 Higgins Lane  
Chris Breau, 62 Providence Ave.  
Susan Sullivan, 20 Kittredge Road  
Melissa Linscott, 75 Adelbert Street  
Anton Hoecker, 40 Hillside Ave.  
Jerald McQuenney, 114 Clifford Street  
Scott Gorneau, 97 Walnut Street  
Matt Richards, 380 Sawyer Street  
Susan Adams, 55 Higgins Lane  
Albert DiMillo, 64 Colchester Drive  
Richard Carter, 33 Thompson Street  
Peter Frankwicz, 1 Woodbury Street  
Karen Callaghan, 241 Alfred Street  
Ross Little, 26 Day Street  
Sergio Gaddar, 16 Haven Road  
Margaret Donahue, 593 Preble Street  
Jeff Selser, 17 Summit Street  
Margaret Hawkins, 14 Adelbert Street  
Scott Tompkins, 10 Sylvan Road  
Greg L'Heureux, Finance Director  
Don Russell, 143 Hillside Ave.  
Al Livingston, 205 Sandy Hill Road

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 22**  
**AUGUST 23, 2010**

Councilor Blake motioned for passage. Councilor Smith seconded. Councilor Boudreau motioned to amend the Ordinance to correct a figure in paragraph six, \$66,281,494 to \$69,416,494. Councilor Smith seconded and the amendment passed 6-0. The Ordinance passed first reading 4-2 (Hughes, De Angelis)

2. ORDER #28-10/11 - Authorizing notice to abutters and setting September 8, 2010 for a public hearing regarding the proposed discontinuance of a portion of Gorham Road. Passage requires majority vote.

There was no public discussion.

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

**K. Executive Session**

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

Councilor De Angelis motioned to adjourn to executive session at 8:57 P.M. Councilor Smith seconded. The motion passed 6-0.

Councilor De Angelis motion to return from executive session at 9:32 P.M. Councilor Hughes seconded. The motion passed 6-0.

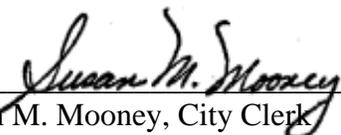
Councilor Hughes motioned to approved Hardship Abatement #1-10/11 in the amount of \$853.34 plus interest. Councilor De Angelis seconded. The motion passed 6-0.

Councilor Hughes motioned to approved Hardship Abatement #2-10/11 in the amount of \$1,899.44 plus interest and fees. Councilor Boudreau seconded. The motion passed 6-0.

Councilor Blake motioned to adjourn at 9:34 P.M. Councilor Smith seconded. Motion passed 6-0.

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL MEETING VOL. 72 PAGE 23**  
**SEPTEMBER 8, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 16<sup>th</sup> Council meeting was made by Councilor Blake and seconded by Councilor Smith. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Communication from the Maine Board of Pesticide Control. Information available at [thinkfirstspraylast.com](http://thinkfirstspraylast.com)
- Residents will be contacted by CMP to schedule the installation of the new Smart Meters

**C. Petitions and Communications**

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Boudreau motioned to postpone items #1 through #5. Councilor Blake seconded. The postponement passed 7-0.

2. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

**IN COUNCIL MEETING VOL. 72 PAGE 24**  
**SEPTEMBER 8, 2010**

5. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people spoke in opposition of the closing of Gorham Road Extension;  
Lawrence McDonald, 130 Devereaux Circle  
Janet Robinson, Scarborough  
Cameo Lemke, 499 Westbrook Street  
Robert Hyssong, 499 Westbrook Street  
Greg Lewis, 153 Mussey Street

The following people spoke in support of the High School renovation project;  
Melissa Linscott, 75 Adelbert Street  
Kristin McWilliams, 52 Elsmere Ave.  
Anna Cloutier, 11 Adelbert Street

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

Motion was made by Councilor De Angelis to move Item #8 before Item #12. Councilor Hughes seconded and the motion passed 7-0.

**G. Public Hearings and Action**

6. ORDINANCE # 3-10/11 - Appropriating \$44,200,000 for renovations of South Portland High School and to authorize \$44,200,000 principal amount of bonds to finance such appropriations. Passed first reading on 08/23/10. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;  
Jerald McQueeney, 114 Clifford Street  
Susan Adams, 55 Higgins Lane  
Bill Arnold, 6 Northeast Lane  
Will Callendar, 203 Margaret Street  
John Backman, 123 Lowell Street  
Chris Trout, 462 Preble Street  
Karen Callaghan, Alfred Street  
Jessica Sobey, Bowers Street  
Margaret Donahue, Preble Street  
Karen Weiss, 597 Preble Street

**IN COUNCIL MEETING VOL. 72 PAGE 25**  
**SEPTEMBER 8, 2010**

Kurt Whited, Elsmere Ave.  
Renee Griffin, South Richland Street  
Aron O'Conner-Jones, 9 Witham Road  
Don Russell, 143 Hillside Ave.  
Darell Rogers, 35 Boysenberry Drive  
Alison Jacoby, 50 Danforth Road  
Peter Stocks, Colchester Drive  
Julia Selser, 17 Summit Street  
Albert DiMillo, 64 Colchester Drive  
Ralph Baxter Sr., 97 Simmons Road  
Ralph Baxter Jr., 50 Higgins Lane  
Peter Frankwicz, 1 Woodbury Street  
Greg Lewis, 153 Mussey Street  
Janet Robinson, Coral Lane, Scarborough  
Rick Carter, 33 Thompson Street

Councilor Blake motioned for passage. Councilor Boudreau seconded. Councilor Boudreau motioned to amend the Ordinance from \$44,200,000 to \$41,500,000 which would also change the net debt amount to \$66,716,494. Councilor Blake seconded and the motion passed 7-0.

Councilor Beecher made a second amendment to further amend the bond to \$41,000,000. Councilor Hughes seconded but the motion failed 1-6 (Coward, Smith, De Angelis, Hughes, Boudreau, Blake). The Ordinance passed roll call vote 5-2 (Hughes, De Angelis)

7. Business License

Spring Point Tavern, 175 Benjamin Pickett St, to renew their Special Amusement Permit without dancing. Passage requires majority vote.

There was no public comment.

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

8. Public Comment on proposed discontinuance of a portion of Gorham Road.

Motion was made by Councilor De Angelis to move Item #8 before Item #12. Councilor Hughes seconded and the motion passed 7-0. After Item #11 was finished, Councilor Boudreau motioned to removed Item #8 since comments could be made on Items #12, #13 and #14 which all deal with this discontinuance. Councilor Beecher seconded. The vote to dispense with this item passed 7-0.

**H. Action on Old and New Business**

**IN COUNCIL MEETING VOL. 72 PAGE 26**  
**SEPTEMBER 8, 2010**

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

9. ORDER #29-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #30-10/11 – Award of Bid #12-11 to Hardypond Construction, of Portland, ME, for renovations to Central Fire Station. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #31-10/11 – Accepting an Office of Substance Abuse Underage Drinking Enforcement Grant of \$14,723.84 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #32-10/11 – Authorizing the City Manager to execute an exchange agreement between the City and the Maine Department of Transportation (MDOT), to execute and deliver a deed to MDOT and to accept delivery of a deed from MDOT, all to effectuate a swap of property located at the intersection of Gorham Road and Western Avenue. Passage requires majority vote.

The following person addressed this item;

Greg Lewis, 153 Mussey Street – Mr. Lewis said we did not need any more development.

Councilor Beecher motioned for passage. Councilor Boudreau seconded. The Order passed 5-2 (Smith, De Angelis).

13. ORDER #33-10/11 – Discontinuing a portion of Gorham Road located at the intersection of Gorham Road and Western Avenue. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL MEETING VOL. 72 PAGE 27**  
**SEPTEMBER 8, 2010**

Greg Lewis, 153 Mussey Street – Mr. Lewis asked if public had previously been allowed to comment on this project. He was told that the public was invited to comment on all of this two years ago when the purchase and sale agreement was being considered.

Vincent Maietta, 199 Elderberry Drive – Mr. Maietta asked that the Council consider public access in the yellow area of the map where there is a storm water drainage easement. Mr. Maietta provided a revised Council Order with additional wording for consideration that would allow for the public access.

Councilor Hughes motioned for passage with the suggested wording from Mr. Maietta's submission. Councilor Boudreau seconded. The Order passed 5-2 (Smith, De Angelis).

14. ORDER #34-10/11 – Authorizing the City Manager to execute and deliver a release deed and a stormwater drainage easement deed to 85 Western Avenue, LLC (or its nominee or successor in interest) to effectuate the sale of the City-owned property located at 85 Western Avenue. Passage requires majority vote.

The following person addressed this item;

Greg Lewis, 153 Mussey Street – Mr. Lewis said this was all a done deal before anyone got here tonight.

Councilor Blake motioned for passage. Councilor Beecher seconded. Councilor De Angelis motioned to divide the question so that the distribution to the Land Bank could be considered separately. Councilor Boudreau seconded. The motion failed 3-4 (Blake, Coward, Hughes, Smith). The motioned passed as presented 5-2 (De Angelis, Boudreau)

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

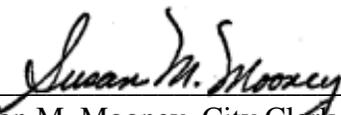
Councilor Beecher motioned to waive Round Robin. Councilor Boudreau seconded. The motion passed 4-3 (Smith, De Angelis, Blake)

**K. Executive Session**

Councilor De Angelis motioned to adjourn at 12:36 P.M. Councilor Hughes seconded. The motion passed 7-0.

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ATTEST

  
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Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 28**  
**SEPTEMBER 13, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 9:23 P.M. All Councilors were present.

**H. Action on Old and New Business**

1. ORDER #35-10/11 – Authorizing the City Manager to execute a cost sharing agreement between the City and 85 Western Avenue, LLC relating to utility relocations associated with the recently discontinued portion of Gorham Road. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor De Angelis seconded. Councilor Beecher motioned to amend the \$108,000 to \$125,000. Councilor Hughes seconded and the amendment passed 6-1 (Blake). The Order passed as amended 6-1 (Blake)

2. ORDER #177-09/10 - Board of Assessment Review, At Large (Boudreau) to fill a term which expires on 12/31/10. Postponed since 06/07/10. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to waived Standing Rule 3-E and #36B to allow Item #2 to be added to the agenda. Councilor De Angelis seconded. The motioned passed 7-0.

Councilor Boudreau motioned to appoint Russell Barrows, 6 Blueberry Drive to the Board of Assessment Review. Councilor De Angelis seconded. The Order passed 7-0.

Councilor De Angelis motioned to adjourn at 9:35 P.M. Councilor Beecher seconded. The motion to adjourn passed 7-0.

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 29**  
**SEPTEMBER 20, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the August 23, 2010 Special Council meeting was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

Motion to accept the minutes from the September 8, 2010 Council meeting was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0

Motion to accept the minutes from the September 13, 2010 Special Council meeting was made by Councilor Beecher and seconded by Councilor De Angelis. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- FEMA Flood Map Meeting on September 29<sup>th</sup>, 6pm at SPHS Auditorium
- Ecomaine's Open House is on Saturday
- Ward Clerks are needed for districts 1, 4 and 5
- Greensneakers will be going door to door beginning October 2<sup>nd</sup> and advising residents on how to make their homes more energy efficient and tips to stay warm this winter
- He attended the MTCCA annual meeting and saw City Clerk Susan Mooney get awarded "Clerk of the Year"

**C. Petitions and Communications**

Department Reports for the month of August, 2010.

Attendance Reports for the month of August, 2010.

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Blake motioned to postpone Items 1-6. Councilor Beecher seconded. The motion to postpone passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 30**  
**SEPTEMBER 20, 2010**

2. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #37-10/11 – Voter Registration Appeals Board, Democratic appointment, to fill a term which expires 09/29/13. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #38-10/11 – Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for an unexpired term which expires 08/08/11. Passage requires majority vote.

Councilor Blake motioned to nominate Donald Legere to the Greater Portland Public Development Commission. Councilor Beecher seconded. The Order passed 7-0.

8. ORDER #39-10/11 - Nomination to the Governor for an appointment to the Greater Portland Development Commission for an unexpired term which expires 08/08/13. Passage requires majority vote.

Councilor Beecher motioned to nominate Claude Morgan to the Greater Portland Development Commission. Councilor Smith seconded. The Order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 31  
SEPTEMBER 20, 2010**

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people spoke on tonight's weapons ordinance;

Jim Hoy, 77 Hill Street

Norm Hammon, Lyman, ME

Gary Crosby, Tanner Street

Aaron Bourassa, 62 Sawyer Street

Stephanie Bourassa, 62 Sawyer Street

John Kierstead, 36 School Street

Jake Myrick, 10 Harborview

James Roy, Providence Ave

**G. Public Hearings and Action**

**H. Action on Old and New Business**

9. RESOLVE #2-10/11 – Approving an Appropriation Transfer Resolve for FY 2010. Passage requires majority vote.

There was no public discussion

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

10. ORDER #40-10/11-Award of Bid #16-11 to Colonial Chevrolet, of Acton, MA, for the purchase of a pickup truck for the Parks Department. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #41-10/11 – Award of Bid #11-11 to H. P. Fairfield, of Skowhegan, ME, for the purchase of a sidewalk tractor for the Public Works Department. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 32**  
**SEPTEMBER 20, 2010**

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

12. ORDINANCE #4-10/11 - Amending to Chapter 26, "Weapons". First reading. Passage requires majority vote.

The following people spoke on this item;

John Beyer, 91 N Kelsey St.  
John Hammond, Lyman, ME  
Jim Hoy, 77 Hill Street  
Scott Ouillette, 31 McKinley St  
Gary Crosby, Tanner St  
Jake Bart, 10 Harborview  
John Kierstead, 36 School St  
Lee Harvey, 21 Elmwood  
Al DiMillo, 64 Colchester Dr.  
Aaron Bourassa, 62 Sawyer Street  
Edward Googins, South Portland Police Chief  
Sally Daggett, City Attorney

Councilor Boudreau motioned for passage of option #2. Councilor Boudreau seconded.

Councilor Beecher wanted to make clear that the use of these items on private property is not prohibited.

After much discussion, City Attorney Sally Daggett made a friendly amendment to the ordinance, option #2, Sec. 26-6(b), that states "...en route to and from...or during transport with an enclosed container..."

Councilor Boudreau motioned for passage of the amendment. Councilor Beecher seconded. Amendment passed 6-1 (Blake).

First Reading passed as amended, 6-1 (Blake).

13. ORDINANCE #5-10/11 – Amending Chapter 27, "Zoning," to reorganize the ordinance, adopt a new official zoning map and make various miscellaneous amendments. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for Ordinance to be read by title only. Councilor Beecher seconded. Passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 33**  
**SEPTEMBER 20, 2010**

Councilor Beecher motioned for passage. Councilor Hughes seconded. First Reading passed 7-0.

14. ORDINANCE #6-10/11 – Amending Chapter 3, “Animals and Fowl”; Chapter 5, “Buildings”; Chapter 8, "Fire Protection and Prevention"; Chapter 11, “House-Car Trailers and Mobile Home Parks”; Chapter 22, “Sewers and Drains”; Chapter 24, “Subdivisions”; and Chapter 30, “Control of Noise From New Development,” to update cross-references to Chapter 27 as a result of the reorganization of the Zoning Ordinance. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for Ordinance to be read by title only. Councilor Beecher seconded. Passed 7-0.

Councilor Beecher motioned for passage. Councilor Smith seconded. First Reading passed 7-0.

15. ORDINANCE #7-10/11 – Amending Chapter 24 “Subdivisions” to make various miscellaneous amendments. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned for Ordinance to be read by title only. Councilor Beecher seconded. Passed 7-0.

Councilor Smith motioned for passage. Councilor Blake seconded. First Reading passed 7-0.

16. ORDINANCE #8-10/11 – Amending Chapter 5, “Buildings,” regarding the Property Assessed Clean Energy (PACE) Program. First reading. Passage requires majority vote.

The following person addressed this item;

Eric Carson, Asst City Manager

Councilor Blake motioned for Ordinance to be read by title only. Councilor Beecher seconded. Passed 7-0.

Councilor Blake motioned for passage. Councilor Beecher seconded. First Reading passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 34**  
**SEPTEMBER 20, 2010**

17. RESOLVE #3-10/11 – Regarding Truck Limits on I-295. Passage requires majority vote.

This item was withdrawn from the agenda.

**I. Citizen Discussion (Second Part)**

The following person spoke on the school renovations project;  
Al DiMillo, Colchester Dr.

