

IN COUNCIL REGULAR MEETING JULY 7, 1993 VOL. 55 PAGE 1

ROLL CALL: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Glynn arrived after Item C.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the 6/21/93 meeting. Unanimous 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

C. PETITIONS AND COMMUNICATIONS

Report from the Tax Assessor regarding tax abatements.

Assistant City Manager Jeff Jordan noted that South Portland will be hosting the Maine State Babe Ruth Championships.

D. APPOINTMENT CALENDAR

1. ORDER #125-92/93 - Republican member and Alternate to the Board of Voter Registration to fill an unexpired term which expires 5/1/94. Postponed since 6/7/93.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone this item until 7/19/93. Unanimous 7-0 passage.

2. ORDER #1-93/94 - SPTV Advisory Committee. Term to expire 7/15/96.

There was no public discussion.

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

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

3. Amba Loveitt, d/b/a Kids Kingdom, 98 Bonnybank Road, FSE/Food Service Establishment. 7/7/93 to 3/1/94. New City license.
4. Art in the Park at Millcreek Park, Temporary FSE/Food Service Establishment. 8/14/93. (8/15/93 rain). City license. Renewal. Requests waiver of fee.

AMPLIFYING PERMIT

5. South Portland American Little League, Peary Terrace. 5/1/93 to 8/31/93. New City license.

The following people addressed this item:

Lou Perreault, 66 Strout Street
Burt Edwards, 138 Pennsylvania Avenue, S. P. American Little League President
Joe Campbell, Calais Street, by phone call to City Hall before meeting

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

F. PUBLIC HEARINGS AND ACTION

6. ORDINANCE #18-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding obscenity. Given first reading on 6/21/93.

The following people addressed this item:

Hugh Calkins, Maine Civil Liberties Union
David Toures, Owner of Bookland
Roland Dunlop, Pastor of the Church of the Nazarene, 525 Highland Avenue
Ray Lee, Henry Street
Nancy Crowell, Fickett Street
Bill Judkins, Highland Avenue
Bernard Faunce, 98 Sawyer Street
Gail McGillicuddy, 201 Walnut Street, by letter
Amanda Chase, 195 Wescott Road
Clarence Beckwith, 51 Bonnybriar Road
Robert Marston, 10 Powers Road

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by adding §10-1104, which would provide a period of time for alleged violators of the ordinance to comply with its provisions. Amendment failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance in §10-1102, adding language that would exempt such entities as libraries, museums and art galleries, etc. from the ordinance. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Ordinance received passage by a 4-3 vote, with Councilors Dearborn, Fickett and Glynn opposed.

7. ORDINANCE #23-92/93 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding nursing women. Given first reading on 6/21/93.

The following people addressed this item:

Schyla St. Laurent, 53 Keswick Road
Bernard Faunce, 98 Sawyer Street
John Howard, Highland Road

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance to delete the phrase "whether passed before or subsequent to the effective date of this section." Amendment received passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed. Ordinance, as amended, received unanimous 7-0 passage.

G. ACTION ON OLD AND NEW BUSINESS

8. ORDER #2-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Unanimous 5-0 passage (Councilors Fickett and Glynn out of the room).

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9. ORDER #3-93/94 - amending Deferred Compensation Plan Document.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to the next meeting and direct Corporation Counsel to draft an amendment that would allow the Committee to remove only employees from the Committee. Unanimous 7-0 passage.

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10. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading.

Hearing no objection from the Council, Mayor Soule dispensed with the reading of the entire ordinance, due to its length.

The following people addressed this item:

Skip Lucarelli, 21 Washington Avenue, Civil Service Commission Chairman
Lee Harvey, Elmwood Avenue, Commission member
Bob Schwartz, Police Chief
John Howard, Highland Road, Commission member
Mike Williams, New York Avenue, representing Local 1476
John True, Fire Chief

Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item until 8/2/93. Unanimous 7-0 passage.

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11. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item until 8/2/93. Unanimous 7-0 passage.

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IN COUNCIL REGULAR MEETING JULY 7, 1993 VOL. 55 PAGE 4

12. ORDINANCE #3-93/94 - amendment to Ch. 27, "Zoning," regarding site plan review. First reading.

Tex Haeuser, Planning Director, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance in several sections by adding language regarding the building's use within the last five years and then referring this ordinance back to the Planning Board for public hearing. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Boudreau and Avery opposed.

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13. ORDINANCE #4-93/94 - amendment to Ch. 27, "Zoning," Article III, "Nonconformance." First reading.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Nancy Crowell, Fickett Street, thanked the Council for taking so much time on the obscenity ordinance. She asked why the Mayor didn't suggest zoning to deal with the issue.

Bernard Faunce, 98 Sawyer Street, said no one pays attention to speed limit signs in this city. Referring to the CATV Regulatory Board, He said that public meetings are supposed to be scheduled so that the public can attend. He said the obscenity ordinance was a waste of time, and zoning should have been used. He said Councilor Boudreau does not represent him, adding that the sidewalks in his district are falling apart and he has never seen her cut the school budget.

Clarence Beckwith, 51 Bonnybriar Road, said the City Manager did a fine job at the RWS meeting, and he hopes the private sector will be encouraged to get into recycling. He said he got his new tax valuations, and his vacant lot's taxes doubled. He said his house is on a non-conforming lot, but the valuation people said that doesn't affect the value of the property. He said District 4 should secede from the City and become a town where it could have selectmen. He said Maine pays more per student than other states and gets less.

Ray Lee, Henry Street, said that Councilor Boudreau was elected to manage the City, not to dictate morality to District 1. He said he asked people who live in Willard Square how they would feel about an adult bookstore locating in the Square and no one said anything. He said there has been a house of ill repute in District 1 for years.

Laurie Bowery Michaud, 10 Hudson Road, said she was unhappy with the Portland Newspaper's coverage of the High-Land Playland, because it contained many inaccuracies. She said the committee realizes there are some problems, and they are working with Parks & Recreation and Public Works. She said it was never intended to be totally accessible to totally wheelchair bound children. She said it's the teenagers who are throwing the ground cover everywhere.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn.
Council adjourned at 11:11 P.M. by a unanimous vote.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING JULY 19, 1993 VOL. 55 PAGE 6

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 7/7/93 meeting. Motion passed by a 6-1 vote, with Councilor Dearborn opposed.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that a testimonial dinner will be held for Jack Flynn.

Mr. Bryant read a statement regarding his recent publicity about parking tickets and a speeding ticket in Portland.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of June.

2. Attendance Reports for the month of June.

D. APPOINTMENT CALENDAR

3. ORDER #125-92/93 - Republican member and alternate to the Board of Voter Registration to fill an unexpired term which expires 5/1/94. Postponed since 6/7/93.

The following people addressed this item:

Geraldine Bissonnette, Bellaire Road
Peter Larsen, 406 Ocean Street
James Dyer, Davis Street, Secretary of S.P. Republican City Committee
Ray Lee, Henry Street

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Gloria Brewster and Ella Plouffe to these positions. Motion was made by Councilor Macomber and seconded by Councilor Boudreau to amend the order, correcting the mistaken word Democratic by replacing it with Republican. Unanimous 7-0 passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to the next meeting. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Order, as amended, received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

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4. ORDER #4-93/94 - Board of Appeals, District 3 (Soule). Term to expire 7/23/96.

There was no public discussion.

Motion was made by Mayor Soule and seconded by Councilor Avery to re-appoint Ed Bogdanovich, Jr. to this position. Unanimous 7-0 passage.

IN COUNCIL REGULAR MEETING JULY 19, 1993 VOL. 55 PAGE 7

5. ORDER #5-93/94 - Board of Appeals, District 4 (Fickett). Term to expire 7/23/96.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber to re-appoint Brian Hanlon to this position. Unanimous 7-0 passage.

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6. ORDER #6-93/94 - Board of Appeals, District 5 (Dearborn). Term to expire 7/23/96.

There was no public discussion.

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

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

7. Capt'n Cal, Inc., Mayall Road, Gray, FSE/Mobile Food Service, (ice cream truck). Residential areas only. 7/19/93 to 3/1/94. New City license.

AMPLIFYING PERMIT

8. John Horton, 334 Preble Street, birthday party, 7/24/93 only. New City license.
9. South Portland High School, Martin Memorial Field, school functions, 7/19/93 to 7/19/94. New City license.
10. South Portland National Little League, Gene Class Baseball Field, Pine Street, awards ceremony, 7/31/93 only. New City license.
11. South Portland Babe Ruth League, South Portland High School baseball field, league tournaments, 7/21/93 to 8/1/93 only, New City license.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

12. ORDINANCE #4-93/94 - amendment to Ch. 27, "Zoning," Article III, "Nonconformance." Given first reading on 7/7/93.

Rick Shinay, Planning Board Chairman, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance to delete approval by the Planning Board and substitute "by the Building Inspector." Motion failed by a 2-5 vote with Councilors Glynn and Fickett in the

minority. Ordinance received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

G. ACTION ON OLD AND NEW BUSINESS

13. ORDER #3-93/94 - amending Deferred Compensation Plan Document. Postponed on 7/7/93.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Jim Dyer, Davis Street
Ray Lee, Henry Street

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

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14. ORDER #7-93/94 - acceptance of miscellaneous donations.

Jim Dyer, Davis Street, addressed this item:

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

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15. ORDER #8-93/94 - authorizing the City Manager to accept a 1985 Ford under the Asset Forfeiture Laws for the South Portland Police Department.

There was no public discussion.

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

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16. ORDER #9-93/94 - award of bid to Southworth-Milton, Inc., for the purchase of an electric generating system for the Pollution Abatement Department.

There was no public discussion.

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

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17. ORDER #10-93/94 - authorizing the City Manager to sign an agreement allowing contractors for the Maine Department of Transportation to transport heavy construction equipment over City streets.

Ed Reidman, City Engineer, addressed this item.

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

H. CITIZENS DISCUSSION

Dan Fowler, Ocean Street, said he was not as fortunate as Mr. Bryant when he had his run in with the Portland Parking Division. He passed around instructions he had made dealing with the Denver Boot. He said the Council made life hell for the previous Republican member to the Board. He said the Board of Voter Registration reflects, Democrats, Republicans and Independents.

Ray Lee, Henry Street, said that Item #3 will be back. He said he received his revaluation on his property, and his lot would be worth \$500,000 an acre under the system used. He asked if all citizens can call the Finance Department for a check to pay for their parking tickets.

Jim Dyer, Davis Street, said he wishes he could apologize for others, but he can't. He said that Mr. Bryant's situation was unfortunate, but if he handed a loaded gun to any person who has never made a mistake and told them to shoot him, it wouldn't happen. He said we all make mistakes and learn by them. He said he supports the City Manager. He complained about the truck that picks up the dumpster at DiPietro's store between 4:00 and 4:15 A.M. He said the Council, as a whole, is doing an excellent job for the City.

Bernard Faunce, 98 Sawyer Street, asked about a bid that was awarded earlier in the evening and how it was different from one that wasn't awarded a couple years ago to a firm with which the City had experienced problems. He noted that the grass at the curb by his house is very high.

Clarence Beckwith, Bonnybriar Road, said he was bothered by the Police Chief's admission, on the news this evening, that tickets get fixed for officials all the time.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss labor negotiations pursuant to 1 M.R.S.A., Section 405 (6)(D). Council went into executive session at 9:18 P.M. by a 6-1 vote, with Councilor Glynn opposed. Motion was made by Councilor Avery and seconded by Councilor Glynn to come out of executive session. Executive session ended at 10:09 P.M. by a 5-0 vote (Councilors Macomber and Dearborn out of the room). Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 10:10 P.M. by a 5-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the July 19, 1993 meeting. Unanimous 7-0 passage.

Mayor Soule presented a plaque to resigning Board of Voter Registration member Helen Gorham.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that the Council workshop on 8/9/93 would be held in the library community room, and the second item would be a revaluation discussion.

C. PETITIONS AND COMMUNICATIONS

City Clerk Linda Cohen stated that nomination papers to run for City Council and School Board will be available on August 11, adding that the District 1, 2 and 5 Council seats and two At-Large School Board seats are open.

D. APPOINTMENT CALENDAR

1. ORDER #11-93/94 - Democratic member to the Board of Voter Registration to fill an unexpired term which expires 5/1/94.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Lewis Beckford to this position. Unanimous 7-0 passage.

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2. ORDER #12-93/94 - Planning Board, District 3 (Soule). To fill an unexpired term which expires 4/1/94.

Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item until 8/16/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

3. Mandarin House Inc., d/b/a Mandarin House, 300 Main Street, FSE/Class A Restaurant with Liquor. 9/17/93 to 9/17/94. City and State license. Renewal.
4. Asia Restaurant Inc., d/b/a Asia Restaurant, 51 Market Street, FSE/Class A Restaurant with Liquor. 9/9/93 to 9/9/94. City and State license. Renewal.
5. A.G. Ice Cream, FSE/Mobile Food Service. (Ice Cream Truck) Residential areas only. 8/2/93 to 3/1/94. Amendment to existing City license, adding one truck.

BEANO AND GAMES OF CHANCE

6. Libby Mitchell American Legion Post 76, of Scarborough, at Cash Corner Bingo Hall, 385 Main Street, 8/2/93 to 8/2/94. New City license.

AMPLIFYING PERMIT

7. Sally Sewall, 11 Drew Road, anniversary party, 8/21/93 only. New City license.

TAXICAB DRIVER

8. Peter S. Thompson Sr., of South Portland, for South Portland Taxi, 165 Pickett Street. 8/2/93 to 6/30/94. New City license.

POLE AND/OR UTILITY PERMITS

9. New England Telephone - placement of pole in Broadway.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

10. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed on 7/7/93.

Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item to a workshop. Unanimous 7-0 passage.

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11. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed on 7/7/93.

Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item to a workshop. Unanimous 7-0 passage.

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12. ORDER #13-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING AUGUST 2, 1993 VOL. 55 PAGE 12

13. PROCLAMATION #1-93/94 - recognizing Elizabeth, Ann Marie and Theresa Libby for bravery.

There was no public discussion.

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

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14. PROCLAMATION #2-93/94 - recognizing Jessica and Benjamin Bourne for bravery.

There was no public discussion.

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

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15. ORDER #14-93/94 - appeal of the Public Works Director's denial of a curb cut at 50 Foden Road.

There was no public discussion.

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

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16. ORDER #15-93/94 - award of bid to Apple Computer, of Austin, TX, and Coastal Computer Company, of Portland, ME, for the purchase and installation of computer equipment for the School Department.

Lee Akerley, Assistant School Superintendent, addressed this item.

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

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17. ORDER #16-93/94 - award of bid to Insituform of New England, Inc., of Chicopee, MA, for pipe lining.

There was no public discussion.

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

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18. ORDER #17-93/94 - authorizing the City Manager to sign an agreement with Portland Water District.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

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19. ORDER #18-93/94 - award of bid to Penta Corporation, of Moultonboro, NH, for the wastewater treatment facility upgrade.

The following people addressed this item:

Al Daigle, 161 Mussey Street, E. J. Prescott Co.
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Pat Cloutier, Pollution Abatement Director

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

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20. ORDINANCE #5-93/94 - amendment to Ch. 17, "Offenses--Miscellaneous Provisions," §17-12, "Playing ball, throwing stones, etc., in streets prohibited," First reading.

The following people addressed this item:

Linda Orcutt, 21 Sawyer Brook Circle (read letter from Browns, Sawyer Brook Cir.)
Lew Beckford, 72 Bonnybank Road
David Harrison, Sawyer Brook Circle
Cathy Adams, 27 Sawyer Brook Circle
Frank Kemna, 7 Sawyer Brook Circle
Steve Gant, 642 Sawyer Street
Dara Jarrendt, Vivian Street
Bernard Faunce, 98 Sawyer Street
Gary Toppi, 18 Sawyer Brook Circle
Don Orcutt, 21 Sawyer Brook Circle

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

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21. ORDINANCE #6-93/94 - amendment to Ch. 2, "Administration and Legislation," Art. V, Division II, §2-167, to provide for City participation at public equipment auctions. First reading.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor

Macomber to amend the ordinance by deleting "may" and replacing it with "shall" in the last sentence of the ordinance. Amendment received passage by a 5-2 vote, with Councilors Dearborn and Boudreau opposed. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the ordinance to require a 2/3 majority vote of the Councilors present and voting. Motion received passage by a 5-2 vote, with Mayor Soule and Councilor Dearborn opposed. Ordinance, as amended passed first reading by a 5-2 vote, with Councilors Macomber and Dearborn opposed.

H. CITIZENS DISCUSSION

Geraldine Bissonnette, Bellaire Road, asked how much money South Portland got for revenue sharing based on the populace of voters. She asked the City Manager if he has his bonding projection for 1993/94. She said the Cumberland County Republican Committee is meeting on August 11 to decide if the Republican nominee to the Board of Registration is legal.

Linda Orcutt, 21 Sawyerbrook Circle, said it is okay for kids to ride bikes on the street or walk by the side of the road. As a parent, she said she wouldn't have allowed her kids to do that.

Ray Lee, Henry Street, asked why the School Department doesn't go out to bid; they get all new equipment and the city side gets junk. He asked why the next workshop is being held at the library. He said that people want it televised.

Clarence Beckwith, Bonnybriar Road, asked if the engineering work on the upgrade was put out to bid.