**J. Councilor's Round Robin**

Councilor De Angelis thanked residents for sharing their opinions on the school renovation issue. She also advised that Oct 16<sup>th</sup> is both the Hazardous Waste drop off program date as well as the Medicine Drop at the Wastewater facility on Waterman Dr.

Councilor Coward commented on the city employees who have recently won awards/recognition for their participation with various committees and organizations in their respective fields. He also commented on the helpfulness of hearing from so many voters on the school renovations issue.

Councilor Blake recognized out employees that have recently won accolades. He also mentioned that Mill Creek Pond was recently drained for annual maintenance.

Councilor Smith passed.

Councilor Beecher mentioned the volunteers breakfast coming up on Saturday, September 25<sup>th</sup>. She also mentioned the combined Hazardous Waste/Medicine drop off event coming up.

Councilor Hughes passed.

Councilor Boudreau passed.

**K. Executive Session**

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

Councilor Blake motioned to adjourn to executive session at 10:35 P.M. Councilor Boudreau seconded. The motion passed 7-0.

Councilor De Angelis motion to return from executive session at 11:50 P.M. Councilor Hughes seconded. The motion passed 7-0.

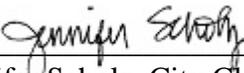
**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 35  
SEPTEMBER 20, 2010**

Councilor De Angelis motioned to approved Hardship Abatement #3-10/11 in the amount of just the August taxes. Councilor Beecher seconded. The motion passed 7-0.

Councilor Hughes motioned to deny Hardship Abatement #4-10/11. Councilor De Angelis seconded. The motion passed 7-0.

Councilor Beecher motioned to adjourn at 11:53 P.M. Councilor Smith seconded. Motion passed 7-0.

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ATTEST   
\_\_\_\_\_  
Jennifer Scholz, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 36  
OCTOBER 4, 2010**

**Roll Call:** Mayor Coward called the meeting to order at 7:03 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the September 20<sup>th</sup> Council meeting was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Surplus equipment sale – details can be found on the Home page of the city website
- FEMA Flood Maps – Fema is working on a Risk Map Program with each community
- 10/16 Household Hazardous Waste collection 9:00 A.M. to 1:00 P.M. at the Water Resource Department on Waterman Drive
- 10/16 Medication Collection Program from 10:00 A.M. to 2:00 P.M. at the South Portland Community Center and the Cape Elizabeth Fire Station
- Gift book update
- The Clerk advised that absentee voting has begun and provided a brief overview of the ballot information

**C. Petitions and Communications**

**D. Appointment Calendar**

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

There was no public discussion.

Councilor Smith motioned to appoint Sergio Gaddar, 16 Haven Road to the Economic Development Committee. Councilor De Angelis seconded. The motioned passed 7-0.

2. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #2 through #6. Councilor Beecher seconded. The motion to postpone passed 7-0.

3. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #2 for details

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**OCTOBER 4, 2010**

4. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #2 for details

5. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed on 09/20/10. Passage requires majority vote.

Postponed, see Item #2 for details

6. ORDER #37-10/11 – Voter Registration Appeals Board, Democratic appointment, to fill a term which expires 09/29/13. Postponed on 09/20/10. Passage requires majority vote.

Postponed, see Item #2 for details

**E. Consent Calendar**

7. Sign Permit

The Police Department is requesting to place signs on Highland Avenue and Broadway to inform the public of the Community Drug Drop Off. Passage requires majority vote.

There was no public discussion.

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

- 7A. Street Closing

The residents of Arbutus Avenue are requesting the closure on October 16, 2010, for a neighborhood block party from 1:00 P.M. to 5:00 P.M. Passage requires majority vote.

Councilor Beecher motioned to waive standing rule 3-E to add this item to the agenda. Councilor De Angelis seconded. The motion passed 7-0.

The following person addressed this item;

John Maloney, Arbutus Ave. – Mr. Maloney said he was available to answer any questions the Council might have.

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

**F. Citizen Discussion (First Part)**

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**OCTOBER 4, 2010**

Cookie Kalloch, 14 Belleview Ave. – Ms. Kalloch indicated that she has been in touch with city officials on a couple of occasions regarding a deteriorating structure and accumulation of waste. The City Manager will look into this.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo talked about the High School project saying it is not a renovation plan, rather an expansion.

Scott Ouillette, 31 McKinley Street – Mr. Ouillette was concerned about whether Nerf guns would be banned under the passage of the weapons ordinance.

John Kierstead, 36 School Street – Mr. Kierstead asked if there would be a change for citizen discussion when item #8 is introduced tonight. He was advised that there would be.

**G. Public Hearings and Action**

8. ORDINANCE #4-10/11 - Amending to Chapter 26, “Weapons”. Amended and passed first reading on 09/20/10. ROLL CALL VOTE. Passage requires majority vote.

Councilor Hughes motioned to have the Ordinance read by title only. Councilor De Angelis seconded and the motion passed 7-0.

The following people addressed this item;

John Kierstead, 36 School Street – Mr. Kierstead said this ordinance amendment goes too far and is not necessary.

James Roy, 41 Providence Ave. – Mr. Roy asked if there was any analysis on similar ordinance language that has been in place in Bangor and Portland.

Sean Manning, 54 Chestnut Street – Mr. Manning also felt the ordinance amendment was too excessive.

Councilor Boudreau motioned for passage and Councilor De Angelis seconded. Passed roll call vote 6-1 (Blake).

**Councilor De Angelis motioned to take item #12 out of order. Councilor Boudreau seconded. The motion passed 7-0. Please see item #12 for details.**

9. ORDINANCE #5-10/11 – Amending Chapter 27, “Zoning,” to reorganize the ordinance, adopt a new official zoning map and make various miscellaneous amendments. Passed first reading on 09/20/10. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Councilor Blake motioned for passage and Councilor Beecher seconded. Councilor Smith motioned to amend the wording in section 27-154 to cross out the word “less” and replace

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 39**  
**OCTOBER 4, 2010**

it with the word “more”. Councilor De Angelis seconded and the amendment passed 7-0. Passed roll call vote as amended 7-0.

10. ORDINANCE #6-10/11 – Amending Chapter 3, “Animals and Fowl”; Chapter 5, “Buildings”; Chapter 8, "Fire Protection and Prevention"; Chapter 11, “House-Car Trailers and Mobile Home Parks”; Chapter 22, “Sewers and Drains”; Chapter 24, “Subdivisions”; and Chapter 30, “Control of Noise From New Development,” to update cross-references to Chapter 27 as a result of the reorganization of the Zoning Ordinance. Passed first reading on 09/20/10. ROLL CALL VOTE. Passage requires majority vote.

Councilor Smith motioned to have the Ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0.

There was no public discussion.

Councilor Beecher motioned for passage and Councilor De Angelis seconded. Passed roll call vote 7-0.

11. ORDINANCE #7-10/11 – Amending Chapter 24 “Subdivisions” to make various miscellaneous amendments. Passed first reading on 09/20/10. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the Ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0.

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Smith seconded. Passed roll call vote 7-0.

12. ORDINANCE #8-10/11 – Amending Chapter 5, “Buildings,” regarding the Property Assessed Clean Energy (PACE) Program. Passed first reading on 09/20/10. ROLL CALL VOTE. Passage requires majority vote.

Councilor Boudreau motioned to have the Ordinance read by title only. Councilor Hughes seconded and the motion passed 7-0.

There was no public discussion.

Councilor Hughes motioned for passage and Councilor Blake seconded. Passed roll call vote 7-0.

**H. Action on Old and New Business**

13. ORDER #40-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 40  
OCTOBER 4, 2010**

There was no public discussion.

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

14. ORDER #41-10/11 – Adoption of the Schedule of License, Permit, Inspection and Application Fees related to Chapters 24 and 27 of the Code of Ordinances. Passage requires majority vote.

There was no public discussion.

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

15. RESOLVE #4-10/11 – Establishing the Greater Portland Economic Development Corporation. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Beecher seconded. Councilor De Angelis motioned to add Cape Elizabeth to the third and fifth paragraph. Councilor Beecher seconded and the amendment passed 7-0. The Order passed as amended.7-0.

16. ORDER #42-10/11 – Award of Bid #19-11 to Autotronics, of Whitman, MA, for the purchase of an ambulance for the South Portland Fire Department. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #43-10/11 – Award of bid to Two-Way Communications, of Portsmouth, New Hampshire for the purchase of 800 MHz radios for the South Portland Fire Department. Passage requires majority vote.

Councilor Boudreau motioned to waive standing rule 3(E) and 36(B) to have this item added to the agenda. Councilor Hughes seconded and the motion passed 7-0.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 41  
OCTOBER 4, 2010**

Rick Lee, Westbrook Street – Mr. Lee talked about diversified economic development in the city.

**J. Councilor's Round Robin**

Mayor Coward urged anyone with questions about the school bond issue to contact him. He also reminded folks that they could research information about the Cumberland County Charter question on the County website.

Councilor Blake said there are several open house tours of the High School scheduled. The schedule can be found on the School Department website. He also encouraged folks to do their homework on candidate selection and said there is a candidate debate scheduled by the South Portland / Cape Elizabeth Chamber of Commerce on the third Thursday of October.

Councilor Beecher said that if folks are not around on the 16<sup>th</sup> for the Medication Collection Program, they can bring them to Bob Scarpelli at the Police Department or Mark Dorval in Cape Elizabeth. She complimented the Mayor on his participation at the High School rally on Saturday.

Councilor Hughes invited folks to contact him or Councilor De Angelis if they are interested in the opposing side of the High School renovation project.

**K. Executive Session**

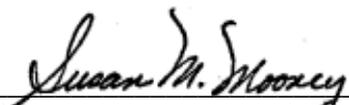
A motion may be made to go into executive session pursuant to 1 M.R.S.A., §405 (6) (a), evaluation of City Manager.

Councilor Blake motioned to go into executive session at 10:02 P.M. Councilor Boudreau seconded and the motion passed 7-0.

Councilor Hughes motioned to come out of executive session at 11:35 P.M. Councilor De Angelis seconded. The motion passed 7-0

Councilor De Angelis motioned to adjourn at 11:36 P.M. Councilor Hughes seconded. The motion to adjourn passed 7-0.

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 42  
OCTOBER 18, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the October 4<sup>th</sup> Council meeting was made by Councilor Smith and seconded by Councilor Beecher. Passed 6-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Channel Six – Who Care winner, Fred Howard. The community thanks Mr. Howard for his contribution
- South Portland energy flyer – Residents that are interested should return their flyer.

**C. Petitions and Communications**

Department reports for the month of September, 2010.

Attendance reports for the month of September, 2010.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postponed items #1 through #6. Councilor Boudreau seconded. The postponement passed 6-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 43  
OCTOBER 18, 2010**

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed on 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #37-10/11 – Voter Registration Appeals Board, Democratic appointment, to fill a term which expires 09/29/13. Postponed on 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #44-10/11 – Civil Service Commission, District Two (Smith) to fill a term which expires 03/01/15. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #45-10/11 – Library Advisory Board, District Five (Hughes), for an unexpired term which expires on 12/31/12. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to appoint Lynne Joys, 6 Kenneth Road. Councilor De Angelis seconded. The Order passed 6-0.

8. ORDER #46-10/11 – Appointing Ward Clerk District 1, Pro-Tempore for November 2, 2010 election only. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Catherine Curran, 43 Angell Avenue. Councilor Beecher seconded. The Order passed 6-0.

**E. Consent Calendar**

9. Street Closing Request

Bill Zelman and Shana Belknap of 28 Woodbury Street are requesting a street closure for a party on October 23, 2010 from 12:00 to 5:00 P.M. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 44  
OCTOBER 18, 2010**

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

**F. Citizen Discussion (First Part)**

Gary Crosby, 2 Tanner Street – Mr. Crosby expressed disappointment with the Council’s decision regarding the recent update to the weapons ordinance.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo spoke against the High School Bond issue.

John Backman, 123 Lowell Street – Mr. Backman said the High School is the most important issue for this community for the next five years.

Chris Breau, 62 Providence Ave. – Mr. Brough spoke in support of the School Bond issue.

Jeff Selser, 17 Summit Street – Mr. Selser also spoke favorably on the School Bond issue.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

10. ORDER #47-10/11 - Setting the time for opening the polls for the November 2, 2010 General Election. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Smith seconded the motion and the Order passed 6-0.

11. ORDER #48-10/11 - Amending FY 2010/2011 CDBG Annual Action Plan regarding additional activities. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #49 10/11 – Adopting Appendices A-H, General Assistance Overall Maximums as mandated by the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 45  
OCTOBER 18, 2010**

Councilor Beecher motioned for passage. Councilor De Angelis seconded the motion and the Order passed 6-0.

13. ORDER #50-10/11 – Award of bid for the purchase of 800 MHz radios for the South Portland Police Department through the cooperative bid process with the City of Portland. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion and the Order passed 6-0.

14. ORDER #51-10/11 - Authorizing the transfer of \$50,000 from undesignated fund balance to the Municipal Buildings Reserve Account and award of bid to Hascall and Hall, of Portland, ME, for repairs to the Cash Corner Fire Station. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Smith seconded the motion and the Order passed 6-0.

15. ORDER #52-10/11 – Award of sole source bid to Milton Cat, of Scarborough, ME, for emergency repairs to a 2000 Cat front-end loader. Passage requires majority vote.

There was no public discussion.

Councilor De Angelis motioned for passage. Councilor Beecher seconded the motion and the Order passed 6-0.

**I. Citizen Discussion (Second Part)**

Margaret Donahue, 593 Preble Street – Ms. Donahue encouraged residents to attend the community forums at the High School to learn more about the High School Bond issue.

Bill Barthelman, 51 Whispering Pines – Mr. Barthelman expressed concern that residents may be getting bad information about the High School renovation project.

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 46  
OCTOBER 18, 2010**

Councilor De Angelis complimented the work of the Household Hazardous Waste project and the Medication Collection project. She reminded folks about the annual Library Book sale and mentioned that she toured ecomaine recently.

Mayor Coward echoed his praise toward the two projects noted above. He mentioned that although the Council may not always agree on matters does not mean that they do not listen. He encouraged residents to vote on November 2<sup>nd</sup> and to inform themselves before making their decisions.

Councilor Blake said he volunteered with the Medication Collection program and was impressed with the process. He called for volunteers with help with the Fort Preble Preservation Committee on Saturday from 9:00 to 1:00. He also indicated that both he and Councilor Hughes were invited to speak in the Junior High about their opposing positions on the High School renovation project.

Councilor Smith commented about the SPCTV survey and said the city is doing a good job with outreach. She supports the school bond issue.

Councilor Beecher thanked everyone for their support of the Medication Collection project and noted that 37 people come and volunteer with that event. She reminded folks that there would be a Comprehensive Plan Committee meeting tomorrow night.

Councilor Boudreau spoke about comments that she has heard in the community about the High School needing to be renovated because of neglect. She said this was not true and that many of the issues have to do with handicapped accessibility, security, new programming and poor construction from projects done in the 1960's. She indicated that this is the right time to be financing this project.

**K. Executive Session**

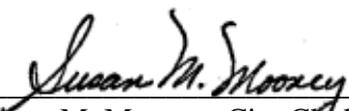
A motion may be made to go into executive session pursuant to 1 M.R.S.A., §405 (6) (a), evaluation of City Clerk.

Councilor Blake motioned to go into executive session at 8:49 P.M. Councilor Boudreau seconded. The motion passed 6-0

Councilor De Angelis voted to come out of executive session at 9:50 P.M. Councilor Boudreau seconded

Councilor De Angelis motioned to adjourn. Councilor Boudreau seconded. The motion to adjourn passed 7-0.

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 47  
NOVEMBER 1, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the October 18<sup>th</sup> Council meeting was made by Councilor Smith and seconded by Councilor Beecher. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items;

- Officer Rocco Navarro was injured in an accident on the bridge. Our thoughts are with him.
- Representatives Jane Eberle and Terry Morrison and Senator Larry Bliss provided a Legislative Sentiment to Kevin Guimond, Fire Chief of the Year, Tex Haeuser, Planner of the Year and Susan Mooney, City Clerk of the Year
- Greg L'Heureux, Finance Director provided detail financial information on the School Bond issue
- Planning and Development has moved to the Hamlin School

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone items #1 through #4 and #6. Councilor Smith seconded. The postponement passed 7-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 48  
NOVEMBER 1, 2010**

Postponed, see Item #1 for details

5. ORDER #37-10/11 – Voter Registration Appeals Board, Democratic appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Karen Callaghan, 241 Alfred Street was made by Councilor Beecher and seconded by Councilor Smith. Passed 7-0

6. ORDER #44-10/11 – Civil Service Commission, District Two (Smith) to fill a term which expires 03/01/15. Postponed on 10/18/10. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people spoke in opposition to the installation of CMP Smart Meters;

Theresa Swinbourne, 61 Chase Street  
Julie Tupper, 745 Sawyer Street  
Steven Gifford, 745 Sawyer Street  
Jessica Sobey, 21 Bower Street  
Paul Cunningham, 20 Edwards Street  
Laura Hannan, Scarborough

Don Russell III, 143 Hillside Ave. – Mr. Russell encouraged folks to vote tomorrow. He also said exit polling should be instituted on a regular basis.

John Howard, Loveitt's Field Road – Mr. Howard also supported a moratorium on the CMP Smart Meters, but also wanted to remind folks that they can vote for two people in the City Council At Large race.

Tex Haeuser, Planning Board Director, thanked all those that help with moving his office over to Hamlin School.

**G. Public Hearings and Action**

7. Business License

Edward H. Benjamin d/b/a Benjamin Building and Wrecking Company, 41 Jackson Street, for renewal of their Automobile Graveyard/Automobile Recycling Business and/or Junkyard. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 49  
NOVEMBER 1, 2010**

There was no public discussion.

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

**H. Action on Old and New Business**

8. ORDER #53-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

9. PROCLAMATION #1-10/11 – Proclaiming November 8<sup>th</sup> to November 15<sup>th</sup> as Maine Recycles Week. Passage requires majority vote.

There was no public discussion.

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

10. RESOLVE #5-10/11 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

The following person addressed this item;

Jessica Sobey, 21 Bower Street – Ms. Sobey said this was a nice way to recognize Veterans.

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

11. ORDER #54-10/11 – Accepting a \$35,300 grant from the Maine Department of Environmental Protection for Development of a Trout Brook Watershed Based Management Plan. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #55-10/11 – Accepting a \$10,000 grant from the Maine State Planning Office to supplement the development of a Coastal Communities Stormwater Management Manual. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 50  
NOVEMBER 1, 2010**

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

Paul Cunningham, 20 Edwards Street, was allowed to speak again at Citizen Discussion Second Part. He recommended that the entire city should put bins on one side of each street to cut cost and reduce pollution. He also felt that we should refrain from putting salt on the roads.

Al DiMillo, 64 Colchester Drive – Mr. DiMillo commended the supporters of the High School Bond saying they have done an unbelievable job supporting their issue. He encouraged the Council to take 20 million out of fund balance for the High School project if it does pass.

Tom Blake, 195 High Street – Councilor Blake provided some statistics and thoughts resulting from his campaign for reelection to the Council.

**J. Councilor's Round Robin**

Mayor Coward said the Council has no authority to regulate CMP and the installation of Smart Meters. He encouraged folks to contact the PUC. He also urged folks to get out and vote tomorrow and that he would be happy to discuss any items on the ballot.

Councilor Blake recognized the High School Marching Band and said he supports the High School Bond issue.

Councilor Smith also supports the High School Bond.

Councilor Beecher said Scarborough has put a 90 day moratorium on the Smart Meter installations however CMP does not have to refrain from installing them. She said the people serving on the Comprehensive Plan Committee would love to hear from residents. She also commented on the dedication of the new gazebo in Mill Creek Park.

Councilor Hughes encouraged citizens to vote for Councilor Blake and to vote against the High School Bond.

Councilor Boudreau congratulated the High School Marching Band and extended best wishes for a speedy recovery to Rocco Navarro. She spoke favorably about the new gazebo and encouraged support of the High School Bond.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 51  
NOVEMBER 1, 2010**

Councilor De Angelis also spoke favorably about the gazebo dedication and expressed frustration with not being able to do anything about the Smart Meter issue. She agreed with Councilor Hughes that the High School Bond Project is too large and that the bond issue should be voted down.

**K. Executive Session**

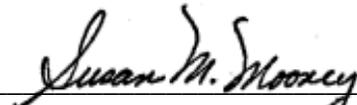
A motion may be made to go into executive session pursuant to 1 M.R.S.A. § 405(6)(A) and (E), consultation with the Corporation Counsel regarding the rights and duties of the City Council relating to the City Manager's employment contract.

Councilor Boudreau voted to go into executive session at 9:22 P.M. Councilor Hughes seconded and the motion passed 7-0.

Councilor Beecher motioned to come out of executive session at 10:05 P.M. Councilor De Angelis seconded and the motion passed 7-0.

Councilor De Angelis motioned to adjourn and Councilor Blake seconded. The motion passed 7-0.

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 52**  
**NOVEMBER 15, 2010**

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

**A. Acceptance of Minutes**

Motion to accept the minutes from the November 1<sup>st</sup> Council meeting was made by Councilor De Angelis and seconded by Councilor Smith. Passed 6-0

**B. Communications from City Manager**

**C. Petitions and Communications**

Department Reports for the month of October, 2010.

Attendance Reports for the month of October, 2010.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Boudreau motioned to postpone items #1 through #5. Councilor Hughes seconded. The postponement passed 6-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #44-10/11 – Civil Service Commission, District Two (Smith) to fill a term which expires 03/01/15. Postponed on 10/18/10. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 53  
NOVEMBER 15, 2010**

Postponed, see Item #1 for details

**E. Consent Calendar**

6. Street Closure

The South Portland/Cape Elizabeth Community Chamber is requesting the closure of Hinckley Drive from 4:00 P.M. to 7:00 P.M. on December 3rd for Holidayfest 2010. Passage requires majority vote.

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

Business Licenses

7. South Portland Taxi, Inc., 10 Cox Street for a renewal of their Certificate of Public Convenience. Passage requires majority vote.

There was no public discussion.

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

8. Chipotle Mexican Grille, Inc. d/b/a Chipotle Mexican Grille, 359 Maine Mall Road for an F/E Class A Restaurant with Liquor License. Passage requires majority vote.

There was no public discussion.

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

**H. Action on Old and New Business**

9. ORDER #56-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 54**  
**NOVEMBER 15, 2010**

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

10. ORDER #57-10/11 - Award of Bid #02-11 to Advanced Public Safety, Inc., of Deerfield Beach, FL, for the purchase of an automated parking ticket system. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor De Angelis seconded. The order passed 6-0.

11. ORDER #58-10/11 – Accepting a COPS Hiring Program Grant from the U. S. Department of Justice in the amount of \$167,981 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #59-10/11 – Accepting a 2010 Edward Byrne Memorial Justice Assistance Grant in the amount of \$28,540 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #60-10/11 – Adopting the Mill Creek Park Master Plan. Passage requires majority vote.

Regina Leonard provided an overview of the project. The following people addressed this item:

Dan Mooers, 39 Ledge Road  
Barbara Psichos, Harbor Place  
Carolyn Hendry, 75 B Street

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

14. ORDER #61-10/11 – Adopting the 2011 Employee Wellness Program. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 55**  
**NOVEMBER 15, 2010**

There was no public discussion.

Councilor Boudreau motioned for passage and Councilor Beecher seconded. Councilor De Angelis motioned to amend the order by removing “2011” from the order. Councilor Smith seconded and the amendment passed 6-0. The order passed as amended 6-0.

15. ORDER #62-10/11 – Amending the Non-Union Personnel Policy. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor De Angelis seconded. Councilor De Angelis motioned to amend the policy to change the effective date of the ICMA Retirement revision from 1/1/11 to 12/15/10. Councilor Boudreau seconded and the motion passed 6-0. The order passed 6-0.

16. ORDER #63-10/11 – Authorizing the Mayor to sign the City Manager’s Employment Agreement. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage and Councilor De Angelis seconded. The order passed 6-0.

**I. Citizen Discussion (Second Part)**

Chief Googins wanted to disclose that some of the money from the grant approved on Item #12 would be used for a cabinet and to upgrade tazers and cameras.

**J. Councilor’s Round Robin**

Councilor Smith mentioned that Sawyer Street Studios is holding a holiday event on November 19<sup>th</sup> and 20<sup>th</sup>.

Councilor Beecher encouraged folks to weigh in on the Comp Plan and vision survey.

Councilor Hughes noted that there are still some campaign signs that have been left around the city.

Councilor Boudreau wanted to thank everyone that has supported her. She praised Jim Gailey and said that she has worked with three Managers, all good, but clearly hears people appreciative of Jim’s management style. She said he deserves high praise and that it has been an honor to work with him.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 56**  
**NOVEMBER 15, 2010**

Councilor De Angelis thanked Councilor Boudreau for her years of service and the breadth and depth of experience that she has shared. She encouraged folks to invite a neighbor to Thanksgiving dinner.

Mayor Coward said this was his last regular meeting as Mayor and he thanked all the Councilors who have helped and supported him. He stated that while they may not always agree, they have worked well as a team. He is looking forward to sitting on the wings.

**K. Executive Session**

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (D), discussion of public employee labor negotiations regarding collective bargaining guidance for the Fire Command Contract and the Dispatch Contract.

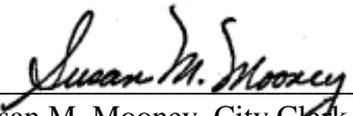
Councilor Beecher voted to go into executive session at 9:09 P.M. Councilor De Angelis seconded and the motion passed 6-0.

Councilor Beecher motioned to come out of executive session at 10:23 P.M. Councilor Hughes seconded and the motion passed 6-0.

Councilor De Angelis motioned to adjourn and Councilor Smith seconded. The motion passed 6-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL INAUGURAL MEETING VOL. 72 PAGE 57  
DECEMBER 6, 2010**

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

Mayor Coward invited SMCC students, "Color of Community" to present the invocation.

City Clerk Mooney administered the Oath of office to Councilor Blake and Councilor Livingston.

City Clerk Mooney declared Councilors Blake and Livingston duly qualified for a three year term.

Mayor Coward nominated Councilor De Angelis for Mayor for year 2010/2011. Councilor Smith seconded the motion.

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

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor De Angelis as Mayor for 2010/2011 by a vote of 4-3 (Beecher, Blake, Livingston).

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

Mayor De Angelis then presented the Inaugural Address.

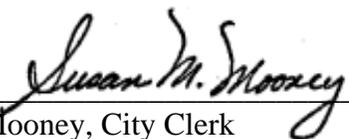
Councilor Blake moved that the Inaugural Address be spread on the records. Councilor Beecher seconded the motion. Mayor De Angelis announced the vote as 7-0 and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #6-10/11 establishing time and place of meetings. Councilor Hughes moved for passage. Councilor Smith seconded the motion. Mayor De Angelis took the vote and declared the Resolve duly passed 7-0.

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

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 58  
DECEMBER 6, 2010**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the November 15th Council meeting was made by Councilor Smith and seconded by Councilor Coward. Passed 7-0

**B. Communications from City Manager**

The Manager addressed the following items:

- Recognition to the South Portland/Cape Elizabeth Chamber of Commerce, Waterfront Market Association and Parks for another great tree lighting ceremony.
- Bus Service time table change – effective January 9, 2011
- Library teaming up with the Food Cupboard – late fees waived December 1<sup>st</sup> through the 19<sup>th</sup> in exchange for a food item
- One Promise Kept – new book release by Sgt. Steven Webster detailing some of his experiences with the South Portland Police Department
- December 11<sup>th</sup> – Special dedication in honor of former employee Robert Wallingford who passed away will fighting a fire at Portland Welding several years ago. Madison Street to Breakwater Marina will be named in his honor.
- Broadway Variety – will be shipping 289 lbs of food to be shipped to Afghanistan.
- Condolences to Suzanne Godin’s family. Suzanne’s father recently passed away.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to postpone items #1 through #8. Councilor Livingston seconded. The postponement passed 7-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/10. Postponed since 07/07/10. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 59  
DECEMBER 6, 2010**

Postponed, see Item #1 for details

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #44-10/11 – Civil Service Commission, District Two (Smith) to fill a term which expires 03/01/15. Postponed on 10/18/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #64-10/11 – Conservation Commission, At Large (Blake), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details

7. ORDER #65-10/11 – Conservation Commission, At Large (Livingston), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #66-10/11 – Conservation Commission, District Five (Hughes), for a term which expires on 11/20/13. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Eric Small, 94 Snowberry Drive – Mr. Small requested that the Council have a workshop considering ordinance language regarding boat storage. RV's are addressed in the ordinances but boats are not.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo commented on the school surplus indicating that he feels that the school budget has been put together incorrectly for six years in a row.

Jeff Selser, 17 Summit Street – Mr. Selser said he supports having the Council look into boat storage ordinance language. He congratulated Mayor DeAngelis on her appointment as Mayor and also the reelection of Councilor Blake and election of Councilor Livingston. He encouraged the Council to look to find ways to bring public involvement into city issues.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 60  
DECEMBER 6, 2010**

**G. Public Hearings and Action**

9. Business Licenses

Taste of India d/b/a Aroma, 200 Gorham Road, for a FE/Class A Restaurant with Malt and Vinous License. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Coward seconded and the license passed 7-0.

**H. Action on Old and New Business**

10. ORDER #67-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #68-10/11 – Waiving the bid process and authorizing the sale of City-owned property on Skillings Street. Passage of waiver requires five (5) affirmative votes.

The following person addressed this item;

Patty LaBonte, 69 Skillings Street – Ms. LaBonte said she has invested about \$7,000 into this project and asked the Council to consider reducing the selling price.

Councilor Coward motioned for passage. Councilor Hughes seconded. Councilor Coward motioned to amend the Order by reducing the sale price to \$1,300.00. Councilor Blake seconded the motion and the amendment passed 7-0. Councilor Smith motioned to amend the fiscal note to credit \$780.00 to the Land Bank Account and \$520.00 to the Sale of Surplus Property Account. Councilor Coward seconded and the second amendment passed 7-0. The Order passed as amended 7-0.

12. ORDINANCE #9-10/11 – Amending Chapter 2, “Administration and Legislation,” regarding construction management. First reading. Passage requires majority vote.

13. ORDER #69-10/11 – Award of Bid #23-11 to Tenco, of New England, for the purchase of a snow blower for the Public Works Department. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 61  
DECEMBER 6, 2010**

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

14. ORDER #70-10/11 – Accepting a 2010-2011 Holiday HVE Impaired Driving Grant from the Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #71-10/11 - Accepting \$930.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #72-10/11 – Accepting a Rural Transit Assistance Program grant for \$1,500 to be used by the Bus Service. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #73 -10/11 – Adopting changes to the Deferred Compensation Retirement Plan as outlined in Personnel Policy. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #74-10/11 –Approval of the MainePers amendment for permanent part-time employees. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 62  
DECEMBER 6, 2010**

**J. Councilor's Round Robin**

Councilor Beecher said the new Planning and Development Office looks great. She reminded folks to take the Comprehensive Plan Survey and congratulated Steve Webster on his book.

Councilor Blake said the tree lighting ceremony was wonderful. He congratulated Councilor Livingston on his appointment to the Council and recognized Councilor Coward for the great job he did as Mayor. He also congratulated Mayor De Angelis as our new Mayor.

Councilor Coward congratulated Tom Meyers on his appointment as President of the Maine Transit Authority and Councilor Blake and Councilor Livingston on their elections to the Council. He also extended congratulations to Mayor De Angelis and remarked that she will lead us well.

Councilor Livingston commented on what a great city South Portland is and that he had met many young families and had great discussions with interesting residents. He thanked Councilor Boudreau for her years of service and remarked on the wonderful job Mayor De Angelis did with the invocation program.

Councilor Smith reminded folks about the South Portland Land Trust Annual Meeting on December 16<sup>th</sup> from 6:30 P.M. to 8:30 P.M. at the Community Center. She encouraged citizens to buy local.

Mayor De Angelis thanked the public for attending the Inauguration today. She invited everyone to the next presentation of "Sacred Stories" on Thursday from 4:00 P.M. to 6:00 P.M. In response to an earlier comment about involving the public more, she indicated that she would be looking into televising the budget reviews. She extended condolences to Suzanne Godin and thanked Councilors Coward, Smith and Hughes for their support and looks forward to representing the city.

**K. Executive Session**

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

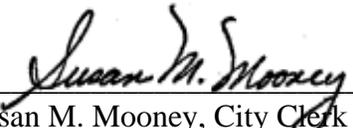
Councilor Blake voted to go into executive session at 9:13 P.M. Councilor Beecher seconded and the motion passed 7-0.

Councilor Hughes motioned to come out of executive session at 9:53 P.M. Councilor Beecher seconded and the motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 63  
DECEMBER 6, 2010**

Councilor Smith motioned to adjourn and Councilor Hughes seconded. The motion passed 7-0.