Bernard Faunce, 98 Sawyer Street, asked the purpose of the meeting about the revaluation. He said that someone needs to visit the lady at 110 Sawyer Street whose house is way over-assessed. He said he can't sell his house for its assessed value because there's a bar across the street and because of a basketball hoop. He thanked Mr. Bryant for having someone clean out the gutter in front of his house.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., § 841, application(s) for abatement of property taxes on account of infirmity or poverty, pursuant to 1 M.R.S.A., §405(6)(A), discussion of a public employee's employment status, and pursuant to 1 M.R.S.A., §405(6)(3), pending litigation. Council went into executive session at 9:39 P.M. by a 6-1 vote, with Councilor Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Executive session ended at 10:30 P.M. by a 6-0 vote (Macomber out of the room). Motion was made by Councilor Boudreau and seconded by Councilor Avery to deny the abatement request. Motion received passage by a 5-2 vote, with Councilor Fickett and Glynn opposed. Motion was made by Councilor Fickett and seconded by Councilor Boudreau to adjourn. Council adjourned at 10:32 P.M.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

Motion was made by Councilor Avery and seconded by Councilor Boudreau to withdraw item 7, at the applicant's request. Unanimous 7-0 passage.

A. ACCEPTANCE OF MINUTES

Motion as made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the August 2 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted the succesful Art in the Park event this past Saturday, during which it is estimated that 5,000 people passed through the park. He congratulated Art in the Park Committee Chairman William Alexander, who is also the City's Library Director.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of July.
2. Attendance Reports for the month of July.

Mayor Soule presented a plaque for Gary Massanek, which was accepted by his wife, Betsy, recognizing Mr. Massanek's service on the Planning Board.

D. APPOINTMENT CALENDAR

3. ORDER #12-93/94 - Planning Board, District 3 (Soule). To fill an unexpired term which expires 4/1/94. Postponed on 8/2/93.

Motion was made by Councilor Avery and seconded by Mayor Soule to postpone this item. Unanimous 7-0 passage.

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4. ORDER #19-93/94 - Chairman, Board of Voter Registration. Term to expire 9/7/97.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Elizabeth Willwerth to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

5. Wok Inn Inc., d/b/a Wok Inn, 818 Main Street, FSE/Restaurant with Malt and Vinous. 9/20/93 to 9/20/94. State and City license. Renewal.
6. Canteen Service Co., d/b/a Canteen at G.H. Bass Co., 600 Sable Oaks Drive, FSE/Food Service Establishment. 8/16/93 to 3/1/94. New City license.

TEMPORARY STREET CLOSING

7. Jane Eberle, 187 Pilgrim Road, requests to close off Pilgrim Road at Stillman Street on 8/22/93 from 3 P.M. to 8 P.M. to hold a neighborhood party. (withdrawn)

SIGN PERMIT

8. Dockside Productions requests six (6) off-premise directional signs advertising the "Annual In-Water Boat Show" at Spring Point Marina. 9/22/93 to 9/26/93. Renewal.

POLE AND/OR UTILITY PERMITS

9. New England Telephone - placement of 10 poles in Broadway and Lincoln Street.
10. New England Telephone - placement of 1 pole in Osborne Avenue.
11. Northern Utilities - replacement of existing gas main in Bryant Street.
12. Northern Utilities - replacement of existing gas main in Ocean Street.
13. Northern Utilities - installation of a gas main in Lombard Street.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

14. ORDINANCE #5-93/94 - amendment to Ch. 17, "Offenses--Miscellaneous Provisions," §17-12, "Playing ball, throwing stones, etc., in streets prohibited," Given first reading on 8/2/93.

The following people addressed this item:

Fred Wohl, 60 Albany Street Ext.
Bernard Faunce, 98 Sawyer Street
Linda Orcutt, 21 Sawyer Brook Circle
Ray Lee, Henry Street

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

* * * * *

15. ORDINANCE #6-93/94 - amendment to Ch. 2, "Administration and Legislation," Art. V, Division II, §2-167, to provide for City participation at public equipment auctions. Amended and given first reading on 8/2/93.

Bill Laidley, 374 Sawyer Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage.

Motion received passage by a 4-3 vote, with Councilors Dearborn, Macomber and Avery opposed.

G. ACTION ON OLD AND NEW BUSINESS

16. ORDER #20-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

17. ORDER #21-93/94 - authorizing the City Manager to accept a deed for real estate from the Sunset Park Community Association.

The following people addressed this item:

Victor Schlich, 75 Berwick Street
Colleen Coyne, 87 Berwick Street
Jacqueline Durand Hawthorne, 134 Pennsylvania Avenue
Phil Cheney, 162 Walnut Street
Fred Wohl, 60 Albany Street Ext.
Richard Pushard, 123 Pennsylvania Avenue
Bernard Faunce, 98 Sawyer Street
Ann Morrill, 138 Pennsylvania
Bill Laidley, 374 Sawyer Street
Ray Lee, Henry Street
Janice Doctor, 199 High Street
Bob Cleaves, 29 Channel Road, Counsel to the Association

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

* * * * *

18. ORDER #22-93/94 - authorizing the City Clerk to approve applications for B.Y.O.B. functions.

There was no public discussion.

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

* * * * *

19. ORDER #23-93/94 - endorsing the South Portland Housing Authority's application under the Section 8 Program.

The following people addressed this item:

Janice Doctor, 199 High Street
Bernard Faunce, 98 Sawyer Street
Laurie Michaud, 10 Hudson Road
Ray Lee, Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Fickett to deny passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to postpone this item to a workshop. Motion received passage by a 4-3 vote, with Councilors Macomber, Glynn and Fickett opposed.

* * * * *

20. ORDER #24-93/94 - authorizing the acceptance of a Marin Palisades Trail bicycle under the Asset Forfeiture Program.

There was no public discussion.

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

* * * * *

21. ORDER #25-93/94 - acceptance of a Local Road Assistance Grant from the State of Maine.

There was no public discussion.

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

* * * * *

22. ORDINANCE #7-93/94 - amendment to Ch. 17, "Offenses--Miscellaneous Provisions," § 17-11, "Sliding in streets, sidewalks." First reading.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Laurie Michaud, 10 Hudson Road
Ray Lee, Henry Street

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

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he was disappointed that the revaluation wasn't on tonight's agenda, because he was led to believe it would be by Mr. Morong. He urged Council to throw it out. He said he thinks it's a conflict of interest that the Assessor used to work for the revaluation company. He said he was upset that he was asked for his driver's license when he took out nomination papers.

Bernard Faunce, 98 Sawyer Street, said he hears people saying they don't mind paying higher taxes, but they are mostly young, and he hopes times are always good for them. He asked about Council approval of the valuation, and said he doesn't think it's right that the Assessor sets the values without the Council.

Janice Doctor, 199 High Street, said the South Portland Housing Authority must have thought its application would pass with no problem. She said it is not right to fund education with property taxes. She also said that South Portland should take care of its own people before helping people from outside.

Jane Eberle, Pilgrim Road, thanked the City Clerk's office for trying to help her get a street closing permit. She said her son and his friend had their bikes stolen, and, if the City had a hard time selling the Marin, they would be interested.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1 M.R.S.A., §405(6)(E), pending and contemplated litigation. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion by deleting contemplated. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Council went into executive session at 9:31 P.M. by a 5-2 vote, with Councilors Fickett and Glynn opposed. Motion was made by Councilor Glynn and seconded by Councilor Avery to come out of executive session. Executive session ended at 9:54 P.M. by a unanimous 7-0 vote. Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 9:55 P.M. by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING SEPT. 8, 1993 VOL 55 PAGE 20

ROLL CALL: Mayor Soule called the meeting to order at 7:03 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the August 16, 1993 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant congratulated National Semi-Conductor for its expansion groundbreaking today.

1. Communication from the City Manager regarding Wilkinson Community Park.

Jack Wilkinson addressed this item.

C. PETITIONS AND COMMUNICATIONS

2. Communication from the City Clerk regarding a citizen petition to repeal Ordinance #18-92/93.

D. APPOINTMENT CALENDAR

3. ORDER #12-93/94 - Planning Board, District 3 (Soule). To fill an unexpired term which expires 4/1/94. Postponed since 8/2/93.

Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item until 9/20/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

4. Adrenaline Inc., d/b/a Discovery Zone, 50 Foden Road, FSE/Food Service Establishment. 10/2/93 to 3/1/94. New City license.
5. Yankee Ribs, Inc., d/b/a Tony Roma's, A Place for Ribs, 671 Main Street, FSE/Class A Restaurant with Liquor. 9/30/93 to 9/30/94. City license. Renewal.
6. Thomas J. Flatley, d/b/a Tara South Portland, 363 Maine Mall Road, FSE/Hotel with Liquor and Special Amusement permit. 10/8/93 to 10/8/94. State and City license. Renewal.

AMPLIFYING DEVICE

7. Andrea Pevarnek, 16 Granby Road, wedding reception, 9/25/93 only. New City license.

POLE AND/OR UTILITY PERMITS

8. New England Telephone - placement of conduit in Broadway.

IN COUNCIL REGULAR MEETING SEPT. 8, 1993 VOL. 55 PAGE 21

Bob Kuvent, from Discovery Zone, addressed item 4.

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

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

- 9. ORDER #23-93/94 - endorsing the South Portland Housing Authority's application under the Section 8 Program. Postponed on 8/16/93.

The following people addressed this item:

- Bernard Faunce, 98 Sawyer Street
- Raphael DePrez, South Portland Housing Authority Director
- Janice Doctor, 199 High Street
- Beulah Swiger, High Street
- Dorothy Clark, South Portland Housing Authority

Motion was made by Councilor Glynn and seconded by Councilor Fickett to deny passage. Motion failed by a 3-4 vote, with Mayor Soule and Councilors Fickett and Glynn in the minority. Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Glynn and Fickett opposed.

* * * * *

- 10. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item until 9/20/93. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

- 11. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item until 9/20/93. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

* * * * *

- 12. ORDER #26-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for

passage. Unanimous 6-0 passage (Glynn out of room).

* * * * *

13. ORDER #27-93/94 - award of bid to M. E. O'Brien and Sons, of Medfield, MA, for a playscape at Waldo T. Skillin Elementary School.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Vicky Falconer, 72 Brigham Street
Harry Clark, 32 Kenneth Road
Laura Gonyea, 21 Kirkland Avenue
Janice Doctor, 199 High Street
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Candy Floridino, 143 Westbrook Street

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

* * * * *

14. ORDER #28-93/94 - authorizing the acceptance of a 1979 automobile and \$1,217.85 under the Asset Forfeiture Program.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

15. ORDER #29-93/94 - authorizing a contract with Professional Services Industries Inc., of Portland, ME, for materials testing services during the Wastewater Treatment Plant upgrade.

The following people addressed this item:

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

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

* * * * *

16. ORDER #30-93/94 - authorizing an amendment to the contract dated February 19, 1992 with Wright Pierce for engineering services related to the upgrade of the Wastewater Treatment Facility.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

IN COUNCIL REGULAR MEETING SEPT. 8, 1993 VOL. 55 PAGE 23

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

* * * * *

17. ORDER #31-93/94 - authorizing mutual aid agreements with the Cities of Portland and Westbrook and the Towns of Cape Elizabeth and Scarborough for law enforcement services.

The following people addressed this item:

Janice Doctor, 199 High Street
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Dan Fowler, 81 Ocean Street
Harry Clark, 32 Kenneth Road
Police Chief Robert Schwartz

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

* * * * *

18. ORDINANCE #8-93/94 - repealing Code of Ordinances, Ch. 10, Article VI, "Obscenity." First reading.

Bill Judkins, 315 Highland Avenue, addressed this item.

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

* * * * *

19. ORDER #32-93/94 - calling for new property revaluation.

The following people addressed this item:

Frank Morong, 6 Myrtle Avenue
Nancy Larsen, 406 Ocean Street
Don Maxwell, 36 Highland Road
Janice Doctor, 199 High Street
Bill Judkins, 315 Highland Avenue
Ray Lee, Henry Street
Harry Clark, 32 Kenneth Road
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, 51 Bonnybriar Road
Beulah Swiger, High Street
Charles Redfern, 52 Cloyster Road

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

* * * * *

20. ORDINANCE #9-93/94 - authorizing the appropriation of \$1,000,000 for capital projects for the fiscal year ending June 30, 1994. First reading.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Janice Doctor, 199 High Street
Ray Lee, Henry Street

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

H. CITIZENS DISCUSSION

Beulah Swiger, High Street, said the tar on High Street is a mess. She said there is supposed to be a curfew, but the police told her it isn't enforced.

Ray Lee, Henry Street, read a letter from Daniel Fowler, 81 Ocean Street, which asked if Councilors Avery, Boudreau and Dearborn have sponsored anything in the last three years. Mr. Lee said he is upset with the Councilors' attitudes toward the revaluation.

Harry Clark, 32 Kenneth Road, told Mr. Lee he is not surprised that his business is down 60%, but he is surprised he's still in business because he is the rudest and crudest person he has ever met. He said the majority of Councilors do a good job.

Don Maxwell, Highland Road, said the tax problem needs to be resolved, and the City should find a way to help the elderly keep their homes when their taxes are rising so much.

Don Legere, 149 Walnut Avenue, said he notified the Assessor when he received his letter about his new value. He told her about a two family and an eleven bay garage by his property. His value was adjusted. He said that shows that calling the Assessor works. He said the \$500,000 bond issue request won't come close to taking care of the ADA requirements in the school buildings. He said he misses the flag at Legion Square.

Janice Doctor, 199 High Street, said her cousin's taxes in California were frozen, and the City needs to come up with some solutions.

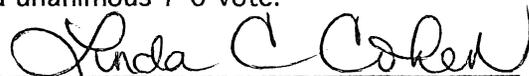
Clarence Beckwith, 51 Bonnybriar Road, said he always knew that the Greenbelt couldn't be maintained for \$500. He said he hopes the Council will pursue Councilor Fickett's proposal, because the average person cannot afford to go to court to fight his property valuation.

Bernard Faunce, 98 Sawyer Street, said Sunset Park will be an added expense. He asked why the Parks Department is taking care of school grounds. He said children need to be taught more than play. He said other people complain about their taxes, but they think it's a waste of time to come down.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 12:04 A.M. 9/9/93 by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING SEPT. 20, 1993 VOL. 55 PAGE 25

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 9/8/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said he received a letter from Governor McKernan today stating that South Portland will receive funding for a playscape in Ferry Village and one in Redbank.

1. Communication regarding Family Fun Day.
Jane Eberle, Pilgrim Road, noted that Family Fun Day will be October 3, 1993 from 11:30 A.M. to 4:00 P.M.

C. PETITIONS AND COMMUNICATIONS

2. Report from the Tax Assessor regarding tax abatements.
3. Department Reports for the month of August.
4. Attendance Reports for the month of August.

D. APPOINTMENT CALENDAR

5. ORDER #12-93/94 - Planning Board, District 3 (Soule). To fill an unexpired term which expires 4/1/94. Postponed since 8/2/93.

There was no public discussion.

Motion was made by Mayor Soule and seconded by Councilor Boudreau to appoint Ronell F. Harris to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

6. Dork's Unlimited, d/b/a The Ground Round, 195 Maine Mall Road. FSE/Class A Restaurant with Liquor. 10/15/93 to 10/15/94. State license. Renewal.
7. General Mills Restaurants Inc., d/b/a Red Lobster, 200 Gorham Road, Suite 1000. FSE/Class A Restaurant with Liquor. 10/23/93 to 10/23/94. State and City license. Renewal.
8. DiCicco's Deli Inc., d/b/a DiCicco's Deli & Groceria, 512 Ocean Street. FSE/Retail Store with Malt and Vinous. 9/20/93 to 12/31/93. New City license.

TAXICAB DRIVER

9. Robert Bernstein, of West Buxton, for South Portland Taxi, 165 Pickett Street. 9/20/93 to 6/30/94. New City license.

POLE AND/OR UTILITY PERMITS

10. New England Telephone - placement of pole in Fickett Street.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

11. ORDINANCE #8-93/94 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," repealing Article VI, "Obscenity." Given first reading on 9/8/93.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion failed by a 3-4 vote, with Councilors Dearborn, Glynn and Fickett in the minority. (This action sends the item to public vote.)

* * * * *

12. ORDINANCE #9-93/94 - authorizing the appropriation of \$1,000,000 for capital projects for the fiscal year ending June 30, 1994. Given first reading on 9/8/93.

The following people addressed this item:

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

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

* * * * *

13. William and Rose Lerman, d/b/a South Portland Taxi, 165 Pickett Street. Taxicab Certificate of Public Convenience. 9/21/93 to 9/21/94. City license. Renewal.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

Motion was made by Councilor Glynn and seconded by Councilor Fickett to take Item #15 before #14. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority.

14. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations."
First reading. Postponed since 7/7/93.

Motion was made by Councilor Boudreau and seconded by Mayor Soule to waive reading the entire ordinance and allow the City Manager to do a summary. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Bob Porter, 1303 Broadway
Bill Judkins, Highland Avenue
Carolyn Cosby, Portland
Skip Lucarelli, Chairman of the Civil Service Commission
Tom Blake, 195 High Street

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the first reading. Motion was made by Councilor Avery and seconded by Councilor Boudreau to amend the ordinance by adding the language the Council received in its packet from Councilor Avery and Legal Counsel James Katsiaficas. Motion was made by Councilor Glynn and seconded by Councilor Fickett to divide the question. Motion failed by a 3-4 vote, with Councilors Glynn, Macomber and Fickett in the minority. Motion was made by Councilor Macomber and seconded by Councilor Glynn to postpone this item to the next Council meeting. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed.

* * * * *

15. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations."
First reading. Postponed since 7/7/93.

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

* * * * *

16. ORDER #33-93/94 - award of bid to Forest City Chevrolet, of Portland, ME, for the purchase of a pick-up truck for the Fire Department.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, 51 Bonnybriar Road

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

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IN COUNCIL REGULAR MEETING SEPT. 20, 1993 VOL. 55 PAGE 28

17. ORDER #34-93/94 - amending the contract with Insituform of New England, Inc., of Chicopee, MA, for pipe lining in the Hill Street sanitary sewer.