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 64  
DECEMBER 20, 2010**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M. Councilor Smith arrived at 7:48 P.M. because of bad driving conditions on the Interstate. Councilor Livingston was absent due to illness.

**A. Acceptance of Minutes**

The minutes from the previous meeting were not complete.

**B. Communications from City Manager**

**C. Petitions and Communications**

Department Reports for the month of November, 2010.

Attendance Reports for the month of November, 2010.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone items #1, #2, #3, #4, #7, #9, #10, #11, #12 and #13. Councilor Coward seconded and the postponement passed 5-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/13. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

5. ORDER #44-10/11 – Civil Service Commission, District Two (Smith) to fill a term which expires 03/01/15. Postponed on 10/18/10. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 65**  
**DECEMBER 20, 2010**

There was no public discussion.

Councilor Blake motioned to appoint Gregory Marles, 18 Sawyerbrook Circle. Councilor Beecher seconded. The Order passed 5-0.

6. ORDER #64-10/11 – Conservation Commission, At Large (Blake), for a term which expires on 11/20/13. Postponed on 12/06/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to reappoint Barbara Dee, 71 Hillside Avenue. Councilor Beecher seconded. The Order passed 5-0.

7. ORDER #65-10/11 – Conservation Commission, At Large (Livingston), for a term which expires on 11/20/13. Postponed on 12/06/10. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #66-10/11 – Conservation Commission, District Five (Hughes), for a term which expires on 11/20/13. Postponed on 12/06/2010. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to reappoint Shay Bellas, 104 Hall Street. Councilor Coward seconded. The Order passed 5-0.

9. ORDER #75-10/11 – Board of Assessment Review, At-Large (Blake) for a term which expires on 12/31/13. Passage requires majority vote.

Postponed, see Item #1 for details

10. ORDER #76-10/11 – Board of Assessment Review, District One (Coward) for a term which expires on 12/31/13. Passage requires majority vote.

Postponed, see Item #1 for details

11. ORDER #77-10/11 – Board of Assessment Review, District Five (Hughes) for a term which expires on 12/31/13. Passage requires majority vote.

Postponed, see Item #1 for details

12. ORDER #78-10/11 – Board of Assessment Review, At-Large (Livingston) for a term which expires on 12/31/13. Passage requires majority vote.

Postponed, see Item #1 for details

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 66  
DECEMBER 20, 2010**

13. ORDER #79-10/11 – Library Advisory Board, District Two (Smith) for a term which expires on 12/31/13. Passage requires majority vote.

Postponed, see Item #1 for details

14. ORDER #80-10/11 - Board of Education, District Five, to fill a vacancy pursuant to Section 904 of the City Charter. Passage requires majority vote.

The following people addressed this item;

Ralph Baxter Jr., 50 Higgins Lane – Mr. Baxter spoke in support of the appointment of Mr. Fitzgerald.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo spoke against the appointment of Mr. Fitzgerald with concerns that he would rubber stamp everything brought forward by the Superintendent.

Nicole Fitzgerald, 19 Massachusetts Ave. – Ms. Fitzgerald supported the appointment of her father to this position noting that while Mr. Fitzgerald agrees with some things he does not agree on everything.

Councilor Beecher motioned to appoint Tappan Fitzgerald, 19 Massachusetts Avenue. Councilor Hughes seconded. The Order passed 5-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo criticized the test scores in South Portland in comparison to other school systems.

Ralph Baxter, Jr., 50 Higgins Lane – Mr. Baxter encouraged the Council and the public to attend the Board of Education budget meetings.

**G. Public Hearings and Action**

15. ORDINANCE #9-10/11 - Amending Chapter 2, “Administration and Legislation,” regarding construction management. Passed first reading on 12/06/10. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Coward seconded. The motion passed 5-0. Councilor Beecher motioned for passage of Ordinance #9-10/11. Councilor Blake seconded. The Ordinance passed roll call vote 5-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 67**  
**DECEMBER 20, 2010**

**H. Action on Old and New Business**

16. ORDER #81-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Coward seconded the motion. The Order passed 5-0.

17. ORDER #82-10/11 – Award of Bid #25-11 to Liberty Chevrolet, of Wakefield, MA, for the purchase of a plow truck to be used by the School Department. Passage requires majority vote.

There was no public discussion. Scott McKernan, Director of Buildings and Grounds provided background information on the process.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion. The Order passed 6-0.

18. ORDER #83-10/11 – Accepting a \$1,000 grant from the New England Grassroots Environment Fund to be used by the Energy and Recycling Committee. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Smith seconded the motion. The Order passed 6-0.

19. ORDER #84-10/11 – Amending the SHIP grant and award of Bid #21-11 to Prock Marine, of Rockland, ME, for piling replacements at the municipal boat ramp. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Coward commented on the weather indicating it should get us in the spirit of the holiday.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 68**  
**DECEMBER 20, 2010**

Councilor Smith apologized for being late. There were many traffic tie ups because of bad road conditions. She wished everyone a happy holiday and Merry Christmas.

Councilor Beecher also extended holiday wishes. She noted that the Comp Plan Committee scheduled for the following evening has been cancelled. She talked about what a good job Tom Meyers does for the city and reminded folks to check in on their neighbors.

Councilor Hughes wished everyone happy holidays.

Councilor Blake said suicide rates peak in January. He also encouraged folks to check in on their neighbors. He asked for a moment of silence in remembrance of former Councilor and Mayor, Ralph Howard, who had recently passed away.

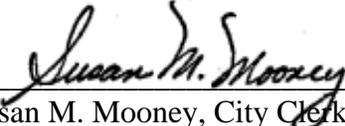
Mayor De Angelis encouraged residents to invite someone into your home as not everyone has some place to go for the holidays. She asked residents to consider bringing unused warm clothing to Preble Street Resource Center and wished Councilor Livingston a speedy recovery.

**K. Executive Session**

Councilor Coward motioned to adjourn at 8:16 P.M. and Councilor Hughes seconded. The motion passed 6-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 69  
JANUARY 3, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M. Councilor Livingston was absent due to illness.

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the December 6, 2010 and December 20, 2010 meetings. Councilor Coward seconded the motion. Passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Comprehensive Planning Committee meeting tomorrow night at 6:00 P.M.
- City Council invited to the Willard Hose Company Annual Dinner on Wednesday at 5:30. At 7:00 P.M. they will be meeting with the School Board in Council Chambers for a joint budget workshop

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to postpone items #1, #2, #3, #4, #5, #7, #8, #9, #10 and #11. Councilor Hughes seconded and the postponement passed 6-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

Postponed, see Item #1 for details

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/13. Postponed since 07/07/10. Passage requires majority vote.

Postponed, see Item #1 for details

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 70  
JANUARY 3, 2011**

5. ORDER #65-10/11 – Conservation Commission, At Large (Livingston), for a term which expires on 11/20/13. Postponed on 12/06/10. Passage requires majority vote.

Postponed, see Item #1 for details

6. ORDER #75-10/11 – Board of Assessment Review, At-Large (Blake) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Margaret Johnson, 54 Pennsylvania Ave. to this Board. Councilor Beecher seconded the motion. The Order passed 6-0.

7. ORDER #76-10/11 – Board of Assessment Review, District One (Coward) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

8. ORDER #77-10/11 – Board of Assessment Review, District Five (Hughes) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

9. ORDER #78-10/11 – Board of Assessment Review, At-Large (Livingston) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

10. ORDER #79-10/11 – Library Advisory Board, District Two (Smith) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

Postponed, see Item #1 for details

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Albert DiMillo, Colchester Drive, presented Council with a handout concerning the School Budget, he explained how the budget had been calculated wrong for six years and would be attending the Budget meeting on January 5<sup>th</sup> to discuss it.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 71  
JANUARY 3, 2011**

11. ORDER #85-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion. The Order passed 6-0.

12. ORDER #86-10/11 – Award of bid to Casco Bay Ford, of Casco, ME, for the purchase of four (4) cruisers for the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Hughes seconded the motion. The Order passed 6-0.

**I. Citizen Discussion (Second Part)**

There was no discussion.

**J. Councilor's Round Robin**

Councilor Smith mentioned that the Bus Schedule would be changing on January 9, 2011. She also spoke on the many ways we can reuse and recycle and examples of all the plastic that is wasted, she would like people to think about the limited resources available.

Councilor Beecher thanked the Public Works Department on their great job of keeping the roads clear and wished residents a Happy New Year.

Councilor Blake commented on the fact that South Portland residents were very environmentally friendly. He also announced that the Elm Street Church is starting a Swap Shop for clothes, blankets and other household items. For more information call 799-0407.

Councilor De Angelis also commented on recycling and wished Councilor Livingston a speedy recovery.

Councilor Coward stated that 50 % of Hannaford customers bring their own bags. He also commended the Public Works Department for the cleaned up streets. He wanted residents to come to the Budget meetings and participate in the process.

**K. Executive Session**

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

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 72  
JANUARY 3, 2011**

Councilor Blake motioned to adjourn to executive session at 7:40 P.M. Councilor Beecher seconded. The motion passed 6-0.

Councilor Coward motion to return from executive session at 8:10 P.M. Councilor Hughes seconded. The motion passed 6-0.

Councilor Smith motioned to approve Hardship Abatement #4-10/11 the amount of taxes plus interest. Councilor Hughes seconded. The motion passed 6-0.

Councilor Coward motioned to adjourn at 8:11 P.M. Councilor Hughes seconded. Motion passed 6-0.

A TRUE COPY

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

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 73  
FEBRUARY 7, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:07 P.M. All Councilors were present

**A. Acceptance of Minutes**

Councilor Beecher motioned to accept the minutes of the January 3rd meeting (the January 19<sup>th</sup> meeting was cancelled). Councilor Smith seconded the motion. Passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Veteran's Bridge south bound lane closure, February 9<sup>th</sup> from 7:00 A.M. to 4:00 P.M.
- New Wish Book has been printed and is ready for distribution
- Collection Systems Manager Dave Thomes received Maine DEP Award for Exemplary Stormwater Program Management
- Police Chief Googins received an award from the Bicycle Coalition of Maine
- Introduction of Don Brewer, the city's new Human Resource Director and Amy Jennings, the city's new Human Relations Manager

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone items #1, #4, #10 and #14. Councilor Livingston seconded and the postponement passed 7-0.

2. ORDER #188-09/10 – Library Advisory Board, District One (Coward), for an unexpired term which expires on 12/31/12. Postponed since 06/21/10. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to appoint Julie Kingsley, 266 Preble Street. Councilor Beecher seconded and the order passed 7-0.

3. ORDER #1-10/11 – Library Advisory Board, District Four (Beecher), for an unexpired term which expires on 12/31/13. Postponed since 07/07/10. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 74**  
**FEBRUARY 7, 2011**

Councilor Beecher motioned to appoint Amber Mooney, 2 Colchester Drive. Councilor Coward seconded and the order passed 7-0.

4. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #65-10/11 – Conservation Commission, At Large (Livingston), for a term which expires on 11/20/13. Postponed on 12/06/10. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to appoint William Sutton, 356 Broadway. Councilor Hughes seconded and the order passed 7-0.

6. ORDER #76-10/11 – Board of Assessment Review, District One (Coward) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to appoint Nancy Field, 7 Willard Street. Councilor Smith seconded and the order passed 7-0.

7. ORDER #77-10/11 – Board of Assessment Review, District Five (Hughes) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to reappoint Christopher Kovacs, 64 Sandy Hill Road. Councilor Blake seconded and the order passed 7-0.

8. ORDER #78-10/11 – Board of Assessment Review, At-Large (Livingston) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to appoint Russell Barrows, 6 Blueberry Drive. Councilor Beecher seconded and the order passed 7-0.

9. ORDER #79-10/11 – Library Advisory Board, District Two (Smith) for a term which expires on 12/31/13. Postponed on 12/20/10. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 75  
FEBRUARY 7, 2011**

Councilor Smith motioned to reappoint Colleen Jones-Turner. Councilor Coward seconded and the order passed 7-0.

10. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

11. ORDER #88-10/11 – Energy and Recycling Committee, At Large (Blake) for an unexpired term which expires on 05/05/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Patrick Arnold, 393 Sawyer Street. Councilor Beecher seconded and the order passed 7-0.

12. ORDER #89-10/11 – Energy and Recycling Committee - Associate, At Large (Blake) for an unexpired term which expires on 05/05/11. Passage requires majority vote.

The following person addressed the Council;

Julia Selser, 17 Summit Street – Ms. Selser said she appreciates that opportunity to serve.

Councilor Blake motioned to appoint Julie Selser, 17 Summit Street. Councilor Livingston seconded and the order passed 7-0.

13. ORDER #90-10/11 – Community Development Advisory Committee, At Large (Blake) for a term which expires on 1/15/14. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Matthew Gilbert, 31 Ardsley Avenue. Councilor Beecher seconded and the order passed 7-0.

14. ORDER #91-10/11 – Community Development Advisory Committee, At Large (Livingston) for a term which expires on 1/15/14. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 76  
FEBRUARY 7, 2011**

15. Business License

Buffalo Wild Wings Bar and Grill, 85 Western Avenue, for a FS Establishment with Liquor license. Passage requires majority vote.

The following person addressed the Council;

Jeffrey Applegate, Vice President of Buffalo Wild Wings Bar and Grill – Mr. Applegate said he is looking forward to opening his business on March 7<sup>th</sup> and hopes to help with community fund raising events.

Councilor Blake motioned for passage. Councilor Hughes seconded and the license passed 7-0.

**H. Action on Old and New Business**

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

16. ORDER #92-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #93-10/11 – Accepting a 2010 Homeland Security Grant of \$328,115.90 from the Maine Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Coward provided an update as the Legislative Policy Committee delegate. He voiced concern with expectations that Municipal Revenue Sharing may be cut in this new administration. He said he was pleased with the dialog from the workshop held earlier in the evening regarding budget guidance.

Councilor Smith, as an ecomaine Board member, reminded folks that the nominations for the ecomaine Excellence Award will be due soon.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 77**  
**FEBRUARY 7, 2011**

Councilor Beecher commended Rick Perruzzi for his recognition on his work with organic field maintenance, Chief Googins for his award and Public Works and Parks and Recreation for the great job they do with snow removal.

Councilor Blake agreed with Councilor Beecher and also encouraged folks to attend the city and school budget workshops. He spoke about a swap shop at the Elm Street Church.

Councilor Livingston asked that residents support youth programs, such as attending the High School production of Les Miserables. He noted that basketball tournaments would be coming up soon.

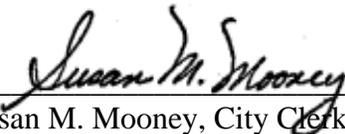
Mayor De Angelis said she has completed two half hour programs called Mayor's Monthly, updates of things happening in the community. She asked people to consider supporting Portland Players productions as they are dealing with the replacement of a \$20,000 boiler system. She was happy to report that planned updates to the high school will not affect the sledding hill.

**K. Executive Session**

Councilor Coward motioned to adjourn at 8:07 P.M. and Councilor Hughes seconded. The motion passed 7-0.

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 78**  
**FEBRUARY 14, 2011**

Mayor De Angelis called the meeting to order at 6:25 P.M. Councilor Smith was absent.

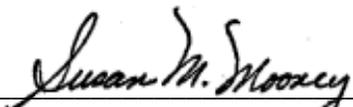
**H. Action on Old and New Business**

1. PROCLAMATION #2-10/11 – Proclamation formally welcoming RI President Ray Klingensmith to the City and to recognize Rotary International’s outstanding contribution to world health and for work on behalf of peace in the world.

Motion for passage was made by Councilor Beecher and seconded by Councilor Livingston. The Proclamation passed 6-0.

Motion to adjourn was made by Councilor Coward at 6:37 P.M. Councilor Hughes seconded. Motion passed 6-0

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 79**  
**FEBRUARY 23, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M. Councilor Coward was absent.

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the February 7th meeting. Councilor Blake seconded the motion and it passed 6-0.

**B. Communications from City Manager**

There were no communications from the City Manager.

**C. Petitions and Communications**

Mayor's Citizen Recognition Award--Warren Simpson

Department Reports for the month of January, 2011.

Attendance Reports for the month of January, 2011.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to postponed Items #1 through #4. Councilor Hughes seconded and the postponement passed 6-0.

2. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #91-10/11 – Community Development Advisory Committee, At Large (Livingston) for a term which expires on 1/15/14. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 80  
FEBRUARY 23, 2011**

**E. Consent Calendar**

Councilor Blake motioned to take Item #5 out of order. Councilor Beecher seconded and the motion passed 6-0. See Item #5 for details.