Dave Pineo, from the City's Engineering Department , addressed this item.

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

* * * * *

18. ORDER #35-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

19. ORDER #36-93/94 - establishing the date of election at which the citizen initiative for adoption of Ordinance #8-93/94 will be decided.

The following people addressed this item:

Nancy Crowell, Fickett Street
Robert Marston, 712 Westbrook Street
Ray Lee, Henry Street

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

* * * * *

20. ORDER #37-93/94 - authorizing the City Manager to retain legal counsel for the Civil Service Commission.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Skip Lucarelli, Chairman of the Civil Service Commission

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

* * * * *

21. ORDER #38-93/94 - authorizing the acceptance of a deed from Donald E. and Winifred T. Brown for property located at the intersection of Hoyt and Kelsey Streets.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Nancy Crowell, Fickett Street, said she's concerned about the Council's policy of putting the public hearing at the second reading. She said the impression is that the Council is hurrying. She recommended putting the public hearing at the first reading. She said this Council is particularly generous in the time it allows the public to speak.

Ray Lee, Henry Street, complained about the traffic backed up from the bridge and on Broadway due to construction. He asked how emergency vehicles get through. He said Councilor Glynn doesn't work for Mr. Lucarelli; he has his own business. He said his daughter-in-law is working out front for his business now.

Bernard Faunce, 98 Sawyer Street, said that child molestation has been going on as long as prostitution has, and while he feels it is wrong and it should stop, he said it is not caused by bookstores. He asked why the Parks Department is maintaining school grounds. He asked where the City's appointees have been while all the money was being spent by RWS on the stump dump.

Robert Marston, 712 Westbrook Street, said he saw Mr. Wilkinson here a couple of weeks ago, and he hopes the City will look into flooding the park for skating.

Louis Maietta, 134 Walnut Street, a member of the Civil Service Commission, said the Council has got to put the Civil Service ordinance to sleep in an orderly manner. He said the review of this ordinance started two and a half years ago, but it got put on the back burner. He said he was against the review committee appointed by the Council. He said he's missed a lot of Commission meetings, and he wasn't there when the attorney was hired, but it's going to cost the city a lot more than \$2,000 before it's over. He asked the Council to reconsider paying Mr. Lourie's charges.

Clarence Beckwith, 51 Bonnybriar Road, said he agrees with Mr. Maietta. He said he is upset with the Council for passing the CIP ordinance without specifics. He asked how anyone can come up with a figure when there are no specifics. He said the School Department always has money left over. He said it bothers him that some Councilors seem afraid to postpone items. He said he is disturbed by the backfilling of holes with no compaction on Broadway, adding that he can see new pavement being ripped up in the future because the holes weren't properly closed.

Skip Lucarelli, Washington Avenue, asked why RWS refuses to allow trucks to haul trash to MERC when it could be done cheaper. He said he believes that RWS is cheating the public.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 10:54 P.M. by a unanimous 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING OCT. 4, 1993 VOL 55 PAGE 30

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the 9/20/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that the annual fall leaf pick up, sponsored by the Thornton Heights Lions Club, will take place this year on the last two weekends in October and the first weekend in November. Information is available by calling the Public Works Department.

Mr. Bryant stated that Fire Awareness Day activities will take place at the South Portland Armory on October 9th.

C. PETITIONS AND COMMUNICATIONS

1. Planning Board report regarding monumentation requirements in the Zoning and Subdivision Ordinances.

D. APPOINTMENT CALENDAR

None.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. PSO Women's Committee/CarFare, Maine Mall, Temporary FSE/Food Service, 10/15/93 to 10/17/93. New City license.
3. Fuji Inc., d/b/a Fuji Restaurant, 50 Maine Mall Road, FSE/Class A Restaurant with Liquor. 10/29/93 to 10/29/94. State and City license. Renewal.

BEANO AND GAMES OF CHANCE

4. Fraternal Order of Eagles #3875, 729 Broadway. 10/4/93 to 10/4/94. New City license. Requests waiver of fee.

MASSAGE ESTABLISHMENT AND/OR MASSAGE THERAPIST

5. Louise Denney and Jonathan Titus, d/b/a Holistic Massage, 336 Broadway. 9/30/93 to 9/30/94. City license. Renewal.
6. April L. Moisan, of Biddeford, ME., Therapeutic Massage Therapist at Holistic Massage, 336 Broadway. 9/30/93 to 9/30/94. New City license.

SIGN PERMIT

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

POLE AND/OR UTILITY PERMITS

8. Northern Utilities - installation of a gas main in Valley Street.
9. New England Telephone - installation of conduits in Broadway, Cottage Road and Ocean Street.
10. New England Telephone - installation of one pole in Dracut Avenue.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Macomber for passage of the consent calendar except for items 5 and 6 which the Council would deal with separately. Unanimous 7-0 passage.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage of item 5. Motion received passage by a 6-1 vote, with Councilor Glynn opposed.

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

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

Motion was made by Councilor Avery and seconded by Councilor Glynn to waive Council Rule #4 (item received after agenda deadline) for item 23. Unanimous 7-0 passage.

11. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to postpone this item until 10/18/93. Unanimous 7-0 passage.

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12. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to postpone this item until 10/18/93. Unanimous 7-0 passage.

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13. ORDER #39-93/94 - award of bid to Chadwick Ba Ross, Inc., of Westbrook, ME, for the purchase of a multi-purpose tractor (sidewalk plow) for the Public Works Department.

Rita Caron, Margaret Street, addressed this item.

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

* * * * *

14. ORDER #40-93/94 - authorizing a contract with Knowles Industrial Services, Corporation, of Portland, ME, for rehabilitation of the Clark's Pond dam.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ed Reidman, City Engineer
Bernard Faunce, 98 Sawyer Street
Warren Morgan, 103 Chapel Street
Rita Caron, Margaret Street

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

* * * * *

15. ORDER #41-93/94 - authorizing the City Manager to retain legal counsel for the Board of Assessment Review.

The following people addressed this item:

John Howard, Highland Road
Skip Lucarelli
Rita Caron, Margaret Street
Geraldine Bissonnette, 15 Bellaire Road

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Macomber to add an expiration date of 12/31/94 to the order. Unanimous 7-0 passage. Motion was made by Councilor Macomber and seconded by Councilor Glynn to cap the legal expenses for this issue at \$5,000 from the present to 12/31/94. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed. Order, as amended, received passage by a 6-1 vote, with Councilor Boudreau opposed.

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16. ORDER #42-93/94 - authorizing the acceptance of a Community Policing Grant from the United States Bureau of Justice Administration.

There was no public discussion.

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

17. ORDINANCE #10-93/94 - amendment to Ch. 24, "Subdivisions," regarding monumentation requirements. First reading.

The following people addressed this item:

Rita Caron, Margaret Street
Geraldine Bissonnette, 15 Bellaire Road

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

* * * * *

18. ORDINANCE #11-93/94 - amendment to Ch. 27, "Zoning," regarding monumentation requirements. First reading.

There was no public discussion.

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

* * * * *

19. ORDINANCE #12-93/94 - amendment to Ch. 2, "Administration and Legislation," § 2-5, "Authority to engage additional counsel." First reading.

The following people addressed this item:

Geraldine Bissonnette, 15 Belaire Road
Rita Caron, Margaret Street
John Howard, Highland Road

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

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20. ORDINANCE #13-93/94 - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," regarding Mobile Food Service Base Stations. First reading.

John Norberg addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau for passage of the first reading. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the ordinance to delete the line in the chart in §14-3 that references the base station license. Motion received passage by a 6-1 vote, with Councilor Macomber opposed. Ordinance received first reading by a 6-1 vote, with Councilor Macomber opposed.

* * * * *

21. ORDINANCE #14-93/94 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding General Assistance. First reading.

Motion was made by Councilor Avery and seconded by Councilor Macomber to waive the reading of the entire ordinance in favor of a summary by the City Manager. Motion received passage by a 6-1 vote, with Councilor Macomber opposed.

* * * * *

22. ORDER #43-93/94 - acceptance of a deed for real property located at the intersection of Philbrook Avenue and Gorham Road.

There was no public discussion.

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

* * * * *

23. ORDER #44-93/94 - authorizing the City Manager to submit an application for Federal Communication Commission certification to regulate basic cable television rates.

The following people addressed this item:

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

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

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, asked what the next step is after protesting his taxes to the revaluation company. He said the City did an excellent job fixing the streets in his area.

John Howard, Highland Road, said he hopes the City learned its lesson from allowing the Corporation Counsel to be a voting member of a committee. He said the Civil Service Commission also felt the need for additional counsel, and the Council refused to pay the bill because of the way the counselor was obtained. He said that was petty and punitive. He commended the Manager for re-entering the discussion to try to work things out.

Clarence Beckwith, 51 Bonnybriar Road, said the Assessment Review Board has been very conservative in his experience. He said he is in favor of limits on legal services. He said the FSE ordinance should be amended to allow farm stands to sell produce without a license. He said the Council should have paid the fees for the Civil Service Commission.

I. EXECUTIVE SESSION

Motion was made by Councilor Avery and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 1 M.R.S.A., Section 405 (6)(A), the evaluation of the City Manager. Motion failed by a 4-3 vote (2/3 majority required),

with Councilors Glynn, Macomber and Fickett opposed.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn.
Council adjourned at 10:35 P.M. by a unanimous vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk



ROLL CALL: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Avery arrived after the minutes were accepted.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to accept the minutes of the 10/4/93 meeting. Unanimous 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager again noted that leaves will be picked up by the Thornton Heights Lions and the dates.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of September.
2. Attendance Reports for the month of September.

D. APPOINTMENT CALENDAR

3. ORDER #45-93/94 - Ward Clerk, Pro-tempore, District Four (4), for 11/2/93 only.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Maxine Beecher to this position. Unanimous 7-0 passage.

* * * * *

4. ORDER #46-93/94 - Ward Clerk, District Five, to fill an unexpired term.

There was no public discussion.

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

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

5. Endless Enterprises Inc., d/b/a South Portland House of Pizza, 433 Cottage Road, FSE/Food Service Establishment. 10/18/93 to 3/1/94. New owner of existing business.
6. Zeb's General Store, Maine Mall, FSE/Food Service Establishment. 10/18/93 to 3/1/94. New City license.
7. Kenneth Collings, d/b/a Spring Point Catering, 139 Broadway, #17, FSE/Food Service Establishment. 10/18/93 to 3/1/94. New City license.

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8. Robert W. Fickett, d/b/a Fickett's, 1297 Highland Avenue, FSE/Food Service Establishment. 10/18/93 to 3/1/94. New City license.
9. South Portland Music Boosters, at South Portland High School Athletic Field, Marching Band Competition, Temporary-FSE/Food Service Establishment. 10/30/93 only. New City license. Requests waiver of fee.

COIN OPERATED DEVICE

10. Fraternal Order of Eagles #3875, 729 Broadway, amended application to increase number of machines from four (4) to five (5). 10/18/93 to 6/30/94. Requests waiver of fee.

TAXICAB DRIVER

11. Sandra Rowland, of South Portland, at South Portland Taxi, 165 Pickett Street. 10/18/93 to 6/30/94. New City license.

VENDOR - CHRISTMAS TREES

12. Franklin B. Allen, 124 Mitchell Road. 11/27/93 to 12/31/93. New City license.

POLE AND/OR UTILITY PERMITS

13. Portland Water District - installation of a new ductile iron water main in Hill Street.

The following people addressed this item:

Ray Lee, Henry Street
Franklin Allen, applicant
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the entire calendar. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to remove item 8 to be dealt with separately. Unanimous 7-0 passage. The remainder of the calendar received passage by a 7-0 vote. Motion was made by Councilor Macomber and seconded by Councilor Boudreau to approve the license for item 8. Motion received passage by a 5-1 vote, with Councilor Glynn opposed and Councilor Fickett abstaining.

F. PUBLIC HEARINGS AND ACTION

14. ORDINANCE #10-93/94 - amendment to Ch. 24, "Subdivisions," regarding monumentation requirements. Given first reading on 10/4/93.

The following people addressed this item:

Ray Lee, Henry Street
Tex Haeuser, Planning Director

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend the ordinance to allow concrete posts if they meet industry standards. Motion received

passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to the next regular meeting. Motion failed by a 2-5 vote, with Councilors Fickett and Glynn in the minority. Motion was made by Councilor Boudreau and seconded by Councilor Avery that this serve as a new first reading and the item be postponed to the next meeting. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

* * * * *

15. ORDINANCE #11-93/94 - amendment to Ch. 27, "Zoning," regarding monumentation requirements. Given first reading on 10/4/93.

There was no public discussion.

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

* * * * *

16. ORDINANCE #13-93/94 - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," regarding Mobile Food Service Base Stations. Given first reading on 10/4/93.

The following people addressed this item:

Jim Dyer, Davis Street
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road

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

* * * * *

17. ORDINANCE #14-93/94 - amendment to Ch. 10, "Health, Welfare and Sanitation Generally," regarding General Assistance. Given first reading on 10/4/93.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Jack Roberts, Welfare Director

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

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18. David G. Irving Jr., d/b/a Country Classics Annex, 380 Main Street, Used Car Lot license. 10/18/93 to 12/31/93. New City license.

The following people addressed this item:

Ray Lee, Henry Street
Dave Irving, applicant

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

G. ACTION ON OLD AND NEW BUSINESS

19. ORDINANCE #1-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

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

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20. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading. Postponed since 7/7/93.

Motion was made by Councilor Glynn and seconded by Mayor Soule to withdraw this item. Unanimous 7-0 passage.

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21. ORDER #47-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

22. ORDER #48-93/94 - award of bid to M. B. Bourne & Son Inc., of South Portland, ME, for repairs to the roof at the Bus Service garage.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

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23. ORDER #49-93/94 - accepting the warrants announcing the Special State and General Municipal Election of November 2, 1993 and setting the time for opening the polls.

There was no public discussion.

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

Unanimous 7-0 passage.

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24. ORDER #50-93/94 - authorizing the City Manager to sign a collective bargaining agreement with Teamsters Local 340 representing the Police Command and Supervisory Officers.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said the health inspector should be able to inspect food service establishments once in a while. He said he wonders how many other places haven't been inspected. He said he heard there were problems with ballot signatures and said he can't see the difference between this case and the petitions that were thrown out a year or so ago.

Ray Lee, Henry Street, said he thought he saw a legal opinion that said when a notary signature is involved it goes to the DA or FBI. He said he never heard of a farmer getting a license to sell non-processed food. He complained about people destroying political signs and offered a reward for the arrest and conviction of anyone who does that.

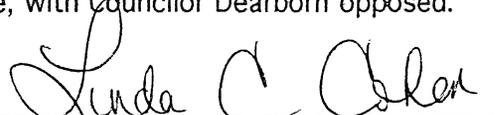
Jim Dyer, Davis Street, said he was referring to the previous health inspector when he said his mobile unit wasn't inspected. He said the current inspector does an excellent job. He said he hopes the Council will look at the ordinance as it affects Councilor Fickett. He said political signs have always been a problem, and if people are wondering who to vote for, look at the signs that are on private property because that shows the property owner's support.

Clarence Beckwith, Bonnybriar Road, said that last week's School Board meeting was the saddest meeting he ever attended. He said the School Department needs an overhaul, adding that he invited the Superintendent to resign to start the process. He said the Police Department can suspend an officer while he's being investigated, and the School Department should do the same. He said he was upset at the last Council workshop because Councilor Fickett was not allowed to discuss an item because the information wasn't given to the Councilors ahead of time. He said he's disturbed at the double set of standards on petitions. He said he likes the signs around the city because it is part of the democratic process.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:29 P.M. by a 6-1 vote, with Councilor Dearborn opposed.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 10/18/93 meeting. Unanimous 6-0 passage.

Mayor Soule presented a plaque to Lillian "Dill" Lesneski, recognizing her eleven years as District 5 Ward Clerk.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said Councilor Fickett is ill. He said the last weekend of leaf pick-up was coming up. He noted the dates and times for public hearing on the proposed 1994 Cumberland County Budget. He also noted the birth of his third child on 10/19/93.

C. PETITIONS AND COMMUNICATIONS

1. Planning Board report regarding site plan review.

City Clerk Linda Cohen demonstrated how to vote on the Optech III ballots.

Mayor Soule welcomed the students from John Chapin's class who were in attendance this evening.

D. APPOINTMENT CALENDAR

None.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

2. VFW, Post #832, 50 Peary Terrace, FSE/Club with Liquor and Special Amusement Permit. 12/31/93 to 12/31/94. State and City license. Renewal.

SECOND HAND DEALER

3. Gary L. Smith, d/b/a G.L. Smith, 378 Cottage Road. 11/1/93 to 12/31/93. New City license.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

4. ORDINANCE #10-93/94 - amendment to Ch. 24, "Subdivisions," regarding monumentation requirements. Amended and given new first reading on 10/18/93.

The following people addressed this item:

Janice Doctor, 199 High Street
Tex Haeuser, Planning Director

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

* * * * *

5. General Cinema Corporation, d/b/a Maine Mall Cinema, Maine Mall Road. Increase in the number of Pinball/video machines from five (5) to nine (9). 11/1/93 to 6/30/94. Requires waiver; request is in excess of five (5) machine limit.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

G. ACTION ON OLD AND NEW BUSINESS

6. ORDINANCE #3-93/94 - amendment to Ch. 27, "Zoning," regarding site plan review. Amended and referred back to the Planning Board 7/7/93.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to waive the reading of the ordinance in its entirety and have the Manager summarize it. Motion received passage by a 5-1 vote, with Councilor Glynn opposed.