**F. Citizen Discussion (First Part)**

Ilsa Yanis, President of the Breakwater Daybreak Rotary Club – Ms. Yanis spoke about community projects the club conducts in the community and invited Councilors to support their “An Evening With Friends” event, which will benefit SMCC Scholarships.

Gary Crosby, 2 Tanner Street – Mr. Crosby commented on the workshop that Councilors attended on a local energy company. He said he doesn’t think that government should be competing with business.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

5. PROCLAMATION #3-10/11 – Proclaiming Adam Howard as Officer of the year. Passage requires majority vote.

The following people spoke on this item;

Chief Googins, South Portland Police Chief  
Chief Guimond, South Portland Fire Chief

Councilor Blake motioned for passage. Councilor Smith seconded. The Proclamation passed 6-0.

6. ORDER #94-10/11 – Award of Bid #30-11 to Headlight Audio Visual, of Portland, ME, for the purchase Smartboards for the School Department. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo questioned how many Smartboards were in the school system compared to schools in the surrounding 50 mile radius. He commented on test results dropping in recent years.

Andy Wallace, the South Portland School System IT Director was present and answered questions from the Council.

Councilor Beecher motioned for passage. Councilor Blake seconded the motion. The Order passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 81**  
**FEBRUARY 23, 2011**

7. ORDER #95-10/11 - Accepting \$1,471.24, or a portion thereof, under the Federal Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded. The Order passed 5-0 (Smith out of the room).

8. ORDER #96-10/11 – Accepting Oakwood Drive as a City Street. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded. The Order passed 6-0.

9. ORDER #97-10/11 – Accepting the Municipal Strategic Plan dated February 23, 2011. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo commented on the high taxes in South Portland being a problem for drawing businesses to this community. He said taxes in Scarborough were 30% less.

Councilor Hughes motioned for passage and Councilor Beecher seconded the motion. Councilor Blake motioned to postpone the item until a strategic plan for the Executive Department, the Legal Department and a follow up strategy for keeping the plan updated could be added to the document. Councilor Livingston seconded the motion to postpone. The postponement failed 1-5 (Livingston, De Angelis, Beecher, Smith and Hughes). The Order passed as presented 5-1 (Blake)

**I. Citizen Discussion (Second Part)**

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said it appeared there would be at least a 4% tax increase this year. He criticized the School's budgeting process and questioned why the Council would believe that they have budgeted correctly this year when they have not budgeted correctly for a number of years.

**J. Councilor's Round Robin**

Councilor Smith told Mr. DiMillo she had asked the School Department to consider a zero based budget.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 82**  
**FEBRUARY 23, 2011**

Councilor Livingston said he knew Mr. Simpson who had been recognized posthumously earlier in the meeting and said he always made him feel welcome in his store. He said it was great to honor him tonight.

Mayor De Angelis said the High School performance of Les Miserables was incredible and she recognized Mr. and Mrs. Fileo for the wonderful work they do with the High School.

**K. Executive Session**

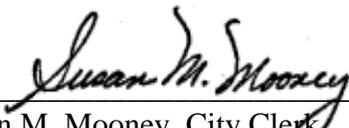
A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (D), discussion of public employee labor negotiations regarding collective bargaining guidance for the IAFF Local 1476 - Public Safety Dispatchers and pursuant to 1 M.R.S.A. §405(6)(C), discussion of the acquisition or disposition of publicly held property - South Portland Armory.

Councilor Blake motioned to adjourn to executive session at 8:50 P.M. Councilor Hughes seconded and the motion passed 6-0.

Councilor Beecher motion to come out of executive session at 9:54 P.M. Councilor Smith seconded and the motion passed 6-0.

Councilor Hughes motioned to adjourn and Councilor Livingston seconded. The motion passed 6-0.

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ATTEST   
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 83**  
**MARCH 7, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:01 P.M. Councilor Coward was absent.

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the February 23rd meeting. Councilor Blake seconded the motion and it passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- The Manager handed out copies of the 2009/2010 Annual Report which was dedicated to former Councilor and Mayor Ralph Howard. Mr. Howard passed away in December 2010. Members of the Howard family were present which Mayor De Angelis presented a copy of the report to Mrs. Howard.
- Mayor De Angelis presented Kenneth Cronin with a retirement plaque. Officer Cronin was with the Police Department from 1986 to January 2011.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1 through #3 was made by Councilor Blake and seconded by Councilor Beecher. The motion passed 6-0.

2. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed on 02/07/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 84**  
**MARCH 7, 2011**

4. ORDER #91-10/11 – Community Development Advisory Committee, At Large (Livingston) for a term which expires on 1/15/14. Postponed on 02/07/11. Passage requires majority vote.

There was no public discussion.

Councilor Livingston motioned to appoint Don Legere, 67 Gary L. Maietta Parkway to this seat. Councilor Hughes seconded. The Order passed 6-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

John Kierstead, School Street – Mr. Kierstead was unable to attend the last meeting. He reflected on warm memories of Warren Simpson.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

5. ORDER #98-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #99-10/11 – Authorizing the City Manager to sign a collective bargaining agreement with IAFF Local #1476 Public Safety Dispatchers for the period of July 1, 2009 to June 30, 2012. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #100-10/11– Award of Bid #32-11 to Grace Quality Used Cars, of Morrisville, PA, and Bay Ridge Motors, Inc, of Staten Island, NY for the sale of used police cruisers. Passage requires majority vote.

There was no public discussion.

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

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 85**  
**MARCH 7, 2011**

8. ORDER #101-10/11 - Authorizing the City Manager to execute a standard equipment lease agreement between the City and the State of Maine's Department of Transportation for South Portland Bus Service vehicles. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #102-10/11 - Authorizing the City Manager to execute a grant agreement between the City and the State of Maine's Department of Transportation to allow the City to accept public transit services funds. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #103-10/11 – Authorizing the City Manager to sign a Consent Agreement with Creative Landvest, LLC regarding setback violations. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Beecher recognized the challenges of the Water Resource and Public Works staff created by rain and melting snow.

Councilor Blake noted that he is looking to fill seats on the Library Advisory Board, the Economic Development Committee and the Associate seat on the Conservation Committee.

Councilor Livingston reflected on Warren Simpson and Ralph Howard and talked about what great men they were.

Councilor Smith thanked city staff for responding quickly to the broken doggie bag holder at Willard Beach.

Mayor De Angelis thanked Dan Labrie for his cooperation with the city with the setback violation from Item #10. She talked about her first ribbon cutting at Buffalo Wild Wings

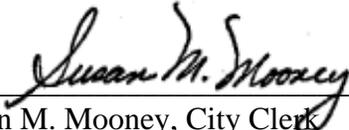
**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 86**  
**MARCH 7, 2011**

and also what a privilege it is to honor Ralph Howard and Warren Simpson. She commented that she is looking for quiet, unsung heroes in our community.

**K. Executive Session**

Councilor Beecher motioned to adjourn at 8:04 P.M. and Councilor Hughes seconded. The motion passed 6-0.

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ATTEST  \_\_\_\_\_  
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 87**  
**MARCH 21, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:01 P.M.

**A. Acceptance of Minutes**

Councilor Beecher motioned to accept the minutes of the March 7th meeting. Councilor Hughes seconded the motion and it passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- The Manager presented a copy of the City Budget, School Budget and Capital Improvement Plan to the Council. He commented that the Public Hearing would be held on April 6, 2011 and ran through a schedule of the budget workshops for the City and School Department
- The Manager recognized City staff that pulled together a municipal yard sale this past Saturday.
- 

**C. Petitions and Communications**

FY 2012 Proposed Municipal Budget

FY 2012 Capital Improvement Plan

Department Reports for the month of February, 2011.

Attendance Reports for the month of February, 2011.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #3, #7 and #8 was made by Councilor Blake and seconded by Councilor Livingston. The motion passed 7-0.

2. ORDER #36-10/11 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires 09/29/13. Postponed since 09/20/10. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Carol Thorne, 96 Sandy Hill Road. Councilor Beecher seconded the motion. The Order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 88**  
**MARCH 21, 2011**

3. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed on 02/07/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #104-10/11 – Appointing a Health Officer for a 3 year term which will expire on 01/23/14. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned to reappoint Stephen Fox from the South Portland Fire Department. Councilor Beecher seconded the motion. The Order passed 7-0.

5. ORDER #105-10/11 – Civil Service Commission, District 5 (Hughes), for a term which expires on 03/01/16. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Cara Biddings of 57 Burwell Avenue. Councilor Beecher seconded the motion. The Order passed 7-0.

6. ORDER #106-10/11 – Board of Assessment Review, District 4 (Beecher), for a term which expires on 03/16/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to reappoint Paul Cloutier, 14 Whitehall Ave. Councilor Smith seconded the motion. The Order passed 7-0.

7. ORDER #107-10/11 – Economic Development Committee, At Large (Blake), for a term which expires on 03/23/14. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #109-10/11 – Energy and Recycling Committee Associate, District Three (De Angelis) for an unexpired term which expires on 05/05/13. Passage requires majority vote.

There was no public discussion.

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Councilor De Angelis motioned to appoint Stan Cox, 460 Highland Ave. Councilor Blake seconded the motion. The Order passed 7-0.

10. ORDER #110-10/11 – Energy and Recycling Committee, District Three (De Angelis) for an unexpired term which expires on 05/05/13. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #111-10/11 – Energy and Recycling Committee, District Four (Beecher) for an unexpired term which expires on 05/05/13. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Sabrina Babbin of 21 Bonny Bank Terrace. Councilor Livingston seconded the motion. The Order passed 7-0.

12. ORDER #112-10/11 – Energy and Recycling Committee Associate, District Four (Beecher) for an unexpired term which expires on 05/05/13. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Heather Valley, 26 Bonnybriar Road. Councilor Smith seconded the motion. The Order passed 7-0.

13. ORDER #113-10/11 – Energy and Recycling Committee Associate, District Five (Hughes) for an unexpired term which expires on 05/05/12. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to appoint Scott Beaulieu of 99 Springwood Road. Councilor Livingston seconded the motion. The Order passed 7-0.

14. ORDER #114-10/11 – Library Advisory Board, At Large (Blake) for an unexpired term which expires on 12/31/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to appoint Rita Swidrowski of 8 Florence Street. Councilor Hughes seconded the motion. The Order passed 7-0.

**E. Consent Calendar**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 90**  
**MARCH 21, 2011**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**H. Action on Old and New Business**

15. ORDER #115-10/11 – Setting April 6, 2011, as the date for Public Hearing in City Council Chambers for the Proposed FY 2012 Municipal Budget. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo suggested the public hearing be moved to the latest date in April because of all of the unknowns.

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

16. ORDER #116-10/11 – Amending the Traffic Schedule regarding no through trucks in the Strout Street area. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #117-10/11 - Authorizing the City Manager to sign an Agreement with the Greater Portland Transit District (METRO) and the Regional Transportation Program (RTP) to implement a regional monthly bus pass. Passage requires majority vote.

The following person addressed this item;

Melanie Bruce, 89 MacArthur Circle East – Ms. Bruce indicated that she uses the bus all the time and is all for a regional bus pass.

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

18. ORDER #118-10/11 – Authorizing the City Manager to execute a Performance Contracting Agreement with Siemens Industry, Inc., of Scarborough, ME, for improvements and energy upgrades to various municipal buildings. Passage requires majority vote.

The following person addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 91**  
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Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said 14 years was a long time to reach a breakeven point. He felt there should be more detail and did not agree with borrowing at a much higher rate of interest than what the earnings.

Councilor Smith motioned for passage. Councilor Blake seconded the motion. Councilor Coward motioned to amend the fiscal note changing the 933,000 to 883,000 and the 200,564 to 250,564. This is in accordance with the anticipation of amending Order #119-10/11 to set up a possible finance plan that can be reduced from 12 years to 10 years. Councilor Hughes seconded the amendment. The amendment passed 7-0. The Order passed as amended 7-0.

19. ORDER #119-10/11 – Authorizing the lease financing for the purchase of equipment for the improvements and energy upgrades at various municipal buildings associated with the Performance Contracting Agreement with Siemens Industry, Inc., of Scarborough, ME. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the city should finance the lease with funds from the fund balance.

Councilor Blake motioned for passage. Councilor Smith seconded the motion. Councilor Beecher motioned to amend the Order to use \$50,000 from the Undesignated Fund Balance and an additional down payment. Councilor Coward seconded. The amendment passed 7-0. The Order passed as amended 7-0.

**I. Citizen Discussion (Second Part)**

Jeff Selser, 17 Summit Street – Mr. Selser commented favorably on the fact that the website was updated in real time during Council meetings. He asked that the council read through the budgets carefully before making final decisions. He said education is important and a freeze on school spending is a cut in what the school can provide.

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the school budget election should be held in June and that May is too early. He again requested a response to his question on why there is a belief that the school is budgeting correctly for 2012.

**J. Councilor's Round Robin**

Councilor Blake said Earth Day is April 23<sup>rd</sup> and the Land Trust is taking the lead with a clean up. Folks are invited to help out and should gather at Mill Creek Park on that day at 8:30 A.M. At 9:00 A.M. there is also a preservation project planned for Fort Preble.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 92**  
**MARCH 21, 2011**

Councilor Livingston thanked the folks who turned out to offer their opinions on the recent boat storage issue. He also encouraged residents to offer their ideas to the High School Renovation Committee.

Councilor Coward asked citizens to let the Council know what they think about the budget. He also said that Senator Larry Bliss has taken a job in California and there will be a special election coming up to fill that seat. He reflected on Friday being the 100<sup>th</sup> anniversary of the Triangle Shirt Factory fire, a significant event that established the modern day labor movement.

Councilor Smith talked about "Chemical Reaction" an award winning documentary regarding chemicals and lawn care. It will be shown in Scarborough on the twenty third at 7:00 P.M. at town hall. She also asked that either she or Mayor De Angelis be contacted by anyone interested in the pedestrian/bike advisory committee.

Councilor Beecher talked about the South Portland Cheerleaders and the Winter Guard both winning competitions. She also recognized the efforts of Nannette Cobbett in the Assessor's Office for her effort in getting a mailing out to folks who are eligible for the homestead exemption that are currently not receiving it. She said that S.P.C.A.S.A. and the South Portland Police Department would be working together on April 30<sup>th</sup> to conduct another drug collection initiative at the Hub at Redbank.

Mayor De Angelis touched on the following;

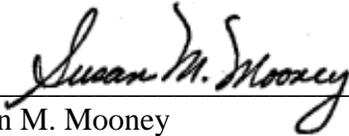
- Recognition of Elizabeth Sawyer on her 25<sup>th</sup> anniversary as the City Assessor
- South Portland/Cape Elizabeth Rotary generous donation to "Color of Community"
- Sacred Stories, next presentation on May 5 at 4:00 P.M.
- \$2,000 donation to food pantry from a setback violation fee. They were very appreciative of that support.

**K. Executive Session**

Councilor Beecher motioned to adjourn at 9:58 P.M. and Councilor Coward seconded. The motion passed 6-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 93**  
**APRIL 4, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:03 P.M.

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the March 21<sup>ST</sup> meeting. Councilor Hughes seconded the motion and it passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Public Safety Dispatch has moved across the bridge and is working collaboratively with Portland
- Public Hearing on the budget will be held on Wednesday evening at 7:00 P.M. A budget workshop will be held on Thursday evening. The public is invited to attend.

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone items #1, #2, #4, #5, #7, #8 and #9 was made by Councilor Blake and seconded by Councilor Livingston. The motion passed 7-0.

2. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed since 02/07/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #107-10/11 – Economic Development Committee, At Large (Blake), for a term which expires on 03/23/14. Postponed on 03/21/11. Passage requires majority vote.

The following person spoke on this item;

Matthew Engler, 15 Riverplace Drive – Mr. Engler said he was looking forward to serving on this committee.

Councilor Blake motioned to appoint Matthew Engler, 15 Riverside Drive to this seat. Councilor Beecher seconded the motion. The Order passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 94**  
**APRIL 4, 2011**

4. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed on 3/21/11. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #120-10/11 – Planning Board, District Five (Hughes), for a term which expires on 04/01/14. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #121-10/11 – Planning Board, District Four (Beecher), for a term which expires on 04/01/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to appoint Amy Cullen, 52 Robert Mills Road. Councilor Smith seconded. The Order passed 7-0.

7. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Passage requires majority vote.

Postponed, see Item #1 for details.

8. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Passage requires majority vote.

Postponed, see Item #1 for details.

9. ORDER #124-10/11 – Board of Assessment Review, District Three (De Angelis), for a term which expires on 03/16/12. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

Councilor Hughes motioned to take Item #13 and #16 out of order. Councilor Beecher seconded. The motion passed 7-0. See Item #13 and #16 for details.

**H. Action on Old and New Business**

10. ORDER #125-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 95**  
**APRIL 4, 2011**

There was no public discussion.

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

11. ORDER #126-10/11 – Award of Bid #38-11 to Maietta Enterprises, Inc., of Scarborough, ME, to replace the water main at Port Harbor Marine. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #127-10/11 – Award of Bid #36-11 to C. B. Kenworth, Inc., of South Portland, ME, for the purchase of a dump truck with utility body and plow gear for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Coward and seconded by Councilor Livingston. The Order passed 7-0.

13. ORDER #128-10/11 – Accepting a Healthy Rivers Region Healthy Maine Partnership Easy Adventures Mini-Grant in the amount of \$1,090 to be used by the Recreation Department. Passage requires majority vote.

There was no public discussion. Lisa Bingham from Parks and Recreation provided more information about a stand up paddle workshop and birding program that will be presented will financial assistance from this grant.

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

14. ORDER #129-10/11 – Award of a sole source bid to Rae Systems, of San Jose, CA, for the purchase of a ChemRAE wireless portable chemical warfare agent detector kit to be used by the Fire Department. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #130-10/11 – Accepting a 2010 U.S. Department of Homeland Security - Assistance to Firefighters Grant in the amount of \$41,040 to be used by the Fire Department. Passage requires majority vote.

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**APRIL 4, 2011**

There was no public discussion.

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

16. ORDER # 131-10/11 – Adopting the Sixth Amendment to the Fairchild Semiconductor Municipal Development and Tax Increment Financing District (the “District”) Development Program and the second amendment to the Credit Enhancement Agreements. Passage requires majority vote.

The following person addressed this item;

Fire Chief Kevin Guimond – Chief Guimond talked about Fairchild Semiconductor being a good corporate partner in the community. The Fire Department receives great training benefits from Fairchild.

Councilor Coward motioned to have the Order read by title only. Councilor Beecher seconded and the motion passed 7-0.

The City Manager explained that the 6th amendment provides for an extension of the TIF reimbursement by 10 years, creates a revenue split of 50% to Fairchild and 50% to the City’s TIF Reserve, increases the reinvestment threshold of Fairchild from \$10 million to \$12 million annually based on a three year average and addresses the “what if” scenario where the TIF reimbursement to Fairchild would be limited if the BETE statute is amended to reduce the City’s reimbursement.

Councilor’s Hughes, Coward, Smith and Livingston all spoke favorably about the flexibility of this amendment. Councilor Blake asked about this amendment needing approval from the Department of Economic and Community Development.

Shanna Cook Mueller, Esq. from Bernstein Shur and the TIF Counsel to the City, said she had discussed this with the previous TIF Director several months ago and she does not anticipate any issues. Normally an amendment would be reviewed before being submitted but the cutoff for TIF approval letters was March 31<sup>st</sup> and the current Director has been tied up with that work. The Order gives the City Manager the authority to make any changes necessary for approval but would not change details of the amendment as presented.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 97**  
**APRIL 4, 2011**

Councilor Blake talked about the Democratic Caucus scheduled for tomorrow night. He said the four candidates were himself, Cynthia Dill, Rob Schreiber and Paul Aronson.

Councilor Coward talked about the May 10<sup>th</sup> election and said it was important to get a good turnout.

Councilor Smith remarked about getting a text message from the City Manager as he was riding one of the city buses.

Mayor De Angelis thanked the South Portland/Cape Elizabeth Rotary Club for their donation to the "Color of Community". She said they would be presenting their "Sacred Stories" again on May 5<sup>th</sup> at 4:00 P.M.

Councilor Beecher said there is a Comprehensive Plan meeting tomorrow night and the public is welcome.

**K. Executive Session**

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

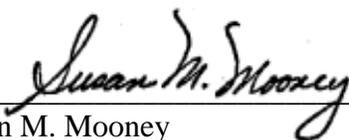
Councilor Smith motioned to adjourn to Executive Session at 8:10 P.M. and Councilor Livingston seconded. The motion passed 7-0.

Councilor Hughes motioned to come out of Executive Session at 9:15 P.M. Councilor Livingston seconded. Passed 6-0 (Coward absent).

Councilor Smith motioned to adjourn and Councilor Hughes seconded. Passed 6-0 (Coward absent).

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 98**  
**APRIL 20, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:00 P.M. The City Manager was on vacation and Erik Carson, the Assistant City Manager filled in.

**A. Acceptance of Minutes**

Councilor Beecher motioned to accept the minutes of the April 4th meeting. Councilor Hughes seconded the motion and it passed 7-0.

**B. Communications from City Manager**

The Manager addressed the following items;

- Request to citizens to find an alternative location to dispose of recyclables if the Silver Bullet near City Hall gets full.

**C. Petitions and Communications**

Mayor's Citizen Recognition Award—Linda Johnson

Mayor De Angelis presented Linda Johnson with a recognition plaque for her many contributions to the community including service on the Civil Service Commission, the Land Trust, the Spring Point Lighthouse Committee, Library Advisory Board, Planning Board, the South Portland Historical Society, District Five Warden, the first woman to serve on the City Council and the first woman to be Mayor in the City. Bill Dale, Tom Blake, Maxine Beecher, Susan Mooney and Tex Haeuser spoke about their admiration of Linda.

Department Reports for the month of March, 2011.

Attendance Reports for the month of March, 2011.

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed since 02/07/11. Passage requires majority vote.

Postponed, see Item #1 for details.

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**APRIL 20, 2011**

3. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #120-10/11 – Planning Board, District Five (Hughes), for a term which expires on 04/01/14. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

5. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

7. ORDER #124-10/11 – Board of Assessment Review, District Three (De Angelis), for a term which expires on 03/16/12. Postponed on 04/04/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Randall Scott, 18 B Street, was made by Mayor De Angelis and seconded by Councilor Blake. The Order passed 7-0.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

The following people all spoke in favor of supporting a Community Garden;

Peggy Stewart, 55 Bayview Ave.

Laura Phillips, 133 Providence Ave.

Sybil Riemensnider, Food Pantry Director

Steven Marks, 8 Drew Road

David Varney, 33 Pine Street

Jeanine Bourke, 61 Lowell Street

Linda Skinner, 824 Sawyer Street

Carter Scott, 75 Vincent Street

Helen Slocum, 12 Smith Street

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo is still questioning whether the School is budgeting correctly and is looking for an answer from the Council.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 100**  
**APRIL 20, 2011**

Donald Curry, 350 Preble Street – Mr. Curry said the City spends more than they have to. He questioned about what is being done to help the retired and those on fixed incomes.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

8. ORDER #131-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Smith and seconded by Councilor Coward.  
The Order passed 7-0.

9. ORDER #132-10/11 – Accepting a Ruger handgun under the State of Maine Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes.  
The Order passed 6-0 (Blake out of room).

10. ORDER #133-10/11 – Accepting \$8,980 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #134-10/11 – Accepting an easement deed from Star Homes, Inc. for a portion of land located at 26 Augusta Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Coward and seconded by Councilor Smith.  
The Order passed 7-0.

12. ORDER #135-10/11 – Authorizing the City Manager to sign a Lease Agreement with Community Garden Collective for a Community Garden. Passage requires majority vote.

The following people spoke in support of this item;

Susan Chase, 53 Parrott Street

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**APRIL 20, 2011**

Crystal Goodrich, 17 Highland Ave.  
David Varney, 33 Pine Street  
Carter Scott, 75 Vincent Street

The following person spoke in opposition of this item;

Albert DiMillo, 64 Colchester Drive

Peggy Stewart, 55 Bayview Road responded to some of the issues raised by Mr. DiMillo.  
The Mayor read through a few communications submitted by email.

Motion for passage was made by Councilor Coward and seconded by Councilor De Angelis. Councilor Beecher motioned to remove the amended language in the lease that outlined a payback provision should the lease be terminated. Councilor Livingston seconded the amendment, however the amendment failed by a vote of 3-4 (Coward, Smith, De Angelis, Hughes). The Order passed 6-1 (Beecher).

13. ORDER #136-10/11 – Setting the time for opening the polls for the May 10, 2011, South Portland Special Election for the School Budget Referendum and the State of Maine Special Election for the District 7 Senate Seat. Passage requires majority vote.

The following person addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo requested the School Budget Referendum be postponed until June.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Coward said he is waiting for more information to make a reasoned judgment on the School Budget. He commended on how nice the gathering was for Larry Bliss.

Councilor Smith reminded folks that Earth Day is on Saturday. People will be gathering for a cleanup in Mill Creek Park at 9:00 A.M.

Councilor Beecher said Senator Bliss has done a great job and she wishes him well. She also reminded citizens to mark their calendars and vote on May 10<sup>th</sup>.

Councilor Hughes indicated that he has not made up his mind on the school budget.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 102**  
**APRIL 20, 2011**

Councilor Blake responded to a question from Donald Curry asking about what the city is doing for retired folks. He said there is knowledgeable staff in the General Assistance Department and tax abatements and homestead exemptions to help. He commented that the city has never forced anyone out of their home. He also noted that there is a Willard Neighborhood Association meeting at the Betsy Ross House at 7:00 P.M. tomorrow.

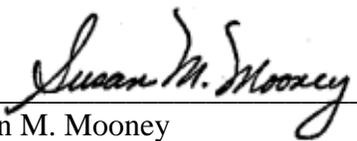
Mayor De Angelis thanked Larry Bliss for his service to our community. She encouraged voters to wait and vote after May 2<sup>nd</sup> so that they can vote on both the Senate race and the School Budget Referendum. She invited the public to come and attend the "Color of Community" Sacred Stories on May 5<sup>th</sup> at 4:00 P.M. in the Council Chambers.

**K. Executive Session**

Councilor Hughes motioned to adjourn at 9:19 P.M. and Councilor Blake seconded.  
Passed 7-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 103**  
**MAY 2, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:05 P.M. Councilor Smith was absent.

**A. Acceptance of Minutes**

Councilor Blake motioned to accept the minutes of the April 20th meeting. Councilor Hughes seconded the motion and it passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following item;

- Commute Another Way Day – May 16<sup>th</sup> through May 20<sup>th</sup>

**C. Petitions and Communications**

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #6. Councilor Livingston seconded the motion. The postponement passed 6-0.

2. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed since 02/07/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #120-10/11 – Planning Board, District Five (Hughes), for a term which expires on 04/01/14. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details. Passed 6-0

5. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details. Passed 6-0

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 104**  
**MAY 2, 2011**

6. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed on 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details. Passed 6-0

7. ORDER #137-10/11 – Energy and Recycling Committee, At Large (Blake) for a term which expires on 05/05/14. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Patrick Arnold, 393 Sawyer Street, was made by Councilor Blake and seconded by Councilor Livingston. Passed 6-0

8. ORDER #138-10/11 - Energy and Recycling Committee - Associate, At Large (Blake) for a term which expires on 05/05/14. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Julie Selser, 17 Summit Street, was made by Councilor Blake and seconded by Councilor Livingston. Passed 6-0

9. ORDER #139-10/11 – Energy and Recycling Committee, At Large (Livingston) for a term which expires on 05/05/14. Passage requires majority vote.

The following person addressed this item;

Peter Wilson, 59 Deake Street – Mr. Wilson said he enjoyed his work on the Energy and Recycling Committee and he looks forward to the continued work.

Motion to reappoint Peter Wilson, 59 Deake Street, was made by Councilor Livingston and seconded by Councilor Hughes. Passed 6-0

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Jeff Selser, 17 Summit Street – Supports the Willard Square zoning moratorium.

Albert DiMillo, 64 Colchester Drive – Understanding that all the School Budget items would be lumped together Mr. DiMillo asked that Item #31 be considered separately.

Anne Leonard, 108 Loveitt’s Field Road – Ms. Leonard brought forward a petition supporting the Willard Square zoning moratorium.

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Susan Adams, 55 Higgins Lane – Ms. Adams ask the Council to support the School budget.

Ian Haywood, 7 Pillsbury Street – Mr. Haywood spoke in support of the proposed project in Willard Square.

Susan McCray, 88 Summit Street – Ms. McCray read a statement from M.J. Benson in support of the moratorium and she echoed the same concerns.

Bonnie Dunn, 27 Thompson Street – Ms. Dunn raised concerns of additional traffic from the proposed development in Willard Square and the impact that could have on the safety of the children coming and going to school.

Roberta Zuckerman, 372 Preble Street – Ms. Zuckerman also was concerned about the proposed development.

David Orbeton, 37 Lowell Street – Mr. Orbeton spoke in support of the moratorium.

Peter Cooke, 12 Thompson Street – Mr. Cooke spoke in support of the moratorium.

Scott Benson, 449 Preble Street – Mr. Benson spoke in support of the moratorium.

Margaret Donahue, 593 Preble Street – Ms. Donahue spoke in support of the moratorium.

**G. Public Hearings and Action**

**H. Action on Old and New Business**

10. ORDER #140-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded the motion. The Order passed 6-0.

11. ORDER #141-10/11 - Accepting Maine Bureau of Highway Safety grant for \$5,000 to be used by the Police Department for a Speed Enforcement Project. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Livingston seconded the motion. The Order passed 6-0.

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12. ORDER #142-10/11 – Authorizing the City Manager to sign a Lease with Fore River Sound Stage, LLC, for the lease of the South Portland Armory. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo presented a list of concerns and said this was a bad lease.

Jeff Selser, 17 Summit Street – Mr.Selser talked about the building being vacant for the last five years and said Mr. DiMillo did not factor in revenue from the personal property. He urged the Council to pass the lease.

Councilor Blake motioned for passage. Councilor Hughes seconded the motion. The Order passed 5-0 (Coward recused).

13. ORDER #143-10/11 – Implementing the 2012 Capital Improvement Program. Passage requires majority vote.

The following person addressed this item;

Jeannie Bourke, 61 Lowell Street – Ms. Bourke inquired about whether there was consideration for alternative fuels for the proposed vehicles. The Manager said that is a consideration for all new vehicles.

Councilor Beecher motioned for passage. Councilor Hughes seconded the motion. Councilor Hughes motioned to amend the order to add \$45,000 to the 2012 CIP out of surplus to cover the cost of lockers at the municipal pool. Councilor Beecher seconded and the amendment passed 6-0. The order passed as amended 6-0.

14. RESOLVE #7-10/11- that \$15,556,838 be authorized to be expended for Regular Instruction. Passage requires majority vote.

The City Clerk read through Items #14 through #30 and also #32.

The following people addressed this item;

Sara Goldberg, 67 Pine Street  
Ralph Baxter, 50 Higgins Lane  
Jeff Selser, 17 Summit Street  
Rick Carter, 33 Thompson Street  
Albert DiMillo, 64 Colchester Drive  
James Gilboy, 235 Barnstable Road  
Susan Adams, 55 Higgins Lane  
Margaret Donahue, Preble Street  
Richard Matthews, 17 Boothby Ave.

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Karen Callaghan, 241 Alfred Street

Councilor Coward motioned for passage of Items #14 through #30 and also #32. Councilor Livingston seconded the motion. The Resolves passed 6-0.

15. RESOLVE #8-10/11 – approve that \$7,771,427 be authorized to be expended for Special Education. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

16. RESOLVE #9-10/11 – that \$310,306 be authorized to be expended for Career and Technical Education. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

17. RESOLVE #10-10/11 – that \$713,894 be authorized to be expended for Other Instruction. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

18. RESOLVE #11-10/11 – that \$3,393,441 be authorized to be expended for Student and Staff Support. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

19. RESOLVE #12-10/11 – that \$1,221,490 be authorized to be expended for System Administration. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

20. RESOLVE #13-10/11 – that \$2,093,597 be authorized to be expended for School Administration. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

21. RESOLVE #14-10/11 – that \$1,217,299 be authorized to be expended for Transportation and Buses. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

22. RESOLVE #15-10/11 – that \$2,828,416 be authorized to be expended for Facilities Maintenance. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

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23. RESOLVE #16-10/11 – that \$2,602,864 be authorized to be expended for Debt Service and Other Commitments. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

24. RESOLVE #17-10/11 – that \$337,840 be authorized to be expended for All Other Expenditures. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

25. RESOLVE #18-10/11 – that \$31,075,515 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$28,952,226 be raised as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688. Passage requires majority vote.

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by State Law to be the minimum amount that the municipality must raise in order to receive the full amount of State dollars.

Passed 6-0. See Item #14 for details.

26. RESOLVE #19 -10/11– that \$1,945,281 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-State-funded school construction projects and non-State-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12. Passage requires majority vote.