The following people addressed this item:

Evan Richert, 538 Sawyer Street
Janice Doctor, 199 High Street
Judy Carpenter, 25 Washington Avenue
Clarence Beckwith, 51 Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Dearborn for passage of the first reading. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the ordinance by excluding the wording regarding any lawful use within the last five years. Motion failed by a 3-3 vote, with Councilor Macomber, Dearborn and Glynn opposed. Ordinance passed first reading by a 4-2 vote, with Councilors Avery and Boudreau opposed.

* * * * *

7. ORDER #51-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

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8. ORDER #52-93/94 - award of bid to Patco Construction Inc., of Sanford, ME, for the construction of a salt storage shed for the Public Work's Department.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

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

* * * * *

9. ORDER #53-93/94 - authorizing the City Manager to sign a collective bargaining agreement with the South Portland Patrolman's Association.

The following people addressed this item:

Lawrence Albert, 42 MacArthur Circle West
Judy Carpenter, 25 Washington Avenue
Janice Doctor, 199 High Street

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

* * * * *

10. ORDINANCE #15-93/94 - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," regarding farm stands, in-home day care and bake sales. First reading.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Avery for passage of the first reading. Motion received passage by a 4-2 vote, with Councilors Boudreau and Avery opposed.

* * * * *

11. ORDER #54-93/94 - referring to the Planning Board a proposed amendment to Ch. 27, "Zoning," which would provide for appeals of Planning Board decisions to the Board of Appeals.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Tex Haeuser, Planning Director
Janice Doctor, 199 High Street
Judy Carpenter, 25 Washington Avenue

Motion was made by Councilor Glynn and seconded by Councilor Dearborn for passage. Motion failed by a 1-5 vote, with Councilor Glynn in the minority.

H. CITIZENS DISCUSSION

Llewellyn Randall, 591 Stroudwater Street, said he has been waiting to hear from Mr. Bryant or Pollution Abatement Director Pat Cloutier about whether or not he will have

sludge for his Westbrook property.

Tex Haeuser, Planning Director, said the Planning Board relies on the City Manager's memo and his recollection of the Council meeting when items are referred back to the Board. He said Planning Board Director Richard Shinay was not present tonight, because Mr. Haeuser told him he could handle the meeting.

Janice Doctor, 199 High Street, said that one doesn't have to go before the Planning Board to build a dormer, and the average resident can argue any zoning ordinance before the zoning board. She said that site plans usually involve big business.

Bernard Faunce, 98 Sawyer Street, complained about traffic speed on Cottage Road in Knightville. He asked how the City Manager is coming on the ADA requirement for buses for the handicapped. He said he hopes everyone turns out for the election tomorrow, because Glynn and Fickett have been alone for years.

Lawrence Albert, 42 MacArthur Circle West, said he is disturbed that the Mayor would attack a colleague at a Council meeting. He said there are a lot of houses for sale in South Portland, and the problem lies with this governmental body. He said that long time residents can't afford to pay taxes anymore. He said the City was taken over eight years ago by what is today the Committee to Save South Portland.

Clarence Beckwith, 51 Bonnybriar Road, urged everyone to get out and vote. He said a lot of people don't want to sell their homes. He said that RWS got bad advise on developing the stump dump. He said he recently bought new chairs, and the company told him that people will come and take old chairs, so there's no problem disposing of them.

Clarence Howard, 21 Edwin Street, said he is a senior citizen. He said that candidates were told they couldn't come in the Recreation Center, and the literature they left at the door disappeared.

Jane Eberle, Pilgrim Road, said the Committee to Save South Portland is not a small interest group, and it doesn't use hypocracy or underhandedness to do things. She said it's a grass roots organization. She said the majority of citizens are reasonable and honest and want the same kind of candidates elected.

Judy Carpenter, 25 Washington Avenue, read a letter sent to the editor of the Portland Press Herald by Larry Albert regarding his association with the Concerned Taxpayers Association. She said she is also concerned about the direction the City is taking. She said she doesn't believe the three Councilors up for re-election are what the City needs.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:32 P.M. by a 6-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Glynn to accept the minutes of the November 1, 1993 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced that City staff will be available on November 17 from 6 to 10 P.M. to help residents fill out Circuit Breaker applications.

He asked the Council to waive Council Rules 3e, 4 and 35 to add an agenda item tonight - Order #62. The applicant is requesting connection into the city sewer, and street openings are not allowed after November 19.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to waive Council Rules 3e, 4 and 35 to add Order #62 to the end of the agenda. Motion received passage by a 5-2 vote, with Councilors Dearborn and Macomber opposed.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Tax Assessor regarding tax abatements.
2. Department Reports for the month of October.
3. Attendance Reports for the month of October.

Councilor Glynn read a memo requesting an executive session regarding the Police Department.

D. APPOINTMENT CALENDAR

4. ORDER #55-93/94 - Conservation Commission, At-Large (Glynn), to fill an unexpired term which expires 11/20/95.

Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item until 12/6/93. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

5. Spring Point Food and Beverage Inc., d/b/a Spring Point Cafe, 175 Pickett Street. FSE/Class A Restaurant with Liquor and Special Amusement Permit. 12/31/93 to 12/31/94. State and City license. Renewal.
6. Capital Pizza Huts, Inc. d/b/a Pizza Hut, 2 locations, 109 Waterman Drive and 415 Maine Mall Road. FSE/Restaurant with Malt. 12/31/93 to 12/31/94. State and City license. Renewal.

7. Dal Corp., d/b/a International House of Pancakes, 391 Maine Mall Road. FSE/Food Service Establishment. 11/15/93 to 3/1/94. New owner of existing business.
8. Marjorie E. Griffin, d/b/a Eddie Griffin Dugout Sports Grill, 62 Ocean Street. FSE/Class A Lounge with Liquor and Special Amusement Permit. 12/31/93 to 12/31/94. State and City license. Renewal.
9. Willow's Pizza and Restaurant Inc., 1422 Broadway. FSE/Restaurant with Malt and Vinous. 11/4/93 to 11/4/94. State and City license. Renewal.
10. Winchester of Maine Mall Inc., d/b/a Winchester & Co., 578 Maine Mall, FSE/Class A Restaurant with Liquor. 12/11/93 to 12/11/94. State and City license. Renewal.

GOING OUT OF BUSINESS

11. Stuart's Men's Shop, Inc., 103 Ocean Street, 11/15/93 to 1/14/94. New City license.

POLE AND/OR UTILITY PERMIT

12. Portland Water District - installation of a water main in Oak Street.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

13. ORDINANCE #3-93/94 - amendment to Ch. 27, "Zoning," regarding site plan review. Amended and referred back to the Planning Board 7/7/93. Given first reading on 11/1/93.

The following people addressed this item:

Evan Richert, 538 Sawyer Street
Tex Haeuser, Planning Director

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Motion was made by Mayor Soule and seconded by Councilor Glynn to postpone this item until the next meeting and ask the Planning Board for input on a two year period of reuse instead of five. The motions were subsequently withdrawn. Motion was made by Councilor Boudreau and seconded by Mayor Soule to delete the reference to five years. Motions were withdrawn when it was pointed out that the Council had already voted on that motion at the previous meeting. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance to change the five years to two years, having this serve as a new first reading and be postponed until 12/6/93. Unanimous 7-0 passage.

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14. ORDINANCE #15-93/94 - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," regarding farm stands, in-home day care and bake sales. Given first reading on 11/1/93.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Glynn for passage. Motion received passage by a 4-3 vote, with Mayor Soule and Councilors Avery and Boudreau opposed.

* * * * *

15. John A. MacKay, d/b/a Jakes Catering, Sanford, ME., FSE/Mobile Food Service. 11/15/93 to 3/1/94. Requires variance to operate within 500 feet of other food service establishments.

The following people addressed this item:

Larry Albert, 42 MacArthur Circle West
Clarence Beckwith, Bonnybriar Road
Walter Stilphen, 133 High Street
Bernard Faunce, 98 Sawyer Street

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

* * * * *

16. ORDER #56-93/94 - authorizing a contract with Regional Transportation Program to provide paratransit service in compliance with the Americans With Disabilities Act.

The following people addressed this item:

Robert Marston, 712 Westbrook Street
John Sawyer, 110 Adam Court Ext.
Marcel Lemlin, Adam Court
Bernard Faunce, 98 Sawyer Street
James Hilly, RTP
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Larry Albert, MacArthur Circle West

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

* * * * *

17. ORDER #57-93/94 - acceptance of a Community Development Block Grant, approval of associated anti-displacement plan, fair housing resolution and standards of conduct for playscapes at Redbank and Ferry Village.

The following people addressed this item:

Nancy Tordoff, Redbank teacher
Dick Ingalls, 301 Pine Street
Larry Albert, MacArthur Circle West
Bill Laidley, 374 Sawyer Street
Maureen Traynor, 11 Higgins Lane

Ray Lee, Henry Street

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

G. ACTION ON OLD AND NEW BUSINESS

18. ORDER #58-93/94 - authorizing a three percent cost of living adjustment for non-union municipal employees.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Motion was made by Councilor Macomber and seconded by Councilor Glynn to amend the motion to exclude the City Manager from the COLA. Motion received passage by a 6-1 vote, with Mayor Soule opposed. Motion was made by Councilor Glynn and seconded by Mayor Soule to further amend the order to delete the Corporation Counsel and City Clerk from the COLA. Motion received passage by a 5-2 vote, with Councilors Boudreau and Macomber opposed. Order, as amended, received unanimous 7-0 passage.

* * * * *

19. RESOLVE #1-93/94 - regarding the proposed 1994 Cumberland County Budget.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Bill Laidley, 374 Sawyer Street

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by adding language in opposition to expansion of county government. The amendment failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. The resolve received unanimous 7-0 passage.

* * * * *

20. ORDER #59-93/94 - authorizing the City Manager to sign an agreement allowing contractors for the Maine Department of Transportation to transport heavy construction equipment over City streets in conjunction with the Fore River Bridge project.

There was no public discussion.

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

* * * * *

21. ORDER #60-93/94 - approval of a Municipal/State agreement regarding the proposed new bridge over the Fore River.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street

Thomas Doe, Project Engineer
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road

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

* * * * *

22. ORDER #61-93/94 - acceptance of a donation to the Parks and Recreation Department for the GreenBelt Walkway.

The following people addressed this item:

Bill Laidley, 374 Sawyer Street
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Larry Albert, 42 MacArthur Circle West

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

* * * * *

Motion was made by Councilor Boudreau and seconded by Councilor Avery to take a 5-7 minute recess.. Unanimous 7-0 passage. Council recessed at 10:47 P.M. Motion was made by Councilor Avery and seconded by Mayor Soule to resume the meeting. Unanimous 7-0 passage. Meeting continued at 10:55 P.M.

23. ORDER #62-93/94 - authorizing the City Manager to sign an indenture regarding a connection into the City sewerage system.

Dan White, owner of Lots 19 and 21 on Boyd Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Macomber for passage. Motion was made by Councilor Boudreau and seconded by Mayor Soule to amend the indenture to add language specifying the continued maintenance of the sewer in deeds of prospective homeowners. Motion received passage by a 6-1 vote, with Councilor Dearborn opposed.

H. CITIZENS DISCUSSION

Bill Laidley, 374 Sawyer Street, said he agrees with Mr. Glynn that there is a lot of red tape in the city. He said that small projects should be looked at by staff, and the large ones by the Planning Board. He suggested publishing the county resolution in the paper.

Larry Albert, 42 MacArthur Circle West, congratulated the Councilors who were re-elected. He thanked his supporters. He said that 5,000 voters are not the voice of South Portland. He said that someone should find out why 71% of the voters didn't vote. He asked what stage the Clark's Pond dam is and if there are any committees of citizens involved in plans for the park there.

Ray Lee, Henry Street, thanked his supporters and said the results might have been different had he been around to go door to door. He said he had to run against the School Department and the ComMittee to Enslave South Portland. He said he'll still be here every Monday night.

Clarence Beckwith, Bonnybriar Road, said his pet project is bumps in the road. He said it's unbelievable what contractors get away with in this city. He said there is no compaction and no control. He said Mr. Ballum called him about a dump in Rumery Park. He said he had two or three calls that the City is picking up leaves. He said people are scared to come down. He pointed out that the City has a lot of tax acquired property, and he would think the City would try to get it back on the tax rolls.

Bernard Faunce, 98 Sawyer Street, asked if it was true that the City was picking up leaves, and said it should be done for everyone if it's done for one. He said he will call if his sidewalk isn't plowed and the Greenbelt is. He asked if the Chamber of Commerce paid to use the room on candidates' night and said that taxpaYers shouldn't have to pay to use the room. He said he was very disappointed in the election.

Susan Avery, Harriet Street, said the Assistant City Manager did a fine job with his presentation to the Casco Bay Estuary Committee.

Bob Fickett, Highland Avenue, said a public official is leaving Friday - Jim Smith. He said he is an excellent administrator and he wants to see the Council give him a letter of recommendation.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, applications(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 11:35 P.M. by a unanimous 7-0 vote. Motion was made by Councilor Avery and seconded by Councilor Glynn to return to open session. Council came out of executive session at 11:54 P.M. by a 7-0 vote.

Motion was made by Councilor Glynn and seconded by Councilor Avery to grant abatement request #93/94-02 in the amount of \$1,406.95 plus costs. Unanimous 7-0 passage.

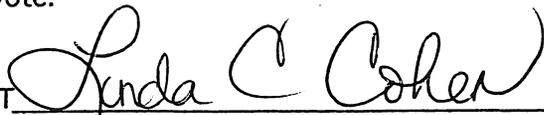
Motion was made by Councilor Glynn and seconded by Councilor Avery to grant abatement request #93/94-03 in the amount of \$1,152.28 plus costs. Unanimous 7-0 passage.

Motion was made by Councilor Avery and seconded by Mayor Soule to grant abatement request #93/94-04 in the amount of \$944.72 plus costs. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion by doubling the amount. The amendment failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Abatement was granted by a 7-0 vote.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Council adjourned at 11:55 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk

IN COUNCIL INAUGURAL MEETING DEC. 6, 1993 VOL. 55 PAGE 51

Mayor Soule called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance. All Councilors were present.

Mayor Soule invited the Reverend McCall to offer the invocation.

Clerk Cohen administered the Oath of office to Councilors-elect Avery, Boudreau and Dearborn.

Clerk Cohen declared Councilors Avery, Boudreau and Dearborn duly qualified Councilors.

Councilor Boudreau nominated Councilor Avery for Mayor for year 1993/94. Mayor Soule seconded the motion.

Councilor Fickett nominated Councilor Glynn. Councilor Glynn seconded the motion.

Councilor Dearborn moved that nominations cease. Councilor Macomber seconded the motion.

Clerk Cohen called the Roll.

Mayor Soule announced Councilor Avery as Mayor for 1993/94 with five votes.

Mayor Avery presented the Official Gavel to out-going Mayor Soule.

Mayor Avery then presented the Inaugural Address.

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

Councilor Soule read and moved for passage of RESOLUTION #2 -93/94 establishing time and place of meetings. Councilor Boudreau seconded the motion. Mayor Avery took the vote and declared the Resolution duly passed.

Councilor Macomber moved that the Rules of City Council as enumerated in Chapter 2 of the Code of Ordinances, City of South Portland, which said codification became effective January 1, 1973 and was amended thereafter, shall remain in effect as therein set forth until further amended. Councilor Dearborn seconded the motion. Mayor Avery took the vote and announced the Rules of the City Council are continued in effect. (6-1 Glynn)

Councilor Fickett moved that Council recess until 7:00 p.m. Councilor Glynn seconded the motion. Mayor Avery took the vote and declared the Council recessed until 7:00 p.m. this evening.

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Fickett to accept the minutes of the 11/15/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant thanked everyone involved in the tree lighting at Mill Creek Park last Friday evening.

C. PETITIONS AND COMMUNICATIONS

Mayor Avery showed a plaque she had brought back from her visit to a Coast Guard Cutter.

D. APPOINTMENT CALENDAR

1. ORDER #55-93/94 - Conservation Commission, At-Large (Glynn), to fill an unexpired term which expires 11/20/95. Postponed on 11/15/93.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to appoint Lawrence Albert to this position. Unanimous 7-0 passage.

* * * * *

2. ORDER #63-93/94 - Conservation Commission, District 1 (Boudreau). Term to expire 11/20/96.

There was no public discussion.

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

* * * * *

3. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to the 12/20/93 meeting. Unanimous 7-0 passage.

* * * * *

4. ORDER #65-93/94 - Planning Board, District 2 (Avery), to fill an unexpired term which expires 4/1/95.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this

item to the 12/20/93 meeting. Unanimous 7-0 passage.

* * * * *

5. ORDER #66-93/94 - South Portland Housing Authority (tenants' nomination), for a term which expires 9/27/98.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Fickett to re-appoint Agnes Bennett to this position. Unanimous 7-0 passage.

E. CONSENT CALENDAR

FSE/FOOD SERVICE ESTABLISHMENT AND/OR LIQUOR LICENSE

6. General Mills Restaurants, Inc., d/b/a The Olive Garden Italian Restaurant, 200 Gorham Road. FSE/Class A Restaurant with Liquor. 12/31/93 to 12/31/94. State and City license. Renewal.
7. Bridgeway Restaurant Inc., d/b/a Bridgeway Restaurant, 71 Ocean Street, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 12/31/93 to 12/31/94. State and City license. Renewal.
8. Jordan Marsh Stores Corporation, d/b/a Epicurean Feast, FSE/Class A Restaurant with Liquor. 12/31/93 to 12/31/94. State and City license. Annual renewal with change of name.
9. Christy's Market, Inc., d/b/a Christy's Market, 684 Main Street. FSE/Retail Store with Malt and Vinous. 12/6/93 to 12/31/94. New City license.
10. Ph. D. Pizza, Inc., d/b/a Domino's Pizza, 980 Broadway. FSE/Food Service Establishment. 12/6/93 to 3/1/94. City license. New owner of existing business.