Explanation: Non-State-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major school construction projects that are not approved for State subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

*Skillin Elementary School Addition and Renovation, approved by voters on November 5, 1991.*

*SPHS Auditorium/Cafeteria Construction, approved by voters on November 8, 1994.*

*Elementary Schools Construction and Renovation, approved by voters on November 6, 2001.*

Passed 6-0. See Item #14 for details.

27. RESOLVE #20-10/11 – that \$2,835,249 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 109**  
**MAY 2, 2011**

\$2,103,758 as required to fund the budget recommended by the Board of Education.  
Passage requires majority vote.

The Board of Education recommends \$2,835,249 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$2,103,758.

*Pension Obligation Debt Service, approved by voters November 4, 2003*

*Co-curricular costs not recognized by EPS*

*Maintaining/Staffing two small Middle Schools rather than one*

*Staffing for Nursing Services greater than acknowledged by EPS*

*Maintaining/Staffing five small Elementary Schools rather than four*

*Class Size Targets less than State standard*

*Capital Improvement Projects for Mahoney, Memorial and SPHS approved by voters on June 9, 2009*

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from kindergarten to grade 12 as describe in the Essential Programs and Services funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

Passed 6-0. See Item #14 for details.

28. RESOLVE #21-10/11 – that the Board of Education be authorized to expend \$42,796,470 for the fiscal year beginning July 1, 2011 and ending June 30, 2012 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-State funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, State subsidy and other receipts for the support of schools. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

29. RESOLVE #22-10/11 – that the City of South Portland will appropriate \$20,000 for Adult Education and raise \$20,000 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

30. RESOLVE #23-10/11 – that the City of South Portland will raise and appropriate \$330,500 in additional local dollars in support of the food service program. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 110**  
**MAY 2, 2011**

31. RESOLVE #24-10/11 - that the City of South Portland will raise and appropriate \$1,050,000 in additional local dollars to fund partially the construction and renovation of South Portland High School. Passage requires majority vote.

The following people addressed this item;

James Gilboy, 235 Barnstable Road  
Susan Adams, 55 Higgins Lane  
Richard Carter, 33 Thompson Street

Councilor Blake motioned for passage. Councilor Beecher seconded the motion and it passed 6-0.

32. RESOLVE #25-10/11 - that the Board of Education be authorized to expend such other sums as may be received from State and Federal grants or programs or other sources during the fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Passage requires majority vote.

Passed 6-0. See Item #14 for details.

**Councilor Beecher motioned to waive Standing Rule 36B to take Item #36 out of order. Councilor Livingston seconded the motion and it passed 5-1 (Coward) See Item #36 for details.**

33. ORDER #144-10/11 - Authorizing the City Manager to submit the FY2011/2012 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Coward seconded and the motion passed 6-0.

34. RESOLVE #26-10/11 – Approving an Appropriation Transfer Resolve for FY 2011. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned for passage. Councilor Coward seconded and the motion passed 6-0.

35. RESOLVE #27-10/11 – Appropriating \$50,000 from undesignated surplus to the Legal Reserve Account. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 111**  
**MAY 2, 2011**

There was no public discussion.

Councilor Livingston motioned for passage. Councilor Beecher seconded and the motion passed 6-0.

36. ORDINANCE #10-10/11 – Amending Chapter 27, “Zoning,” regarding a moratorium on new construction in the VCW Zoning District. First reading. Passage requires majority vote.

This item was taken out of order after the School Budget items #14 through #32. See the motion just before item #33. Councilor Blake motioned to have the Ordinance read by title only. Councilor Hughes seconded. The motion passed 6-0.

The following people addressed this item;

Glen Perry, 7 Pillsbury Street  
Stephanie Cooke, 12 Thompson Street  
Anne Leonard, 108 Loveitt’s Field Road  
Tex Haeuser, Planning Director

Councilor Coward motioned for passage. Councilor Beecher seconded the motion. After discussion Councilor Coward motioned to postpone until this item could be discussed at the May 9<sup>th</sup> workshop. Councilor Hughes seconded the motion. The item was postponed by a vote of 5-1 (Beecher).

**I. Citizen Discussion (Second Part)**

**J. Councilor’s Round Robin**

Councilor Coward encouraged people to vote on May 10<sup>th</sup>.

Councilor Beecher said 339 pounds of prescription medications were collected at the recent Drug Drop Off program.

Councilor Blake also asked people to get out and vote on May 10<sup>th</sup>. He also said there would be a Fort Preble Preservation Project scheduled for Saturday morning at 9:00 A.M.

Councilor Livingston thanked to staff for their work at the transfer facility.

Mayor De Angelis attended the Breakwater Daybreak “Evening with Friends” fund raiser. She also was invited to John (Slim) Lee’s retirement party. She will be recognizing his contributions to the community at the May 16<sup>th</sup> Council meeting. The Mayor invited the public to attend “Sacred Stories” in the Council Chambers on 4:00 P.M. Thursday afternoon.

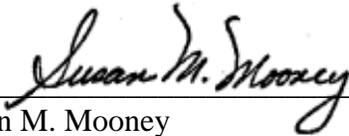
**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 112**  
**MAY 2, 2011**

**K. Executive Session**

Councilor Coward motioned to adjourn at 11:35 P.M. and Councilor Hughes seconded.  
Passed 6-0.

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 113  
MAY 9, 2011**

**C. Consent Calendar**

Street Closure

Oak Engineers is requesting the closure of Benjamin W. Pickett St. on the night of May 15<sup>th</sup>, 2011 from 5:00 P.M. to 6:00 A.M. on the 16<sup>th</sup> for the Port Harbor Marine Water Main Replacement. Passage requires majority vote.

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**MAY 16, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:04 P.M. All members were present.

**A. Acceptance of Minutes**

Councilor Blake motioned to accept the minutes of the May 2nd meeting. Councilor Beecher seconded the motion and it passed 7-0.

**B. Communications from City Manager**

**C. Petitions and Communications**

Mayor's Citizen Recognition Award—John (Slim) Lee  
Mayor De Angelis presented John Lee with a recognition plaque for his many years of dedicated involvement to the young people in the community from his work at the South Portland Boys and Girls Club.

Department Reports for the month of April, 2011

Attendance Reports for the month of April, 2011

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to postpone Items #1, #3, #5 and #6. Councilor Coward seconded the motion. The postponement passed 7-0.

2. ORDER #87-10/11 – Energy and Recycling Committee, District Two (Smith) for an unexpired term which expires on 05/05/12. Postponed since 02/07/11. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned to appoint David Arnold of 18 Beverly Street. Councilor Coward seconded and the Order passed 7-0.

3. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 115**  
**MAY 16, 2011**

4. ORDER #120-10/11 – Planning Board, District Five (Hughes), for a term which expires on 04/01/14. Postponed since 04/04/11. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned to waive Standing Rule 3(e) to allow the paperwork for this appointment to be added to the agenda. Councilor Hughes seconded. The motion passed 7-0.

Councilor Hughes motioned to appoint Paul McKee of 153 Wythburn Road. Councilor Blake seconded and the Order passed 7-0.

5. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

7. Sign Permit

Tri for a Cure is requesting to place directional signs in various places on June 9, 2011. Passage requires majority vote.

There was no public discussion.

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

Councilor Coward motioned to reconsider a Street Closure for the Port Harbor Marine Water Main Replacement which was passed at a Special Meeting on May 9<sup>th</sup>. Councilor Beecher seconded and the motion passed 7-0. The original closure did not take place as planned due to weather conditions. Councilor Blake motioned to pass the closure amending the date and time to May 19<sup>th</sup> from 8:00 P.M. to 6:00 A.M. Councilor Livingston seconded. The Street Closure passed 7-0 as amended.

**F. Citizen Discussion (First Part)**

Leah Lipman, B Street – in favor of Farmer's Market

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 116**  
**MAY 16, 2011**

David Orbeton, 37 Lowell Street – in support of non agricultural vendors at Farmers Market  
Bob O'Brien, Noyes Hall and Allen – in favor of Farmer's Market  
Ralph Baxter, 50 Higgins Lane – thank you to voters who supported the school budget  
Albert DiMillo, 86 Colchester Dr. – school bond payment was not passed in the budget  
Richard Carter, 33 Thompson St. – request to support Item #12 and moratorium on Willard Sq.  
Linda Sanborn, 32 Thompson St. – concerned about safety and traffic in Willard Sq.  
Sharon Newman, Fort Road – Willard Sq. hazardous in high traffic periods  
Richard McGarvey, 139 Fort Rd. – Concerned about traffic in the SMCC area.

**G. Public Hearings and Action**

Business Licenses

8. Capitol BC, LLC d/b/a Bugaboo Creek Steak House, 264 Gorham Road, for an FE/Class A Restaurant with Liquor license. New owners of an existing business. Passage requires majority vote.

There was no public discussion.

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

9. Dimitri Inc. d/b/a Jimmy the Greek's Brick Oven Restaurant, 150 Philbrook Rd. For an FE/Class A Restaurant with Liquor and Special Amusement License without dancing. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Livingston seconded and the license passed 7-0.

**H. Action on Old and New Business**

10. ORDER #-145-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #10-10/11 – Amending Chapter 27, "Zoning," regarding a moratorium on new construction in the VCW Zoning District. First reading. Postponed on 05/02/11. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 117**  
**MAY 16, 2011**

The following person addressed this item;

Jeanne Bourke, 61 Lowell Street – Requested support for the moratorium.

Councilor Beecher motioned for passage and Councilor Blake seconded the motion. Councilor Blake motioned to amend the moratorium from 90 days to 95 days to allow the moratorium to extend to the first meeting in September. Councilor Smith seconded the amendment and it passed 7-0. The first reading passed as amended by a vote of 7-0.

12. ORDER #146-10/11 - Authorizing the School Department to amend the Energy Savings Performance Contract with Siemens Building Technologies, Inc to include the Skillin School natural gas conversion and water heater replacement; and approving Siemens Building Technologies, Inc., as a pre-construction service Technology and Integration Partner for the South Portland High School addition/renovation project. Passage requires majority vote.

There was no public discussion.

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

13. ORDINANCE #11-10/11 - Amending Chapters 14, "Licenses, Permits and Business Regulations Generally," regarding Farmers' Markets. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to have the Ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0. Councilor Smith motioned for passage and Councilor Beecher seconded. Councilor Blake motioned to amend the Ordinance by striking out "during the months of April through October, inclusive" to allow for a winter market. Councilor Smith seconded and the amendment passed 7-0. The Ordinance passed first reading as amended by a vote of 7-0.

14. ORDINANCE #12-10/11 - Amending Chapter 27, "Zoning," regarding Farmers' Markets. First reading. Passage requires majority vote.

There was no public discussion.

Councilor Hughes motioned to have the Ordinance read by title only. Councilor Livingston seconded and the motion passed 7-0. Councilor Beecher motioned for passage. Councilor Smith seconded and the Ordinance passed 7-0.

15. ORDER #147-10/11 - Accepting a Buckle Up No Excuses Education and Enforcement Grant from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 118**  
**MAY 16, 2011**

There was no public discussion.

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

16. ORDER #148-10/11 – Award of Bid #41-11 to Casey & Dupuis Equipment Corp., of Watertown, MA, for the purchase of a street sweeper for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned for passage. Councilor Beecher seconded and the Order passed 6-0 (Hughes recused himself).

17. ORDER #149-10/11 - Award of Bid #44-11 to Keenan Excavating Co., Inc., of South Portland, ME, for manhole casting adjustments. Passage requires majority vote.

There was no public discussion.

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

18. RESOLVE #27-10/11 - Approving the FY 2012 Appropriation Resolve. Passage requires majority vote.

The following people addressed this item;

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo thinks it would be good to postpone this to June.

Suzanne Godin, Superintendent of Schools – Ms. Godin responded to an accusation made by Mr. DiMillo indicating that the School Officials were trying to hide the funding of the school bond.

Councilor Coward motioned to postpone Items #18 and #19 to June 6<sup>th</sup> to explore whether the High School construction money could be outside the School Department Budget. Councilor Smith seconded and the postponement passed 7-0.

19. ORDER #150-10/11 - Setting the sewer user fees for Fiscal Year 2011. Passage requires majority vote.

Postponed – See Item #18

20. ORDER #151-10/11 - Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 119**  
**MAY 16, 2011**

There was no public discussion.

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

21. ORDER #152-10/11 - Authorizing the Finance Director to accept prepayment of FY 2012 property taxes. Passage requires majority vote.

There was no public discussion.

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

22. ORDER #153-10/11 - Authorizing the acceptance of a Standard Equipment Lease Assignment Letter for up to three transit buses from the Maine Department of Transportation. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Smith remarked about Commute Another Way week and the South Portland Land Trust plant/bake sale.

Councilor Beecher invited folks to attend a program on June 6<sup>th</sup>, "Cancer is Life Changing".

Councilor Livingston gave kudos to the election process.

Councilor Coward said it was a marvelous turnout for the election.

Mayor De Angelis talked about Commute Another Way and a retirement party for John (Slim) Lee at the Snow Squall Restaurant. She also praised everyone for their hard work through the budget process.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Patrol Association.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 120  
MAY 16, 2011**

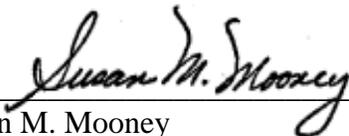
Councilor Blake motioned to go into Executive Session at 10:12 P.M. and Councilor Beecher seconded. Passed 7-0.

Councilor Coward motioned to come out of Executive Session at 11:07 P.M. Councilor Smith seconded and the motion passed 7-0.

Councilor Hughes motioned to adjourn and Councilor Beecher seconded. The motion passed 7-0.

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ATTEST

  
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Susan M. Mooney

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 121**  
**MAY 23, 2011**

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

**D. Appointment Calendar**

1. ORDER #134-09/10 - Planning Board, District One (Coward), for a term which expires 04/01/13. Postponed since 04/05/10. Passage requires majority vote.

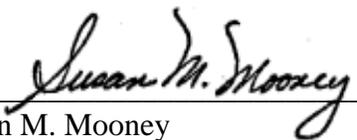
There was no public discussion.

Councilor Coward motioned to appoint Rob Schreiber, 209 Stanford Street to this seat. Councilor Smith seconded and the Order passed 6-0 (Blake absent).

Councilor Coward motioned to adjourn and Councilor Smith seconded. The adjournment passed 6-0 (Blake absent)

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ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 122**  
**JUNE 6, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 7:02 P.M. Councilor Livingston arrived at 8:08 P.M. because he attended the Cheverus High School Graduation.

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the May 16th meeting. Councilor Beecher seconded the motion and it passed 6-0 (Livingston arrived late). Councilor Blake motioned to accept the minutes from the May 23rd Special Meeting. Councilor Hughes seconded. The motion passed 6-0 (Livingston arrived late).

Councilor Blake motioned to waive standing Rule 3(e) to allow item #18 to be added to the agenda and also to postpone Item #7 until Councilor Livingston was present. Councilor Hughes seconded and the motion passed 6-0. As it turned out Councilor Livingston arrived before Item #7 was presented so it did not have to be taken out of order. Item #18 was presented after Item #6 on the Appointment Calendar. See Item #18 for details.

**B. Communications from City Manager**

**C. Petitions and Communications**

Citizen Satisfaction Survey Presentation - Presented by Greg L'Heureux, the Finance Director.

**D. Appointment Calendar**

1. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #6. Councilor Beecher seconded the motion. The postponement passed 7-0.

2. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #154-10/11 – Economic Development Committee, District Four (Beecher), for a term which expires on 03/23/13. Passage requires majority vote.

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Postponed, see Item #1 for details.

5. ORDER #155-10/11 – Conservation Commission, District Four (Beecher), for a term which expires on 11/20/12. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #156-10/11 – Energy and Recycling Committee, District Three (De Angelis), for a term which expires on 05/05/13. Passage requires majority vote.

Postponed, see Item #1 for details.

**E. Consent Calendar**

**F. Citizen Discussion (First Part)**

Marilyn Reilly, Sunset Park – Ms. Reilly submitted questions about Council health insurance coverage.

John Beyer, President of the Firefighters Union – Mr. Beyer said there was an inadequate level of staffing in the Fire Department.

The following people spoke in support of the Willard Square moratorium;

Rebecca Morin, 35 Thompson Street  
Annie Leonard, 108 Loveitt's Field Road  
David Orbeton, 37 Lowell Street  
Rob Schreiber, 209 Stanford Street  
M.J. Benson, 27 Pillsbury Street  
Roberta Zuckerman, 372 Preble Street  
Sharon Newman 130 Fort Road  
Linda Sanborn, 32 Thompson Street

Albert DiMillo, 64 Colchester Drive – Mr. DiMillo said the School Department does not budget correctly.