FLAMMABLE LIQUIDS

11. Christy's Market, Inc., d/b/a Christy's Market, 684 Main Street. 12/6/93 to 4/1/94. New City license.

VENDOR'S LICENSE

12. Kennebec Girl Scout Council, 138 Gannett Drive, sale of Girl Scout Cookies, door-to-door. 1/7/94 to 4/17/94. Requests waiver of fee.
13. Lois Taylor, d/b/a Maine Made Crafts, South Portland Armory, 2 days: 11/27/93 to 11/28/93. New City license.

BEANO AND GAMES OF CHANCE

14. Renewals for 12/31/93 to 12/31/94. Some fee waivers requested.

USED CAR LOTS

15. Renewals for 12/31/93 to 12/31/94.

POLE AND/OR UTILITY PERMIT

16. New England Telephone - placement of a pole in Huntress Avenue.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street

Ray Lee, Henry Street

Motion was made by Councilor Soule and seconded by Councilor Macomber for passage of the entire calendar. Motion was made by Councilor Glynn and seconded by Councilor Fickett to take out #13 and deal with it separately. Unanimous 7-0 passage. The remaining calendar received unanimous 7-0 passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant the license for #13 and refund the \$100.00 fine paid by the applicant. Motion received passage by a 4-3 vote, with Mayor Avery and Councilors Boudreau and Soule opposed.

F. PUBLIC HEARINGS AND ACTION

17. ORDINANCE #3-93/94 - amendment to Ch. 27, "Zoning," regarding site plan review. Amended and referred back to the Planning Board 7/7/93. Given first reading on 11/1/93. Amended and given new first reading on 11/15/93.

Evan Richert, 538 Sawyer Street, addressed this item.

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

* * * * *

18. Jerrerd Benjamin, d/b/a Benjamin Building and Wrecking Co., Jackson Street, Automobile Graveyard and/or Junkyard Permit. 12/31/93 to 12/31/94. Renewal.

There was no public discussion.

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

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19. Used Car Lot renewals for 1994 with an increase in the number of cars on lot.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

20. ORDER #67-93/94 - acceptance of miscellaneous donations.

Bob Levasseur, President of the South Portland/Cape Elizabeth Rotary Club, presented a check to John Switzer, Parks Superintendent, for Mill Creek Park improvements.

Bernard Faunce, 98 Sawyer Street, addressed this item:

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

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21. ORDER #68-93/94 - Council approval of a lease/purchase of nine (9) police cruisers for the South Portland Police Department through a joint purchase with the Maine State Police.

The following people addressed this item:

Ray Lee, Henry Street
Robert Schwartz, Police Chief
Clarence Beckwith, Bonnybriar Road
Bernard Faunce, 98 Sawyer Street
Larry Albert, MacArthur Circle West

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

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22. ORDER #69-93/94 - authorizing the City Manager to sign a collective bargaining agreement with IAFF Local 1476.

The following people addressed this item:

Assistant City Manager Jeff Jordan
Larry Albert, MacArthur Circle West
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, Bonnybriar Road

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

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23. ORDER #70-93/94 - amendment to the Personnel Policy adopting a Section 125 Flexible Spending Plan.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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24. ORDER #71-93/94 -authorizing a contract with Maine Municipal Association to administer a Section 125 Flexible Spending Plan.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item and send it out to competitive bid. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Order received passage by a 5-2 vote with Councilors Fickett and Glynn opposed.

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, asked if the street sweeper is broken and whether the City is leasing any land in South Portland as park space. He said he disagrees with Mr. Glynn, and that union raises should be retroactive. He said the city is filthy, and there are leaves everywhere.

Larry Albert, MacArthur Circle West, said Mayor Soule did an excellent job as Mayor and complimented him on the recent article in the paper. He invited everyone to the Redbank Christmas Tree Lighting on December 10, 1993 at 6:30 P.M. He commented on the beautiful picture of Clark's Pond hanging in Council Chambers. He said some people still fish there. He thanked Councilor Glynn for appointing him to the Conservation Commission, adding that he will do a good job and have some fun. He said there should be some humor in municipal government, too, and everything shouldn't be so serious.

Ray Lee, Henry Street, said he attended the last workshop when the Council refused to go into executive session to look into an internal investigation in the Police Department. He said the union attorney was allowed to slam the individual at the meeting. He said he was falsely arrested, and he never resisted or had his rights read to him. He said he asked Mr. Bryant for the number of complaints, and Mr. Bryant said he had no concerns in that area.

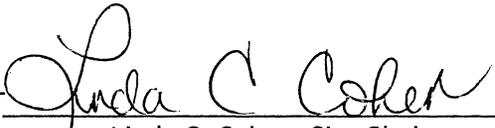
Carlton Cotton, said he was the one arrested. He said the cuffs were too tight, and his wrists were raw. He said he was never told why he was arrested, and the officer later told him it was because he didn't yet know what the charges would be. He said he couldn't speak in workshop, but the union attorney was allowed to. He said it's no good to call the City Manager about the police department. He said it's time for the City Manager and Police Chief to find new jobs, and perhaps five Councilors should be replaced.

Clarence Beckwith, Bonnybriar Road, said a fine member of the School Board was voted out because she had the courage to buck a rich system. He said he was talking about Julie Conroy.

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Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn.
Council adjourned at 9:48 P.M. by a 7-0 vote.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to accept the minutes of the 12/6/93 meeting. Unanimous 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that he had attended a retirement testimonial on 12/3/93 for Wallace McGrew, President of the Portland Pipeline.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of November.
2. Attendance Reports for the month of November.

D. APPOINTMENT CALENDAR

3. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed on 12/6/93.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 1/3/93. Unanimous 7-0 passage.

* * * * *

4. ORDER #65-93/94 - Planning Board, District 2 (Avery), to fill an unexpired term which expires 4/1/95. Postponed on 12/6/93.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 1/3/93. Unanimous 7-0 passage.

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5. ORDER #72-93/94 - Library Advisory Board, District 3 (Soule). Term to expire 12/31/96.

There was no public discussion.

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

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6. ORDER #73-93/94 - Library Advisory Board, At-Large (Glynn). Term to expire 12/31/96.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item to 1/3/94. Unanimous 7-0 passage.

IN COUNCIL REGULAR MEETING DEC. 20, 1993 VOL. 55 PAGE 59

7. ORDER #74-93/94 - Library Advisory Board, At-Large (Macomber). Term to expire 12/31/96.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Cheryl Beeman to this position. Unanimous 7-0 passage.

* * * * *

8. ORDER #75-93/94 - Associate Members to the Conservation Commission.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to appoint William Laidley, Jeanne Irwin, Jeffrey Tarling, Susan Lambe, Thomas Blake and Quirino Lucarelli to these positions. Motion received passage by a 5-2 vote, with Councilors Fickett and Glynn opposed.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #76-93/94 - acceptance of miscellaneous donations.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

* * * * *

10. ORDER #77-award of bid to Sawtelle Bros., of Lawrence, MA, for mowing equipment for the Parks and Recreation Department.

The following people addressed this item:

Ray Lee, Henry Street
Dana Anderson, Director of Parks & Recreation

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

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11. ORDER #78 - 93/94 - award of bid to Weir's Motor Sales, of Kennebunkport, ME, for two trucks for the Parks and Recreation and Pollution Abatement Departments.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

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

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12. ORDER #79-93/94 - removing the City Clerk and Corporation Counsel from the pay plan.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Macomber for passage. Motion was made by Councilor Macomber and seconded by Councilor Dearborn to amend the order to leave the Clerk and Corporation Counsel on the pay plan and give the City Manager a 3% cost of living adjustment, both effective 7/1/93. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the amendment by substituting \$750 for 3%. Motion failed by a 2-5 vote, with Councilors Glynn and Fickett in the minority. Amendment received passage by a 4-3 vote, with Councilors Dearborn, Glynn and Fickett opposed. Order, as amended, received passage by a 4-3 vote, with Councilors Dearborn, Fickett and Glynn opposed.

* * * * *

13. ORDINANCE #16-93/94 - amendment to Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding licensing authority. First reading.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to waive reading the entire ordinance and allow the City Manager to summarize. Motion passed by a 6-1 vote, with Councilor Glynn opposed.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Soule for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance to add wording requiring any denial to be put in writing, including procedure for appeal. Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item to 1/19/93. Both motions were subsequently withdrawn. Councilors Glynn and Fickett withdrew the motion to amend. Motion was made by Councilor Macomber and seconded by Councilor Boudreau to pass the first reading but postpone the public hearing to 1/19/93. Unanimous 7-0 passage.

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said he would rather stay at the lectern and have his questions answered than ask them all and sit down. He asked the actual cost of running the Christmas tree lights in Mill Creek Park and said, if he can't have heavy rubbish pickup, he doesn't want the lights on.

Ray Lee, Henry Street, suggested the City get moving on the franchise agreement with Cable TV.

Clarence Beckwith, Bonnybriar Road, said he was disappointed that Waste Management had not given the City any money for recycling or the transfer facility. He said he is really burning over the School Department raises. He said as soon as they got rid of Mrs. Conroy, the School Board put in a gag rule and gave big raises. He said the task force report on school funding doesn't look too promising.

Jim Soule, 23 Whitworth Drive, said he received a call from a constituent who couldn't make it down to the meeting, because of the time of season. He activated a toy Santa Claus who wished everyone a Merry Christmas.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Soule to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 8:50 P.M. by a unanimous vote.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to return to open session. Executive session ended at 9:34 P.M. by a 6-0 vote (Soule absent).

Motion was made by Councilor Dearborn and seconded by Councilor Fickett to grant abatement request 93/94-06 in the amount of \$2,780.39 plus costs. Unanimous 6-0 passage.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant abatement request 93/94-05. Motion failed by a 2-2 vote, with Mayor Avery and Councilor Boudreau opposed and Councilors Macomber and Dearborn abstaining.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn. Council adjourned at 9:36 P.M. by a 6-0 vote.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING JAN. 3, 1994 VOL. 55 PAGE 62

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to accept the minutes of the 12/20/93 meeting. 6-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said that Christmas trees can be taken to the landfill, and on 1/8 and 1/9, the Thornton Heights Lions Club and South Portland Track Boosters will pick up trees for a three dollar donation.

Mr. Bryant noted that, should there be snow plowing in the morning, Tuesday trash would not be picked up.

Mayor Avery presented a plaque to former Planning Board member Richard Shinay and noted that she also had a plaque for former Conservation Commission member Richard Knowland.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Planning Board regarding dormers.
2. Report from the Planning Board regarding a zone change on Maine Mall Road.

D. APPOINTMENT CALENDAR

3. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed since 12/6/93.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 1/19/94. 6-0 passage.

* * * * *

4. ORDER #65-93/94 - Planning Board, District 2 (Avery), to fill an unexpired term which expires 4/1/95. Postponed since 12/6/93.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 1/19/94. 6-0 passage.

* * * * *

5. ORDER #73-93/94 - Library Advisory Board, At-Large (Glynn). Term to expire 12/31/96. Postponed on 12/20/93.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 1/19/94. 6-0 passage.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #80-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

7. PROCLAMATION #3-93/94 - proclaiming January 14, 1994 as Billy Swift Day in South Portland.

There was no public discussion.

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

* * * * *

8. ORDER #81-93/94 - amendment to the Personnel Policy adopting Drug Free Workplace Act Requirements.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. 4-2 passage (Fickett, Glynn)

* * * * *

9. ORDINANCE #2-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to waive reading the entire ordinance. 4-2 passage (Glynn, Fickett)

The following people addressed this item:

Ray Lee, Henry Street
Skip Lucarelli, Civil Service Commission Chairman

Motion was made by Councilor Glynn and seconded by Councilor Fickett to withdraw this item. 6-0 passage.

* * * * *

10. ORDINANCE #17-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to waive reading the entire ordinance. Motion was made by Councilor Macomber and seconded by

IN COUNCIL REGULAR MEETING JAN. 3, 1993 VOL. 55 PAGE 64

Councilor Glynn to withdraw this item. 5-1 passage (Boudreau)

11. ORDINANCE #18-93/94 - amendment to Ch. 27, "Zoning" regarding dormers. First reading.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance to apply it to all residential units, not just single family dwellings, and to delete the requirement of going to the Board of Appeals. Motion failed by a 2-4 vote, with Councilors Glynn and Fickett in the minority. First reading received passage by a 4-2 vote (Fickett, Glynn).

12. ORDINANCE #19-93/94 - amendment to Ch. 27, "Zoning," for a zone change at Map 47, Lot 1, Maine Mall Road. First reading.

The following people addressed this item:

Walter Korseniewski, 67 Emery Street, Portland
Mary Rose Starr, Portland

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage of the first reading. 5-0 passage (Boudreau out)

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said he was assured by the Manager that there would be no Christmas tree pickup by the City. He said that the Civil Service Commission should make the rules and its ordinance is the only one that should be on the agenda. He said he's heard a lot of comments about the School Department raises.

Dan Fowler, Ocean Street, said he is disappointed that the Mayor hasn't filled the Planning Board vacancy, even though Nancy Larsen hand delivered her application to Mayor Avery.

Ray Lee, Henry Street, asked the Mayor how many applications she has received to the Planning Board. He said he doesn't understand how the Manager can form a committee to override the City Charter. He asked the cost of legal fees so far for the Civil Service issue. He asked why the City has a City attorney if she constantly has conflicts.

Clarence Beckwith, 51 Bonnybriar Road, said he is terribly disturbed about the wage increase given to school administration and the 1% increase for bus drivers and maintenance. He said the Board all but took away public input. He said he's disturbed about taking away the Civil Service Commission's independence, adding that it is being punished because it ruled against the City.

Kevin Glynn, 89 Park Avenue, said he wanted to point out that the agenda policy had changed because item 7, which Councilor Soule requested, was put on the agenda without first going to workshop like has always been required for Councilor Glynn. He said it is not fair not to hold everyone to the same standards. He said he will start putting things directly on the agenda without going to workshop.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:40 P.M. 6-0 passage

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 1/3/94 meeting. 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant commended the Parks, Public Works and Pollution Abatement Departments for the excellent job they have done during the recent storms.

C. PETITIONS AND COMMUNICATIONS

Report from the Tax Assessor regarding tax abatements.

1. Department Reports for the month of December.
2. Attendance Reports for the month of December.

D. APPOINTMENT CALENDAR

3. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed since 12/6/93.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to postpone this item to 2/7/94. 7-0 passage.

* * * * *

4. ORDER #65-93/94 - Planning Board, District 2 (Avery), to fill an unexpired term which expires 4/1/95. Postponed since 12/6/93.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Dearborn to appoint Edward Kane to this position. 7-0 passage.

* * * * *

5. ORDER #73-93/94 - Library Advisory Board, At-Large (Glynn). Term to expire 12/31/96. Postponed since 12/20/93.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to appoint Daniel Fowler to this position. 7-0 passage.

* * * * *

6. ORDER #82-93/94 - South Portland Housing Authority (tenants nomination), for a term which expires 10/11/98.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to appoint Corneilla Tribuno to this position. 7-0 passage.

E. CONSENT CALENDAR

FLAMMABLE LIQUIDS

7. Catamount Petroleum Limited Partnership, 175 Front Street. 1/19/94 to 4/1/94. New City license.

POLE AND/OR UTILITY PERMIT

8. Northern Utilities - installation of a gas main in North Marriner Street.
9. Northern Utilities - installation of a gas main in Harriet Street.
10. Northern Utilities - installation of a gas main in Oak Street.
11. New England Telephone -placement of two poles in Baltimore Avenue.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

12. ORDINANCE #16-93/94 - amendment to Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding licensing authority. Given first reading on 12/20/93.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to postpone this item to 2/7/94. 6-1 passage (Soule).

* * * * *

13. ORDINANCE #18-93/94 - amendment to Ch. 27, "Zoning" regarding dormers. Given first reading on 1/3/94.

There was no public discussion.

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

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14. ORDINANCE #19-93/94 - amendment to Ch. 27, "Zoning," for a zone change at Map 47, Lot 1, Maine Mall Road. Given first reading on 1/3/94.

The following people addressed this item:

Walter Kozineski, the property owner
Mary Rose Starr, 67 Emery Street, Portland

Motion was made by Councilor Fickett and seconded by Councilor Glynn to extend Mr. Kozineski's five minute speaking limit. 6-1 passage (Avery). Motion was made by Councilor Fickett and seconded by Councilor Glynn to give Mr. Kozineski another time extension. Failed 2-5 (Fickett, Glynn in minority).

Motion was made by Councilor Macomber and seconded by Councilor Dearborn for passage. Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to the next meeting to allow for the new assessment. Failed 2-5 (Glynn, Fickett in minority). Ordinance passage 7-0.

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15. The Daily Grind, Portland, ME, FSE/Pushcart. 1/19/94 to 3/1/94. New City license. Requires variance to operate within 500 feet of other food service establishments.

Nat Clifford, the applicant, addressed this item.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau for passage. Motion was made by Councilor Soule and seconded by Councilor Boudreau to postpone this item; both motions were withdrawn. License denied 3-4 (Macomber, Dearborn, Boudreau, Soule).

G. ACTION ON OLD AND NEW BUSINESS

16. ORDINANCE #17-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations." First reading.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to waive reading the entire ordinance. Motion was made by Councilor Glynn and seconded by Councilor Macomber to amend the motion to allow free copies of this ordinance to the public upon request. Passage 4-3 (Avery, Soule, Boudreau). Motion, as amended, passed 7-0.

The following people addressed this item:

John Howard, Highland Road, Civil Service Commission Member
Boyce Sanborn, South Portland, Deputy Police Chief
John True, Fire Chief
Skip Lucarelli, 21 Washington Avenue, Commission Chair
Ray Lee, Henry Street

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage of the first reading. Failed 3-4 (Dearborn, Fickett, Macomber, Glynn).

* * * * *

17. ORDINANCE #20-93/94 - amendment to Ch. 19, "Personnel Rules and Regulations."
First reading.

Motion was made by Councilor Macomber and seconded by Councilor Dearborn to waive reading the entire ordinance. Motion was made by Councilor Glynn and seconded by Councilor Macomber to amend the motion to allow free copies of the ordinance to the public upon request. Passage 4-3 (Avery, Soule, Boudreau). Motion, as amended, passed 7-0. Motion was made by Councilor Boudreau and seconded by Councilor Soule to waive Council Rule 3E to place this item on the agenda. Passage 7-0.

The following people addressed this item:

Skip Lucarelli, Washington Avenue, Commission Chair
John Howard, Highland Road, Commission Member
Boyce Sanborn, South Portland, Deputy Police Chief
Jeff Jordan, Assistant City Manager and Personnel Director
Larry Albert, 42 MacArthur Circle
John True, Fire Chief
Lee Harvey, 21 Elmwood, Commission Member

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to commit this item to the Civil Service Commission to hold public hearings on this ordinance and the previous one. Failed 2-5 (Glynn, Fickett in minority). First reading failed 2-5 (Fickett, Glynn in minority)

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18. ORDER #83-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Passage 6-0 (Boudreau gone).

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19. RESOLVE #3-93/94 - authorizing an application for a Federal Transit Administration Section Nine Grant to purchase three (3) transit buses for the South Portland Bus Service.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Soule for passage. Passage 4-1 (Glynn opposed, Fickett out of the room).

Findings of Fact for denial of license to The Daily Grind (item #15).

Mr. Clifford addressed this item.

Motion was made by Councilor Macomber and seconded by Councilor Soule to accept the findings of fact. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the findings by deleting #14 and substituting "the Council hereby finds that its denial is based upon its desire to protect the economic interests and well-being of

existing food service establishments in the vicinity of the proposed mobile FSE/pushcart business." Failed 2-4 (Glynn, Fickett in minority). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the findings by adding a new #5 stating "the application was inspected by staff and approved by the Building Inspector, Health Officer, Fire Chief and Police Chief." Motion was made by Councilor Dearborn and seconded by Councilor Soule to amend the amendment to state that the final decision rests with the City Council. Failed 3-3 (Avery, Fickett, Glynn opposed). Amendment failed 2-4 (Fickett, Glynn opposed). Findings accepted 4-2 (Fickett, Glynn).

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said Mr. Faunce is in the hospital. He said there's a pot hole at the end of Pillsbury Street in Willard Square. He said Angell and Elsmere Avenues are never plowed. He complained that there was no heat when the Taxpayers rented Council Chambers, and the person hired to watch the building left.

Larry Albert, MacArthur Circle West, said the lot is huge where the mobile unit wanted to go. He said he called Friday about the sidewalk in Redbank not being plowed. He said that Mahoney only needs renovations to be used as a performing arts center. He said the Lyric Theater is also beautiful. He said that Redbank School has gone 40 years without a gymnasium. He asked about development in the Clark's Pond area.

John Howard, Highland Road, said the sidewalks have been cleared reasonably soon after snow storms. He said he keeps the walk in front of his home clear. He said the line of demarcation between Portland and South Portland plowing is very clear, adding that Portland's streets are awful. He commended the South Portland workers.

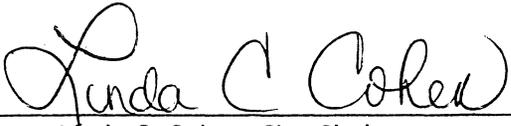
Chris Dearborn, 64 Sandy Hill Road, said there is a good reason for the 500 foot restriction on mobile units. She said there was a time when there was an influx of mobile units, and they could go wherever they wanted. She said she pays thousands of dollars in real estate taxes, and the mobile unit can pick up and move elsewhere if business isn't good. She said that Councilor Dearborn, her husband, is not just speaking for his own business, but for others like Sam DiPietro and other stores like his. She noted that businesses just over the 500 foot limit are not notified, but the mobile unit may affect them.

Janice Doctor, 199 High Street, said the community in which her daughter lives makes property owners keep their sidewalks clear. She suggesting using Sawyer School for elderly programs or a library.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to adjourn. Council adjourned at 10:50 P.M. 6-0.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING FEB. 7, 1994 VOL. 55 PAGE 71

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 1/19/94 meeting. 7-0 passage.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant presented a plaque, recognizing 30 years of employment, to retiring Parks and Recreation Department employee Dick Reed. Mr. Bryant said that Mr. Reed leaves more reminders of his presence behind him than any Councilor or Manager ever has, because he has built furniture in every department and recently completed permanent voting booths on the walls of the Recreation Center. He thanked Mr. Reed for his years of service to the City. Mr. Reed thanked the City Manager, the Council and the City Clerk.

Mr. Bryant noted that copies of Council meeting packets will be available at both libraries on Friday evenings.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Tax Assessor regarding tax abatements and supplements.

D. APPOINTMENT CALENDAR

2. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed since 12/6/93.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 2/23/94. 7-0 passage.

E. CONSENT CALENDAR

3. Ali Bahmani, d/b/a The Calabash, 212 Maine Mall, FSE/Food Service Establishment. 2/7/94 to 3/1/94. New City license.
4. South Portland Housing Authority, Ridgeland Estates, 109 Ridgeland Avenue, FSE/Food Service Establishment. 2/7/94 to 3/1/94. New City license. Requests waiver of fee.

SECOND HAND DEALER

5. Resabedo Inc., d/b/a Playwear, 101 John Roberts Road. 2/7/94 to 12/31/94. New City license.

TAXICAB DRIVER

6. Joseph J. Murphy, of Standish, at South Portland Taxi, 165 Pickett Street. 2/7/94 to 6/30/94. New City license.

There was no public discussion.

IN COUNCIL REGULAR MEETING FEB. 7, 1994 VOL. 55 PAGE 72

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

F. PUBLIC HEARINGS AND ACTION

7. ORDINANCE #16-93/94 - amendment to Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding licensing authority. Given first reading on 12/20/93. Postponed on 1/19/94.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to amend the ordinance by adding gender-neutral language, time limits for applications and a reference to bottle clubs in 14-3. 6-1 passage (Glynn). 7-0 passage, as amended.

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8. Leroy Brockman Jr., d/b/a The Hops and Barley Import Tavern, 173 Ocean Street, FSE/Tavern with Malt. 2/7/94 to 2/7/95. New State and City license.

There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #84-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

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10. ORDER #85-93/94 - award of bid to Wallingford Equipment Company, Inc., of Auburn, ME, for a used backhoe/loader for the Pollution Abatement Department.

The following people addressed this item:

Ray Lee, Henry Street
Pat Cloutier, Director of Pollution Abatement

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

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IN COUNCIL REGULAR MEETING FEB. 7, 1994 VOL. 55 PAGE 73

11. RESOLVE #4-93/94 - supporting the proposed location of a Maine Department of Transportation daycare facility.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street

Motion was made by Councilor Macomber and seconded by Councilor Dearborn for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by making it gender-neutral. 7-0 passage. 7-0 passage, as amended.

* * * * *

12. ORDER #86-93/94 - authorizing an application to the Maine Department of Economic and Community Development for an infrastructure improvement grant for the former shipyard area.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to read letters in the packet in their entirety. 7-0 passage.

The following people addressed this item:

David MacDonald, President of Portland Welding Supply
Kathy Onos, President of Breakwater Condominium Association
Daniel Fortin, Thadeus Street
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
John Upton, representing Breakwater Condominium Association

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item until after a workshop. Failed 2-5 (Avery, Boudreau, Macomber, Dearborn, Soule). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by adding "be it further ordered that the City Manager is directed and authorized to submit all letters of communication, summaries of public input and the Council tally of vote." Failed 2-5 (Avery, Dearborn, Soule, Macomber, Boudreau). Order passage 4-3 (Macomber, Fickett, Glynn).

H. CITIZENS DISCUSSION

Daniel Fortin, Thadeus Street, said he's tired of hearing people called negative. He said the streets and sewers in this city are falling apart. He said that federal money is not free; it's taxpayers' money.

Ray Lee, Henry Street, said that Willard Street has been an accepted street for 104 years, but the sidewalks have not been plowed or repaired in the last 20 years. He asked for the address where the grant application is going so letters in opposition can be sent. He said that someone will make the current businesses in the shipyard nonconforming.

Bernard Faunce, 98 Sawyer Street, said that Mayor Avery was wrong to speak after a citizen had spoken, because the Council changed that rule. He said Councilor Glynn was right to come down to the microphone and speak as a citizen.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn.
Council adjourned at 9:12 P.M. 7-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING FEB. 23, 1994 VOL. 55 PAGE 75

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

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to recess to continue the workshop started at 6:00 P.M. with National Semiconductor. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to limit the recess to thirty minutes. Passage 5-1 (Macomber). Passage, as amended, 6-0. Council recessed at 7:06 P.M.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to accept the minutes of the 2/7/94 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

None.

Hearing no objection, Mayor Avery took item 10 out of order.

10. PROCLAMATION #4-93/94 - recognizing Patrolman Todd Barlow as Police Officer of the Year for 1993.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Fickett for passage. Passage 6-0.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

3. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed since 12/6/93.

Motion was made by Councilor Dearborn and seconded by Councilor Glynn to postpone this item to 3/7/94. Passage 6-0.

* * * * *

4. ORDER #87-93/94 - Civil Service Commission, District 3 (Soule). Term to expire 3/1/1999.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item to 3/7/94. Passage 6-0.

E. CONSENT CALENDAR

VENDOR'S LICENSE

5. Camp Fire Inc., d/b/a Camp Fire Hitinowa Council, 336 BlackPoint Road, Scarborough, door to door sale of candy. 2/1/94 to 2/28/94. City license. Renewal. Requests waiver of fee.

Dorothy Porter, the applicant, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to amend the license by changing the expiration date to 3/15/94. Passage 6-0. Passage, as amended, 6-0.

F. PUBLIC HEARINGS AND ACTION

6. John C. Coyne, d/b/a John's Service, 695 Broadway, Used Car Lot. 2/23/94 to 12/31/94. New City license.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber for passage. Passage 6-0.

* * * * *

7. FSE/Food Service Mobile Units/Pushcart. Renewals for 1994. All requesting variances to operate within five hundred (500) feet of other licensed food service establishments. Passage requires at least five (5) affirmative votes.

The following people addressed this item:

Harvey Beaulieu, Harvey's Lunch
William Heller, Quick Coffee
John Coyne, 695 Broadway

Motion was made by Councilor Fickett and seconded by Councilor Glynn for passage. Passage 6-0.

G. ACTION ON OLD AND NEW BUSINESS

8. ORDER #88-93/94 - award of bid to Dow Roofing, of Augusta, ME, for flashing and parapet repairs at Central Fire Station.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Fickett and seconded by Councilor Dearborn for passage. Passage 6-0.

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IN COUNCIL REGULAR MEETING FEB. 23, 1994 VOL. 55 PAGE 77

9. RESOLVE #5-93/94 - qualifying the lease/purchase of South Portland Police cruisers for tax exempt status.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 6-0.

* * * * *

11. ORDER #89-93/94 - authorizing the City Manager to accept a 1983 Ford for the South Portland Police Department under the Asset Forfeiture Laws.

Robert Schwartz, Police Chief, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Passage 6-0.

* * * * *

12. ORDER #90-93/94 - amending Map #6 (Madison Street) of the Greenbelt Masterplan, dated October 22, 1987.

The following people addressed this item:

David MacDonald, Portland Welding Supply
Ray Lee, Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Dearborn for passage. Passage 5-1 (Boudreau).

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he was glad the Council doesn't back the TIF request from National Semiconductor.

Clarence Beckwith, Bonnybriar Road, said that if the TIF is passed, he would be wild if he was Hannaford Brothers.

Lawrence Schmidt, National Semiconductor, said the Council is very prudent to think the proposal through. He said other areas in the country have used TIFs. He said the bottom line is whether or not this community wants to attract businesses to contribute to the local economy.

Bernard Faunce, 98 Sawyer Street, said he is skeptical about a TIF. He said that government is in too much with private industry. He said if National leaves, South Portland will be stuck with a large bill.

Bob Blackwood, 16 Bluff Road, said the City should be concerned about National going out of business or finding a more attractive location and taking a \$44,000,000 payroll with them. He encouraged the Council to give the TIF serious consideration.

Harvey Oest, President of the South Portland/Cape Elizabeth Chamber of Commerce, said this is a phenomenal opportunity for South Portland. He said the Chamber has worked with National for several months, and he noted that there were representatives from many major South Portland companies in the audience during the workshop. He passed out *Charting Maine's Future*, a pamphlet from the State Chamber. He said the TIF deserves the Council's support and consideration, as it means jobs for the future.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement of property taxes on account of infirmity or poverty. Council went into executive session at 8:56 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to come out of executive session. Executive session ended at 9:22 P.M. Passage 5-0 (Dearborn out).

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to grant abatement 93/94-08. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant abatement 93/94-07. Failed 2-4 (Avery, Boudreau, Dearborn, Macomber).

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to deny abatement 93/94-07. Passage 4-2 (Fickett, Glynn).

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn. Meeting was adjourned at 9:25 P.M. Passage 6-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MAR. 7, 1994 VOL. 55 PAGE 79

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

A. ACCEPTANCE OF MINUTES

None.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said that construction will start within the next few days regarding the widening of Broadway between Anthoine Street and Cottage Road.

C. PETITIONS AND COMMUNICATIONS

Mayor Avery noted that the Parks and Recreation Department's newsletter is advertising financial planning seminars in April and May.

1. Report from the Tax Assessor regarding tax abatements.

D. APPOINTMENT CALENDAR

2. ORDER #64-93/94 - Conservation Commission, District 2 (Avery). Term to expire 11/20/96. Postponed since 12/6/93.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Annamarie Thron to this position. Passage 7-0.

* * * * *

3. ORDER #87-93/94 - Civil Service Commission, District 3 (Soule). Term to expire 3/1/99. Postponed on 2/23/94.

The following people addressed this item:

Joe Nicci, 189 Anthoine Street
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Soule and seconded by Councilor Boudreau to appoint Terrance St. John to this position. Passage 7-0.

* * * * *

4. ORDER #91-93/94 - Civil Service Commission, District 2 (Avery), to fill an unexpired term which expires 3/1/95.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint Charles Bean to this position. Passage 7-0.

IN COUNCIL REGULAR MEETING MAR. 7, 1994 VOL. 55 PAGE 80

5. ORDER #92-93/94 - Board of Assessment Review, District 3 (Soule). Term to expire 3/16/97.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Macomber to re-appoint Douglas Smith to this position. Passage 7-0.

* * * * *

6. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone this item until 3/21/94. Passage 7-0.

* * * * *

7. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 3/21/94. Passage 7-0.

E. CONSENT CALENDAR

SIGN PERMIT

8. DownEast Country Dance Festival requests two (2) off-premise directional signs advertising the Dance Festival at Memorial Middle School. 3/11/94 to 3/13/94. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to approve the Consent Calendar. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #95-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

10. ORDER #96-93/94 - authorizing the City Manager to sign a collective bargaining agreement with AFSCME Local 481.

Jeff Jordan, Assistant City Manager, addressed this item.

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

* * * * *

11. ORDER #97-93/94 - Council approval of joint purchase with the Maine Department of Transportation for sewer construction in conjunction with the Fore River Bridge project.

There was no public discussion.

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

* * * * *

12. ORDER #98-93/94 - approving a reimbursement agreement from the State of Maine for sanitary sewer construction in conjunction with the Fore River Bridge project.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Joe Nicci, 189 Anthoine Street, asked the City Clerk to advise her staff that applications to boards may or may not be considered by Councilors.

Ray Lee, Henry Street, said the ad in the paper for board vacancies is a waste of taxpayer dollars. He asked if anything had been done about changing Cottage Road to two way during the construction. He said he's upset that the Civil Service Commission had to sue the City.

Bob Blackwood, 16 Bluff Road, read a letter in favor of National Semiconductor's request for TIF.

Bernard Faunce, 98 Sawyer Street, said that National is a private business and should pay its own way. He said that giving them a tax break won't make a difference.

Laurie Bower Michaud, 10 Hudson Road, said that Chick Wilder was her uncle, and she hopes the community realizes what a gem he was. He was lifeguard at Willard Beach for many years and gave more of himself than most employees.

Clarence Beckwith, Bonnybriar Road, said he hopes the Council considers that a lot of the improvements to be done because of the TIF will be bonded, and there's no guarantee National will stay. He said he was bothered by remarks from a City Official in the newspaper about the Civil Service Commission Chairman.

I. EXECUTIVE SESSION

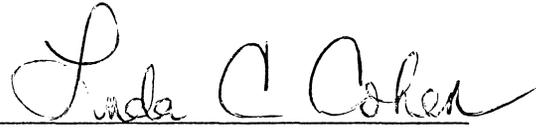
Motion was made by Councilor Dearborn and seconded by Councilor Soule to go into executive session to discuss, pursuant to 1 M.R.S.A., §405(6)(E), pending and contemplated litigation, and pursuant to 1 M.R.S.A., §405(6)(D), labor negotiations. Motion was made by Councilor Glynn and seconded by Councilor Fickett to name the litigation. Failed 2-5 (Avery, Macomber, Soule, Dearborn, Boudreau). Council went into executive session at 8:19 P.M. 6-1 (Glynn).

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to return to open session. Open session resumed at 9:44 P.M. 6-0 (Dearborn absent).