Gerard Jalbert, 32 Rhode Island Ave. – Mr. Jalbert talked about parking, traffic flow and zoning in Willard Square.

Glen Perry, 7 Pillsbury Street – Mr. Perry withdrew his application because of the moratorium. He is looking forward to opening his business in Knightville.

**G. Public Hearings and Action**

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**JUNE 6, 2011**

7. ORDINANCE #10-10/11 – Amending Chapter 27, “Zoning,” regarding a moratorium on new construction in the VCW Zoning District. Postponed on 5/2/11. Amended and passed first reading 05/16/11. ROLL CALL VOTE. Passage requires five affirmative votes.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Hughes seconded. The motion passed 7-0.

There following people spoke in favor of the moratorium;

Dara Saffer, 32 Pond Road  
Rob Schreiber, 209 Stanford Street  
Jeanine Bourke, 61 Lowell Street  
Donna Yellen, Willard Street  
Linda Sanborn, 32 Thompson Street  
Linda McAloon, Pillsbury Street

Additional comments;

Ian Hayword, 7 Pillsbury Street – Disappointed that a moratorium was considered.  
Brant Hatala, 49 Thompson Street – Said the Council created this problem.  
Mary Jane Perry, 7 Pillsbury Street – Requested that the Council not support the moratorium.  
Marilyn Reilly, Sunset Park – Safety issues do not need a moratorium for consideration.  
Albert DiMillo, 64 Colchester Drive – Gather facts to determine how to deal with this.  
Gerald Jalbert, Rhode Island Ave. – Regarding traffic safety.  
Glen Perry, 7 Pillsbury Street – Said the plan was for a 3 to 5 foot setback, not zero.

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

8. ORDINANCE #11-10/11 - Amending Chapters 14, “Licenses, Permits and Business Regulations Generally,” regarding Farmers’ Markets. Passed first reading 05/16/11. ROLL CALL VOTE. Passage requires majority vote.

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

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

9. ORDINANCE #12-10/11 - Amending Chapter 27, “Zoning,” regarding Farmers’ Markets. Passed first reading 05/16/11. ROLL CALL VOTE. Passage requires five affirmative votes.

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

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**JUNE 6, 2011**

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

**H. Action on Old and New Business**

10. ORDER #157-10/11 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

11. PROCLAMATION #4-10/11 - Proclaiming June 17, 2011, as Arbor Day in the City of South Portland. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Coward seconded the motion. The Proclamation passed 7-0.

12. ORDER #158-10/11 - Award of Bid #47-11 to Electrical Installations, Inc., of Moultonboro, NH, for Pump Station Radio Telemetry and Control System Upgrades. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #159-10/11 - Authorizing the City Manager to sign a Project Agreement with the Maine Department of Transportation regarding the connection of the Greenbelt Walkway to the Town of Scarborough. Passage requires majority vote.

There was no public discussion.

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

14. ORDINANCE #13-10/11 - Amending Chapter 10, "Health, Welfare and Sanitation Generally", regarding property tax assistance. First reading. Passage requires majority vote.

Councilor Hughes motioned to have the ordinance read by title only. Councilor Livingston seconded. The motion passed 7-0. There was no public discussion.

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**JUNE 6, 2011**

Councilor Livingston motioned for passage. Councilor Hughes seconded the motion. The Ordinance passed first reading 7-0.

15. RESOLVE #27-10/11 - Approving the FY 2012 Appropriation Resolve. Postponed on 05/16/11. Passage requires majority vote.

There was no public discussion.

Councilor Coward motioned for passage. Councilor Beecher seconded the motion. The Resolve passed 7-0.

16. ORDER #150-10/11 - Setting the sewer user fees for Fiscal Year 2011. Postponed on 05/16/11. Passage requires majority vote.

Councilor Beecher motioned to have the order read by title only. Councilor Coward seconded. The motion passed 7-0. There was no public discussion.

Councilor Beecher motioned for passage. Councilor Livingston seconded the motion. The Order passed 7-0.

17. ORDER #160-10/11 - Authorizing a one percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

Councilor Smith motioned for passage. Councilor Hughes seconded the motion. Councilor Smith motioned to amend the order by removing "City Manager and" from the Order. Councilor Coward seconded. The amendment passed 7-0. The Order passed as amended 7-0.

18. ORDER #161-10/11 - Energy and Recycling Committee, Associate Member - At Large (Livingston) for an unexpired term which expires on 05/05/14. Passage requires majority vote.

This item was taken out of order at the end of the Appointment Calendar, after Item #6. There was no public discussion.

Councilor Blake motioned to appoint Edward (Ted) Hellier of 37 Hawthorne Lane to fill this vacancy. Councilor Beecher seconded. The motion passed 6-0 (Livingston arrived late).

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

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Councilor Livingston commented this would be Principal Jeannie Crocker's last South Portland High School graduation and he congratulated the graduates.

Councilor Coward talked about a major purchase by the Cape Elizabeth Land Trust that will enable a trail to connect Kettle Cove to Portland Head Light. He said he came from an area without trails and trees and he will do what he can to support green space.

Councilor Beecher invited citizens to the Comprehensive Plan meeting tomorrow night at 6:30 P.M.

Councilor Blake also congratulated the South Portland graduates and noted two meetings scheduled for Thursday evening at 7:00 P.M., the Ferry Village Neighborhood Association at the Old Hutchins School and a Trout Brook Forum at the Planning and Development Office.

Mayor De Angelis remarked about the forum at the Cancer Community Center earlier this evening and what a great turnout there was. She thanked Councilor Beecher for her promotion of that event.

**K. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A. Section 405(6)(E) to consult with the Corporation Counsel regarding a possible collection action.

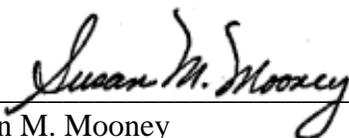
Councilor Hughes motioned to go into Executive Session at 10:56 P.M. and Councilor Beecher seconded. Passed 7-0.

Councilor Coward motioned to come out of Executive Session at 11:13 P.M. Councilor Smith seconded and the motion passed 7-0.

Councilor Coward motioned to adjourn and Councilor Beecher seconded. The motion passed 7-0.

A TRUE COPY

ATTEST

  
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Susan M. Mooney

**IN COUNCIL SPECIAL MEETING VOL. 72 PAGE 128**  
**JUNE 20, 2011**

**Roll Call:** Mayor De Angelis called the meeting to order at 6:17 P.M. Councilor Hughes was absent and Councilor Livingston 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 applications(s) for abatement of property taxes on account of infirmity or poverty.

Councilor Coward motioned to go into Executive Session at 6:17 P.M. and Councilor Beecher seconded. Passed 5-0 (Hughes and Livingston absent).

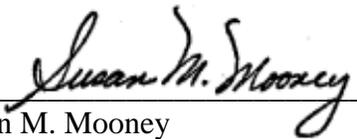
Councilor Beecher motioned to come out of Executive Session at 6:35 P.M. Councilor Smith seconded and the motion passed 6-0 (Hughes absent).

Councilor Beecher motioned for passage of Hardship Abatement #5-10/11 in the amount of \$2,861.54 plus interest. Councilor Smith seconded. The motion passed 6-0 (Hughes).

Councilor Livingston motioned to adjourn and Councilor Coward seconded. The motion passed 6-0 (Hughes).

A TRUE COPY

ATTEST

  
\_\_\_\_\_  
Susan M. Mooney

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 129**  
**JUNE 20, 2011**

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

**A. Acceptance of Minutes**

Councilor Smith motioned to accept the minutes of the June 6<sup>th</sup> meeting. Councilor Beecher seconded the motion and it passed 6-0.

**B. Communications from City Manager**

The Manager addressed the following item;

- South Portland was recognized twice at the Annual Greater Portland Council of Government meeting. First for participation with other communities on a regional bus pass and also on the East West Connector Road.

**C. Petitions and Communications**

Department Reports for the month of May, 2011.

Attendance Reports for the month of May, 2011.

**D. Appointment Calendar**

1. ORDER #108-10/11 – Economic Development Committee, At Large (Livingston), for a term which expires on 03/23/14. Postponed since 3/21/11. Passage requires majority vote.

There was no public discussion.

Councilor Blake motioned to postpone Items #1 through #5. Councilor Smith seconded the motion. The postponement passed 6-0.

2. ORDER #122-10/11 – Conservation Commission, District Three (De Angelis), for a term which expires on 11/20/12. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

3. ORDER #123-10/11 – South Portland Housing Authority, District Two (Smith), for a term which expires on 03/25/16. Postponed since 04/04/11. Passage requires majority vote.

Postponed, see Item #1 for details.

4. ORDER #154-10/11 – Economic Development Committee, District Four (Beecher), for a term which expires on 03/23/13. Postponed on 06/06/11. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 130**  
**JUNE 20, 2011**

Postponed, see Item #1 for details.

5. ORDER #155-10/11 – Conservation Commission, District Four (Beecher), for a term which expires on 11/20/12. Postponed on 06/06/11. Passage requires majority vote.

Postponed, see Item #1 for details.

6. ORDER #156-10/11 – Energy and Recycling Committee, District Three (De Angelis), for a term which expires on 05/05/13. Postponed on 06/06/11. Passage requires majority vote.

Councilor Coward motioned to waive standing rule 3(E) to have this appointment paperwork added to the agenda. Councilor Beecher seconded. The motion passed 6-0. There was no public discussion.

Mayor De Angelis motioned to appoint Joan Kushner, 34 Bayberry Way. Councilor Beecher seconded. The appointment passed 6-0.

**E. Consent Calendar**

7. Street Closing

A group of Willard Beach citizens are requesting the closure of Preble Street at Willow Street, Thompson Street, Lowell Street and up to 444 Preble Street for WillardFest on July 16<sup>th</sup> (rain date July 17<sup>th</sup>). Passage requires majority vote.

There was no public discussion. Wynne Wirth, 29 Vincent Street, was available to answer any questions about the event.

Councilor Coward motioned for passage. Councilor Smith seconded. The street closing passed 6-0.

8. Sign Permit

The South Portland Lions Club is requesting to place signs on Main Street and Broadway to inform the public of their meetings. Passage requires majority vote.

There was no public discussion.

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

**F. Citizen Discussion (First Part)**

**G. Public Hearings and Action**

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 131**  
**JUNE 20, 2011**

9. ORDINANCE #13-10/11 - Amending Chapter 10, "Health, Welfare and Sanitation Generally", regarding property tax assistance. Passed first reading 06/06/11. ROLL CALL VOTE. Passage requires majority vote.

Councilor Beecher motioned to have the Ordinance read by title only. Councilor Coward seconded. The motion passed 6-0. There was no public discussion.

Councilor Smith motioned for passage. Councilor Livingston seconded. The Ordinance passed roll call vote 6-0.

10. Business License

New Gen Group, LLC d/b/a Howard Johnson's, 675 Main Street, for a Lodging Establishment License, new owners of an existing business. Passage requires majority vote.

There was no public discussion.

Councilor Beecher motioned for passage. Councilor Blake seconded. The license passed 6-0.

11. ORDER #162-10/11 – Authorizing the City Manager to submit a grant application to the State of Maine under the Communities for Maine's Future Bond Program to provide funding for rehabilitation of the former National Guard Armory exterior; and appropriating \$100,000 from Hannaford TIF revenues to fund the local match. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #163-10/11 – Authorizing the City's participation in submitting and application and accepting a 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,695 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

**H. Action on Old and New Business**

13. ORDER #164-10/11 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

14. ORDINANCE #14-10/11 – Amending Chapter 27, “Zoning,” for a zone map change from Residential District A to Contract Residential District G-2 at 0 Huntress Avenue. First reading. Passage requires majority vote.

The following people addressed this item;

Michael Hulsey, Executive Director of the South Portland Housing Authority  
Kevin Glynn, Chairman of the Housing Authority Board  
Steven Haskell, 425 Broadway  
Alene Nelson, 1700 Broadway  
Terry Brett, Soule Street  
Mike Russell, 45 Landry Circle  
Nancy Poland, 10 Soule Street  
Kevin Powell, 109 Ridgeland St.  
Gary Vogel, Attorney for the Housing Authority

Councilor Beecher motioned for passage. Councilor Coward seconded. The Ordinance passed first reading 6-0.

15. ORDINANCE #15-10/11 – Amending Chapter 18, “Parks and Recreation”, regarding tobacco free parks and recreational facilities. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the Ordinance read by title only. Councilor Smith seconded and the motion passed 6-0. Elisa Martin, Conner Beck and Jackson Beck presented their findings and recommendations to the Council. The following people addressed this item;

Steven Haskell, 425 Broadway  
Diane Chong, 16 Parrott Street  
Denise Beck, 9 Stone Drive  
Elisa Martin, 201 Walnut Street  
Ashley Bracy, Healthy Maine Partnerships  
Jennifer Major, Interact Student Advisor

Councilor Blake motioned for passage. Councilor Beecher seconded. Councilor Coward motioned to accept several revised amendments as proposed. Councilor Beecher seconded and the motion passed 6-0. The Ordinance passed first reading as amended 6-0.

16. ORDER #165-10/11 – Establishing time, place and particulars for the Farmers’ Market to be located at Thomas Knight Park. Passage requires majority vote.

There was no public discussion.

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**JUNE 20, 2011**

Councilor Coward motioned for passage. Councilor Beecher seconded. Councilor Smith motioned to amend the order to extend the street closing until 8:00 P.M. Councilor Livingston seconded and the amendment passed 6-0. Councilor Livingston motioned to amend the order to extend the closing of the market from Halloween to Thanksgiving. Councilor Blake seconded and the amendment passed 6-0. The Order passed as amended 6-0.

17. ORDER #166-10/11 – Approving the Fund Balance Policy. Passage requires majority vote.

There was no public discussion.

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

18. ORDER #167-10/11 –Transferring \$400,000 from General Fund Undesignated Fund Balance to the Property Tax Stabilization Reserve Account. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #168-10/11 – Amending ORDER #94-10/11 regarding the award of Bid #30-11 to Headlight Audio Visual, of Portland, ME, for the purchase Smartboards for the School Department. Passage requires majority vote.

There was no public discussion.

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

20. ORDER #169-10/11 – Award of sole source bid to Apple Computers, of Cupertino, California, for the purchase of iPads for the South Portland School Department. Passage requires majority vote.

There was no public discussion.

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

21. ORDER #170-10/11 – Amending the *Traffic Schedule* regarding stop signs at Postal Service Way. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 134**  
**JUNE 20, 2011**

Councilor Smith motioned for passage. Councilor Coward seconded. The Order passed 5-0 (De Angelis out of room).

22. ORDER #171-10/11 – Award of Bid # 55-11 to Material Handling Sales, Inc., of Yarmouth, ME, for the purchase of lockers for the South Portland Municipal Pool. Passage requires majority vote.

There was no public discussion.

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

23. ORDER #172-10/11 – Award of Bid #42-11 to Hi-Way Safety Systems Inc., of Hanover, MA, to provide line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

Councilor Coward talked about signage being useful and informative by can also be ugly. He noted that the Red Cross has a shortage of blood and they're looking for donors.

Councilor Smith recognized Erik Carson, Director of Economic Development for his presentation at the first anniversary celebration of the "Buy Local" effort.

Councilor Blake talked about a volunteer effort to clean up a deteriorated shed in the Pleasantdale neighborhood. Bill Laidley, Kim Coit, Peggy Stewart, Parker Watts, Lisa Kubiak, Cookie Kalloch and Councilor Blake were able to complete the task in 90 minutes. He encouraged folks to take a look at an article in the paper about how a community maintained and designed their streets.

Councilor Livingston has scheduled a public hearing on June 29<sup>th</sup> for residents to learn about airport activity and growth and to also have an opportunity to discuss noise issues.

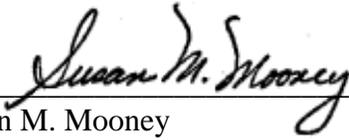
Mayor De Angelis congratulated Jackson Beck, Connor Beck and Elisa Martin on their presentation on the smoking ban ordinance. She also talked about the grand opening of the Maine Military Museum and thanked Lee Humiston and Gary Crosby for their contributions with this effort.

**IN COUNCIL REGULAR MEETING VOL. 72 PAGE 135  
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**K. Executive Session**

Councilor Smith motioned to adjourn at 10:34 P.M. Councilor Beecher seconded. The motion passed 6-0.

A TRUE COPY

ATTEST   
Susan M. Mooney