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 9:45 P.M. 6-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL REGULAR MEETING MARCH 21, 1994 VOL. 55 PAGE 83

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the meetings of 2/23/94 and 3/7/94. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

1. 1994/95 Municipal Budget.

C. PETITIONS AND COMMUNICATIONS

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

Mayor Avery called a one item special meeting for 3/28/94 at 6:00 P.M. in Council Chambers.

City Clerk Linda Cohen announced that nomination papers for the Portland Water District election, to be held on June 14, 1994, will be available on March 31 at the City Clerk's office.

D. APPOINTMENT CALENDAR

4. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed on 3/7/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 4/4/94. Passage 7-0.

* * * * *

5. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed on 3/7/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 4/4/94. Passage 7-0.

* * * * *

6. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 4/4/94. Passage 7-0.

* * * * *

7. ORDER #100-93/94 - Planning Board, At-Large (Glynn). Term to expire 4/1/97.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 4/4/94. Passage 7-0.

* * * * *

8. ORDER #101-93/94 - South Portland Housing Authority. Term to expire 3/25/99.

Motion was made by Councilor Fickett and seconded by Councilor Glynn to postpone this item to 4/4/94. Passage 7-0.

E. CONSENT CALENDAR

Motion was made by Councilor Dearborn and seconded by Councilor Glynn to withdraw item 10, at the request of the applicant. Passage 7-0.

AMPLIFYING DEVICE

9. Friends of the South Portland Library, 482 Broadway. 4/24/94 only. Entertainment for participants in BookWalk. New City license.

MISCELLANEOUS PERMITS

10. Animal Antics, 180 Waterman Drive, use of City property for demonstration regarding the Greyhound Adoption Agency and the New England Assistance Dog Service program.

Douglas Ura-neck, 82 Willow Street, addressed item 9.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to approve the remaining item. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

11. The Daily Grind, Portland, ME, FSE/Pushcart. 3/21/94 to 3/1/95. New City license. Denied on 1/19/94. Requires variance to operate within 500 feet of other food service establishments.

The following people addressed this item:

Mark Sullivan, 55 Sandy Hill Road
Don Cook, 71 D Street, owner of Cookie's Variety
Ray Lee, Henry Street
Doug Ura-neck, 82 Willow Street

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Passage 5-2 (Dearborn, Soule).

G. ACTION ON OLD AND NEW BUSINESS

12. ORDER #102-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

13. ORDER #103-93/94 - authorizing the City Clerk to sign a certification of municipal vote to collect State funds for FY 1994/95.

Ray Lee, Henry Street, addressed this item.

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

* * * * *

14. ORDER #104-93/94 - setting April 6, 1994 as the date for public hearing at Memorial Middle School for the proposed 1994/95 budget.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Passage 6-0 (Soule out).

* * * * *

15. ORDINANCE #21-93/94 - amendment to CH. 14, "Licenses, Permits and Business Regulations Generally," regarding mobile food service units and pushcarts. First reading.

The following people addressed this item:

Don Cook, 71 D Street
Ray Lee, Henry Street
Doug Uraneck, 82 Willow Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett for denial. Failed 2-5 (Avery, Boudreau, Macomber, Soule, Dearborn).

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage of the first reading.

Motion was made by Councilor Soule and seconded by Councilor Macomber to amend the ordinance by increasing the 100 foot restriction to 500. Passage 7-0.

Motion was made by Councilor Macomber and seconded by Councilor Dearborn to amend the ordinance by limiting the number of units. Both motions were withdrawn.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by deleting all increases and doubling of fees. Failed 2-5 (Avery, Dearborn, Macomber, Boudreau, Soule).

Motion was made by Councilor Dearborn and seconded by Councilor Soule to amend the ordinance by applying the 500 foot restriction to all units in this section. Passage 6-1 (Fickett).

Motion was made by Councilor Soule and seconded by Councilor Glynn to amend the main motion by setting the workshop date for 4/11/94 and bringing this item back at the 4/20/94 meeting. Passage 7-0.

Ordinance, as amended, received first reading 6-1 (Glynn).

* * * * *

16. ORDER #105-93/94 - authorizing the City Manager to sign an easement agreement with Central Maine Power relocating a power cable under Waterman Drive and Ocean Street.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said \$200 for a license is thievery, and site plan review for a pushcart is ridiculous. He said that another reason to allow people to speak at workshops is to get answers to questions from people who may know. He complained about cable television from City Hall. He said there are a lot of rumors floating around about the relocation of SPTV. He said there are no Regulatory Board meetings being held.

Doug Ura-neck, 82 Willow Street, said the School Department needs a drama center, and SPTV needs a new studio, so the two could work together. He said the future requires the School Board and Council meld together. He said there is a proposal to do away with the civilian jobs at the USCG base in South Portland, about which the Council may be hearing more. He said he is very excited about the TIF at National Semiconductor.

Larry Albert, MacArthur Circle, said the new plans for Clark's Pond look good. He said that whoever prepared it is trying to glorify a pollution process, noting that wildlife need the pond to survive, so they're going to area neighborhoods.

Jim Dyer, Davis Street, said he is happy to see the Council go back to a 500 foot restriction, and he would rather pay \$200 and stay 500 feet away from other restaurants than see those restaurants go out of business. He questioned whether or not someone could use the Temporary Food Service category to get around the ordinance regarding stationary units. He said there should be a clarification for pushcarts. He said the Council deserves applause for the job it is doing, and Councilor Glynn does his homework.

Clarence Beckwith, Bonnybriar Road, said the Council and School Board are pretty well melded right now. He said he is disappointed that taxes aren't being lowered according to the expected increased revenues.

Bernard Faunce, 98 Sawyer Street, said that since winter came so early, there are a lot of Christmas trees around, and he wondered if they can still be taken to the landfill. He said he wishes the Manager would explain the down side of the TIF in the newspaper.

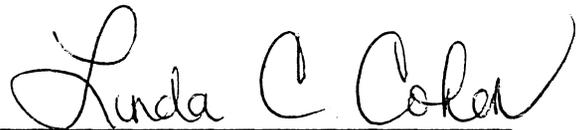
Rich Reo, 99 Lowell Street, said that \$30 is too low for a Temporary Food Service license, since that's a full time business for them.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 1 M.R.S.A., §405(6)(E), pending and contemplated litigation. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to name the litigation. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to allow only Council members and legal counsel in the session. Failed 2-5 (Avery, Macomber, Dearborn, Boudreau, Soule). Council went into executive session at 10:00 P.M. 5-2 (Fickett, Glynn). Motion was made by Councilor Glynn and seconded by Councilor Fickett to return to open session. Open session was resumed at 10:11 P.M. 4-0 (Soule, Boudreau, Dearborn out). Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Meeting adjourned at 10:12 P.M. 4-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



ROLL CALL: Mayor Avery called the meeting to order at 6:00 P.M. All Councilors were present.

F. PUBLIC HEARINGS AND ACTION

1. ORDER #106-93/94 - authorizing an application to the Department of Economic & Community Development for the establishment of a Tax Increment Finance District at National Semiconductor, 333 Western Avenue.

The following people addressed this item:

Christine Phillips, 43 Elderberry Drive
Ray Lee, 28 Henry Street
Harvey Oest, President of the South Portland/Cape Elizabeth Chamber of Commerce
Peter Ventry, member of Blue Cross management team and Chamber of Commerce
Stanley Cox, 460 Highland Avenue
Larry Albert, 42 MacArthur Circle West
Laurenz Schmidt, National Semiconductor
Warren Morgan, 103 Chapel Street, Conservation Commission Chairman
Allen Brigham, Me. Dept. of Economic and Community Development
Michael Donovan, Greater Portland Development Council Director
Kathy Onos, 511 Breakwater
David Cyr, Portland Pipeline
Chuck Wilson, Hannaford Brothers
Beth Ryder, Memorial Middle School Librarian
Joel Russ, President of the Regional Chamber of Commerce of Greater Portland
Clarence Beckwith, Bonnybriar Road
Patricia Dow, 10 Wainwright Circle
Bob Blackwood, 16 Bluff Road
Bernard Faunce, 98 Sawyer Street
Dave Henry, National Semiconductor
Don Legere, 149 Walnut Street
Steve Martin, 33 Tamarack Drive
Male resident, Pilgrim Road

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the list of projects being submitted with the application by deleting Clark's Pond. Failed 2-5 (Avery, Soule, Dearborn, Macomber, Boudreau). Order passage 6-1 (Glynn).

Motion was made by Councilor Glynn and seconded by Councilor Soule to adjourn. Adjournment 8:14 P.M. 7-0.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING APRIL 4, 1994 VOL. 55 PAGE 89

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the regular meeting of 3/21/94 and the special meeting of 3/28/94. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant stated that the public hearing on the proposed budget for 1994/95 will be held at 7 P.M. on Wednesday, April 6 at Memorial Middle School. He added that Council workshops for the review of departmental budgets will begin this Saturday at 8:30 A.M. in Council Chambers. The School budget will be reviewed at noon, followed by the departments of Police, Fire, Public Works and Library.

Mr. Bryant said the street sweeper is making its way through the City, and asked residents to be patient.

C. PETITIONS AND COMMUNICATIONS

City Clerk Linda Cohen advised residents that the warrant for unlicensed dogs will be going to the City Council on April 20, 1994, and anyone who hasn't relicensed his or her dog for 1994 may do so up until 4:30 P.M. on that date.

1. Planning Board report regarding a zone change on Main Street.

D. APPOINTMENT CALENDAR

2. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed on 3/7/94.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 4/20/94. Passage 7-0.

* * * * *

3. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed on 3/7/94.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 4/20/94. Passage 7-0.

* * * * *

4. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97. Postponed on 3/21/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 4/20/94. Passage 7-0.

* * * * *

5. ORDER #100-93/94 - Planning Board, At-Large (Glynn). Term to expire 4/1/97. Postponed on 3/21/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 4/20/94. Passage 7-0.

* * * * *

6. ORDER #101-93/94 - South Portland Housing Authority. Term to expire 3/25/99. Postponed on 3/21/94.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 4/20/94. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

7. ORDER #107-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

8. ORDER #108-93/94 - award of bid to Garaventa USA, Inc., of Manchester, NH, for three (3) wheelchair stair lifts at South Portland High School.

The following people addressed this item:

Ray Lee, Henry street
Lee Akerley, Assistant School Superintendent

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

* * * * *

9. ORDER #109-93/94 - requesting Planning Board consideration of a zoning text amendment to permit residential uses in the Central and Regional Commercial CCR Zoning District.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Soule for passage. Passage 7-0.

* * * * *

10. ORDINANCE #22-93/94 - amendment to Ch 2, "Administration and Legislation," establishing a fiscal note ordinance. First reading.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Macomber for passage of the first reading. Passage 6-1 (Dearborn).

* * * * *

11. ORDER #110-93/94 - designating the City Manager as the licensing authority for utility location permits.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Failed 3-4 (Macomber, Glynn, Dearborn, Fickett).

* * * * *

12. ORDER #111-93/94 - authorizing an indenture agreement permitting the installation of a private sanitary sewer line in Calais Street.

There was no public discussion.

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

* * * * *

13. ORDINANCE #23-93/94 - amendment to Ch 27, "Zoning," for the establishment of a Residential Professional Office Overlay District. First reading.

The following people addressed this item:

Allen Ridley, 15 Rhode Island Avenue (gave the Mayor a petition from Sunset Park residents)
Ellie Regan, 793 Main Street
Linnea Stofchick, 809 Main Street
Ray Lee, Henry Street
Larry Albert, 42 MacArthur Circle West
Clarence Beckwith, Bonnybriar Road
Linda Johnson, 27 Rhode Island Avenue, Planning Board Chair
Jim Otis, 49 Rhode Island Avenue
John McGovern, Delaware Avenue

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage of the first reading. Passage 4-3 (Glynn, Fickett, Macomber).

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14. ORDINANCE #24-93/94 - amendment to Ch 27, "Zoning," for a zone change at 745 to 793 Main Street. First reading.

Avis McGovern, Delaware Avenue, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage of the first reading. Passage 4-3 (Macomber, Fickett, Glynn).

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15. ORDINANCE #25-93/94 - amendment to Ch 5, "Buildings," to cross reference the Residential Professional Office Overlay District. First reading.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Passage 4-3 (Fickett, Glynn, Macomber).

H. CITIZENS DISCUSSION

Larry Albert, 42 MacArthur Circle West, said that he supported the TIF District because of some of the projects included. He said he and others in South Portland Gardens are disappointed that the improvements there were eliminated from the list. He said the Council should have challenged the State a little more, and he suggested the City try to get the list amended by adding the Redbank community room. He thanked Councilor Macomber for not being married to any special group.

Ray Lee, Henry Street, said that people should sweep the sand off their property to the curb so the street sweeper can take care of it. He said there are a lot of complaints about the sound and picture quality coming from Council Chambers. He said that Cape Elizabeth has the same equipment but superior quality. He said that he knew Mayor Avery had complained to Public Cable, and he also new that Mike Leonard had complained to Assistant City Manager Jeff Jordan about the lighting in Council Chambers. He congratulated Councilor Macomber for sticking to his guns on the TIF.

Edward Wright, 209 Cottage Road, said there were no children on O'Neil Street when he moved there, but now there are. When he moved there, he added, the only vehicles on the street were those of the Public Works and Bus Departments; now fire trucks and ambulances go there to fuel up. In addition, the recycling bins attract rats and people from Cape Elizabeth. He said it is open on the weekends, and there is no day his daughter can learn to ride her bike, because the vehicles speed up and down the street. He said he complained to public works, and many people have slowed down, but he would like the recycling bin removed, or at least close the facility on Sunday. He asked if the City has any plans to move the public works complex.

Clarence Beckwith, Bonnybriar Road, told the residents of Sunset Park to fill Council Chambers with their neighbors if they want to make their point. He said the Councilors' minds are pretty well made up, and rarely do they change their minds after the workshop. He said there is a poor maintenance system in the School Department, and he would like to see the gym built at Redbank.

Bernard Faunce, 98 Sawyer Street, said he is very much opposed to the TIF. He said he can see helping a new business to come here, but not existing businesses. He said everything is unofficially voted on in workshop. He said he doesn't believe in this form

of government, but it's what the City has. He suggested abolishing workshops if straw votes are going to occur in them. He said maybe Councilor Macomber now sees that the three stooges weren't so wrong.

Bob Fickett, Highland Avenue, speaking on behalf of a Mr. Thurston, showed drawings of the Mill Creek traffic flow before and after the new bridge. He said there is no accommodation for street cars, and there is an eighty foot climb on the new bridge.

I. EXECUTIVE SESSION

A motion may be made to go into executive session to discuss, pursuant to 1 M.R.S.A., §405(6)(D), labor negotiations.

Council did not go into executive session because the motion received no second.

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

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



ROLL CALL: Mayor Avery called the meeting to order at 7:05 P.M. Councilors Fickett and Soule were absent.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Glynn to accept the minutes of the 4/4/94 meeting. Passage 5-0.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

3. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed since 3/7/94.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item to 5/2/94. Passage 5-0.

* * * * *

4. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 5/2/94. Passage 5-0.

* * * * *

5. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97. Postponed since 3/21/94.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to postpone this item to 5/2/94. Passage 5-0.

* * * * *

6. ORDER #100-93/94 - Planning Board, At-Large (Glynn). Term to expire 4/1/97. Postponed since 3/21/94.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 5/2/94. Passage 5-0.

* * * * *

7. ORDER #101-93/94 - South Portland Housing Authority. Term to expire 3/25/99. Postponed since 3/21/94.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item to 5/2/94. Passage 5-0.

* * * * *

8. ORDER #112-93/94 - Republican member to the Board of Voter Registration for a term which expires 5/1/97.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Mayor Avery to appoint Gloria Brewster to this position. Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item to 5/2/94. Passage 3-2 (Avery, Boudreau).

* * * * *

9. ORDER #113-93/94 - appointment of Democratic Election Clerks. Term to expire 5/1/96.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to appoint the list of election clerks nominated by the Democratic City Committee. Passage 5-0.

* * * * *

10. ORDER #114-93/94 - Civil Service Commission, District 3 (Soule). To fill an unexpired term which expires 3/1/99.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item to 5/2/94. Passage 5-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

11. ORDINANCE #21-93/94 - amendment to CH. 14, "Licenses, Permits and Business Regulations Generally," regarding mobile food service units and pushcarts. First reading. Amended and given first reading on 3/21/94.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend the ordinance to include additional language specific to pushcarts. Passage 5-0. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to amend the ordinance by requiring site plan review by the Planning Board for Stationary Vending Units. Passage 4-1 (Glynn). Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the ordinance by lowering the fees recommended at \$200.00 to \$100.00. Passage 4-1 (Dearborn). Motion was made by Councilor Boudreau and

seconded by Councilor Macomber that this serve as a new first reading and be postponed to 5/2/94. Passage 4-1 (Glynn).

* * * * *

12. ORDINANCE #22-93/94 - amendment to Ch 2, "Administration and Legislation," establishing a fiscal note ordinance. Given first reading on 4/4/94.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Macomber for passage. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the ordinance by deleting the word "ordinance" in the sentence beginning with "the fiscal note shall be incorporated...," and adding language regarding the placement of the fiscal note in ordinances. Passage 4-1 (Dearborn). Passage of ordinance, as amended, 4-1 (Dearborn).

* * * * *

13. ORDINANCE #23-93/94 - amendment to Ch 27, "Zoning," for the establishment of a Residential Professional Office Overlay District. Given first reading on 4/4/94.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to waive the Council rule allowing input only once during the expected extended public hearing on this item. Passage 4-1 (Avery).

The following people addressed this item:

Jim Boyle, 61 Pennsylvania Avenue
Jacquelyn Durand Hawthorne, Pennsylvania Avenue
Sharon Jarvis, 771 Main Street
Clarence Beckwith, Bonnybriar Road
Cecile Chapin, 21 Rhode Island Avenue
Jo Gill, 757 Main Street
Barbara Ridley, 15 Rhode Island Avenue
Jim Otis, 49 Rhode Island Avenue
Tex Haeuser, Planning Director
Kevin Regan, 793 Main Street
City Manager Jerre Bryant read letters from:
Jim Otis, 49 Rhode Island Avenue
Robert Bolduc, 18 Rhode Island Avenue

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item to 5/2/94. Passage 5-0.

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14. ORDINANCE #24-93/94 - amendment to Ch 27, "Zoning," for a zone change at 745 to 793 Main Street. Given first reading on 4/4/94.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item to 5/2/94. Passage 5-0.

15. ORDINANCE #25-93/94 - amendment to Ch 5, "Buildings," to cross reference the Residential Professional Office Overlay District. Given first reading on 4/4/94.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item to 5/2/94. Passage 5-0.

* * * * *

16. N.E. Restaurant Company Inc., d/b/a Chili's Grill & Bar, 461-465 Maine Mall Road, FSE/Class A Restaurant with Liquor. 4/20/94 to 4/20/95. New State and City license.

Counsel for the applicant addressed this item.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to grant the license. Passage 5-0.

* * * * *

17. 231 Front Street, Inc., d/b/a Bay Harbor Restaurant, 231 Front Street, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 4/20/94 to 4/20/95. New State and City license.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to grant the license. Passage 5-0.

* * * * *

18. Dream Machine Inc., d/b/a The Dream Machine, F-8 Maine Mall, Renewal of Pinball/Video license with an increase in number of machines from forty-two (42) to ninety-five (95). 7/1/94 to 6/30/95.

Bernadette Bolduc, Counsel to the applicant, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to grant the license. On a motion from Councilor Boudreau, seconded by Councilor Glynn, Council recessed at 8:55 P.M. for five minutes 5-0. License granted 5-0.

G. ACTION ON OLD AND NEW BUSINESS

19. ORDER #115-93/94 - acceptance of \$495.00 under the Asset Forfeiture Program.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Passage 5-0.

* * * * *

20. RESOLVE #6-93/94 - regarding reimbursement for expenditures for ADA compliance.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 5-0.

* * * * *

- 21. ORDER #116-93/94 - acceptance of the State of Maine Municipal Warrant for Prosecuting Unlicensed Dog Owners/Keepers.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Mayor Avery for passage. Passage 5-0.

* * * * *

- 22. ORDER #117-93/94 - award of contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau for passage. Passage 5-0.

H. CITIZENS DISCUSSION

Avis McGovern, 5 Delaware Avenue, said she is against the Main Street rezoning, and she can't understand why the Planning Board worked on such a small area for three years. She said the Planning Board didn't want to accept the original petitions, because it said the signatures were obtained under duress. She said that people signed freely. She warned that this zone change would create more traffic.

Clarence Beckwith, Bonnybriar Road, noted that Councilor Macomber had said the same people who pushed the zone change will be reviewing plans of the individual properties. He said the City must have spent thousands of dollars holdings these hearings. He said that the Planning Director and City Officials should remain neutral.

Kevin Glynn, 89 Park Avenue, said that he wants the Council to look at allowing adult day care facilities wherever a child day care facility is allowed.

Bernard Faunce, 98 Sawyer Street, said the southern part of Maine should secede with Portland as its capital, as a result of the Legislature's vote on school funding.

Herb Haase, Winding Way, said he is a former member of the Planning Board, and taking three years to decide an issue is better than rushing into it and making a mistake. He asked about language regarding conflict of interest for Councilors and about the status of the compost facility.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn. Council adjourned at 9:33 P. M. 5-0.

A TRUE COPY.

ATTEST 
Linda C. Cohen, City Clerk

IN COUNCIL REGULAR MEETING MAY 2, 1994 VOL. 55 PAGE 99

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Soule and seconded by Councilor Dearborn to accept the minutes of the 4/20/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Finance Director regarding tax abatements.

D. APPOINTMENT CALENDAR

2. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed since 3/7/94.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item to 5/16/94. Passage 7-0.

* * * * *

3. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed since 3/7/94.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 5/16/94. Passage 7-0.

* * * * *

4. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97. Postponed since 3/21/94.

Motion was made by Councilor Soule and seconded by Councilor Glynn to postpone this item to 5/16/94. Passage 7-0.

* * * * *

5. ORDER #100-93/94 - Planning Board, At-Large (Glynn). Term to expire 4/1/97. Postponed since 3/21/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 5/16/94. Passage 7-0.

* * * * *

6. ORDER #101-93/94 - South Portland Housing Authority. Term to expire 3/25/99. Postponed since 3/21/94.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Macomber to appoint Clarence Beckwith to this position. Passage 7-0.

* * * * *

7. ORDER #112-93/94 - Republican member to the Board of Voter Registration for a term which expires 5/1/97. Postponed on 4/20/94.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to appoint Gloria Brewster to this position. Passage 6-1 (Glynn).

* * * * *

8. ORDER #114-93/94 - Civil Service Commission, District 3 (Soule). To fill an unexpired term which expires 3/1/99. Postponed on 4/20/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 5/16/94. Passage 7-0.

E. CONSENT CALENDAR

AMPLIFYING DEVICE

9. Susan Bolduc, 47 Peary Terrace, 5/22/94 only. Graduation party.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to grant the license. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

10. ORDINANCE #21-93/94 - amendment to CH. 14, "Licenses, Permits and Business Regulations Generally," regarding mobile food service units and pushcarts. Amended and given first reading on 3/21/94. Amended and given new first reading on 4/20/94.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Passage 6-1 (Glynn).

* * * * *

11. ORDINANCE #23-93/94 - amendment to Ch 27, "Zoning," for the establishment of a Residential Professional Office Overlay District. Given first reading on 4/4/94. Public hearing and postponed on 4/20/94.

The following people addressed this item:

Les Ford, Kingswood Park Resident Manager
Jacqueline Durant Hawthorne, 134 Pennsylvania Avenue
Linnea Stofchick, 809 Main Street
Ernest Bagley, Sr., 82 Pennsylvania Avenue
Marcia Thomas, 15 Delaware Avenue
Jim Otis, 49 Rhode Island Avenue (owns 775 Main Street)
Richard Pushard, 123 Pennsylvania Avenue
Clarence Beckwith, Bonnybriar Road
Ray Lee, 28 Henry Street
Kevin Regan, 793 Main Street
Cecile Chapin, 21 Rhode Island Avenue
Allen Ridley, 15 Rhode Island Avenue
Tex Haeuser, Planning Director
Ellie Regan, 793 Main Street
Linda Johnson, 27 Rhode Island Avenue
Sue Lambe, 58 Pennsylvania Avenue
Fred Grenier, 761 Main Street
Herb Haase, Winding Way
Burt Edwards, Pennsylvania Avenue

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage.
Motion was made by Councilor Glynn and seconded by Councilor Soule to amend the ordinance by adding language recommended by Mr. Otis regarding enforcement. Failed 1-6 (Soule). Motion was made by Councilor Soule and seconded by Councilor Boudreau to amend the ordinance by limiting the hours of operation to 7 A. M. to 6 P.M. weekdays, and weekend hours as originally put forth in the ordinance. Failed 1-6 (Soule). Ordinance failed 3-4 (Dearborn, Fickett, Glynn, Macomber).

* * * * *

12. ORDINANCE #24-93/94 - amendment to Ch 27, "Zoning," for a zone change at 745 to 793 Main Street. Given first reading on 4/4/94. Postponed on 4/20/94.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to postpone this item indefinitely. Passage 7-0.

* * * * *

13. ORDINANCE #25-93/94 - amendment to Ch 5, "Buildings," to cross reference the Residential Professional Office Overlay District. Given first reading on 4/4/94. Postponed on 4/20/94.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to postpone this item indefinitely. Passage 7-0.

Motion was made by Councilor Soule and seconded by Councilor Glynn to recess. Passage 6-1 (Dearborn). Council recessed at 9:03 P.M. Meeting resumed at 9:07 P.M.

G. ACTION ON OLD AND NEW BUSINESS

14. ORDER #118-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

* * * * *

15. PROCLAMATION #5-93/94 - proclaiming the week of May 2, 1994 as Public Service Recognition Week.

The following people addressed this item:

Bill Judkins, 315 Highland Avenue
Clarence Beckwith, Bonnybriar Road

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

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16. RESOLVE #7-93/94 - pursuant to §612 of the City Charter, determining details of issue of \$1,000,000 principal amount of bonds.

The following people addressed this item:

Clarence Beckwith, 51 Bonnybriar Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Ralph St. Pierre, Finance Director

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

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17. ORDER #119-93/94 - authorizing the submission of a Community Development Block Grant application to the Department of Economic and Community Development for Knightville/Millcreek re-vitalization planning assistance.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Philip Notis, Bridgeway Restaurant, 71 Ocean Street
Peter Prodromou, Knightville merchant
Katie Mellow, 75 D Street
Annamarie Sloan, Anchorage Place
Ray Lee, Henry Street
Bill Judkins, 315 Highland Avenue
Tex Haeuser, Planning Director

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

18. ORDER #117-93/94 - RECONSIDERATION of award of contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to reconsider Order #117-93/94. Passage 6-0 (Soule abstaining).

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to commit this item to the School Board. Passage 6-0 (Soule abstaining).

H. CITIZENS DISCUSSION

Allen Ridley, Rhode Island Avenue, thanked the Council for its careful consideration of the Main Street issue. He commended the Planning Board and staff for their efforts to compromise. He said the main root of the problem is Wallace Avenue traffic. He said he would like the Planning Board and Council not to lose sight of that. He said he would like to see traffic rerouted in that area.

Ernest Bagley, Sr., 82 Pennsylvania Avenue, said it's hard to see at the lighted intersection on Main Street because of the trees. He said that another problem area is the turnpike exit, where people drive over the sidewalk.

Ray Lee, Henry Street, questioned Mayor Avery about a letter she wrote to the editor regarding school funding. He said she has governed the same way the Legislature has. He said she refused to cut the school budget, so the Legislature is doing it for her. He also questioned a press release with the Mayor's name on it about the Glynn/Conroy case. He said he didn't believe she wrote it. He said that all of the construction going on at one time in South Portland shows poor planning.

Jim Brewster, 1545 Broadway, said the City has a radical group that always talks against Parks and Recreation, open space and walkways. He said that promoting a loss of faith in government is the group's creed. He said the Comprehensive Plan is a carefully thought out document, and it works well for everyone. He said that law and order, rules of fair play and respect for others opinions are not part of Mr. Lee's nature. He noted that Mr. Lee's claims that South Portland's officials are corrupt and cheat like John Martin's assistant are not constructive criticism. He said that the court has made Kevin Glynn and Julie Conroy pay all court costs, and Corporation Counsel Mary Kahl, City Clerk Linda Cohen and Warden Barbara Davis have been completely vindicated. He said that South Portland is fortunate to have these three officials. He added that this case had been appealed all the way to Supreme Court, and the City had been proven correct. He said this group is a cancer in South Portland's democracy.

Bernard Faunce, 98 Sawyer Street, said he is part of the radical group, and he comes to every meeting. He said Mr. Lee was cited for a junk car in his yard, yet he complained to the police and City Manager about a car and boat on Sawyer Street, and nothing has been done. He said the district Councilor has even walked by it. He said he understands the City paid a man to cut bags of leaves open at the landfill, when it was supposedly saving money by having the Lions Club collect the leaves. He said Councilors don't know what is really going on in this city and suggested they talk with people in the Parks and Public Works Departments to see how they feel.

Clarence Beckwith, Bonnybriar Road, congratulated the Council for its vote on Main Street. He said it took a lot of courage and noted that the Council listened to the people.

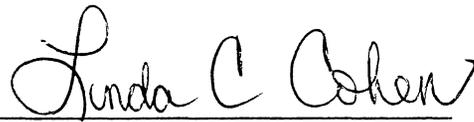
I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Soule to go into executive session to discuss, pursuant to 1 M.R.S.A. §405(6)(E), pending and contemplated litigation, and pursuant to 1 M.R.S.A. §405(6)(D), labor negotiations. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to include discussion regarding the settlement offer relative to the Police Chief's suspension. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Motion was made by Councilor Macomber and seconded by Councilor Glynn to amend the motion by deleting discussion of labor negotiations. Passage 4-3 (Avery, Soule, Boudreau). Council went into executive session at 10:22 P.M. 5-2 (Glynn, Fickett). Motion was made by Councilor Macomber and seconded by Councilor Fickett to return to open session. Executive session ended at 11:07 P.M. 5-0 (Dearborn, Soule absent).

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Meeting adjourned at 11:08 P.M. 5-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



IN COUNCIL SPECIAL MEETING MAY 9, 1994 VOL. 55 PAGE 105

ROLL CALL: Mayor Avery called the meeting to order at 6:00 P.M. All Councilors were present.

G. ACTION ON OLD AND NEW BUSINESS

1. ORDER #117-93/94 - award of contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system. Reconsidered on 5/2/94.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to postpone this item to 5/16/94. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 6:05 P.M. 7-0.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the regular meeting of 5/2/94 and the special meeting of 5/9/94. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant congratulated South Portland Bus Service Driver Roger Roscoe who placed second in the Maine State Transit Rodeo in Augusta on May 7. Mr. Roscoe was 1/2 point out of first place.

Mayor Avery presented a plaque to former Planning Board member Herbert Haase.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of April.
2. Attendance Reports for the month of April.

D. APPOINTMENT CALENDAR

3. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed since 3/7/94.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 6/6/94. Passage 7-0.

4. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed since 3/7/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 6/6/94. Passage 7-0.

5. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97. Postponed since 3/21/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 6/6/94. Passage 7-0.

6. ORDER #100-93/94 - Planning Board, At-Large (Glynn). Term to expire 4/1/97. Postponed since 3/21/94.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to appoint Nancy Larsen to this position. Passage 7-0.

* * * * *

7. ORDER #114-93/94 - Civil Service Commission, District 3 (Soule). To fill an unexpired term which expires 3/1/99. Postponed since 4/20/94.

Motion was made by Councilor Soule and seconded by Councilor Boudreau to postpone this item to 6/6/94. Passage 7-0.

* * * * *

8. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 6/6/94. Passage 7-0.

* * * * *

9. ORDER #121-93/94 - Democratic member to the Board of Voter Registration for a term which expires 5/1/97.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to appoint Lewis Beckford to this position. Passage 7-0.

E. CONSENT CALENDAR

AMPLIFYING DEVICE

10. Pine Tree Society for Handicapped Children and Adults, at South Portland High Athletic Field. Relay for Easter Seals. 6/18/94 to 6/19/94. New City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to grant the permit. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

None.

G. ACTION ON OLD AND NEW BUSINESS

11. ORDER #117-93/94 - award of contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system. Reconsidered on 5/2/94. Postponed on 5/9/94.

The following people addressed this item:

Lee Akerley, Assistant School Superintendent
Larry Landry, Honeywell Corp. (Motion by Councilor Macomber, seconded by Councilor Glynn to give extra 5 minutes. 7-0.)

Mary Sullivan, Johnson Controls
Jim Lucy, 15 Whitehall Avenue
John Eisenhart, Johnson Controls
Ray Lee, Henry Street
Ralph St. Pierre, Finance Director
Doreen Gay, School Board Member

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Motion was made then withdrawn by Councilor Boudreau and seconded by Councilor Glynn to postpone this item to 6/6/94. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 6/6/94. Passage 5-2 (Dearborn, Soule).

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12. ORDER #122-93/94 - award of bid for the purchase of three (3) school buses for the South Portland School Department.

The following people addressed this item:

Janice Doctor, High Street
Lee Akerley, Assistant School Superintendent
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street

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

* * * * *

13. ORDER #123-93/94 - award of bid for the sale of used vehicles.

There was no public discussion.

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

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14. ORDER #124-93/94 - acceptance of miscellaneous donations.

There was no public discussion.

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

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15. PROCLAMATION #6-93/94 - proclaiming May 20, 1994 as Arbor Day within the City of South Portland.

Barbara Davis, 3 Willard Haven Road, addressed this item.

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

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16. ORDER #125-93/94 - acceptance of a \$10,000 America the Beautiful Urban and Community Forestry Grant through the Maine Forest Service.

The following people addressed this item:

Janice Doctor, High Street
Ray Lee, Henry Street

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

* * * * *

17. ORDER #126-93/94 - authorizing the City Clerk to process absentee ballots at City Hall on Election Day.

The following people addressed this item:

Dan Fortin, 65 Thadeus Street, read a letter from Diane Fortin
Jim Brewster, 1545 Broadway
Peter Larsen, 406 Ocean Street
Lewis Beckford, Bonnybank Road
Ray Lee, Henry Street
Barbara Davis, 3 Willard Haven Road
Gloria Brewster, 1545 Broadway
Jane Cote, Warden District 4, by letter

Motion was made by Councilor Glynn and seconded by Councilor Fickett to deny passage.
Denied 5-2 (Macomber, Boudreau).

* * * * *

18. ORDER #127-93/94 - authorizing a lease of the former Sawyer Elementary School to the Congregation Bet Ha'am.

The following people addressed this item:

Ray Lee, Henry Street
Jim Brewster, 1545 Broadway

Bernard Faunce, 98 Sawyer Street
Elaine Fallender, member Bet Ha'am

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 6-1 (Dearborn).

* * * * *

19. Resolve #8-93/94 - pursuant to Charter §416 adopting an emergency appropriation of \$107,000 from unappropriated available revenues and, pursuant to Charter §405, transferring unencumbered appropriation balances of \$310,000.

The following people addressed this item:

Ray Lee, Henry Street
Jim Brewster, 1545 Broadway

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Passage 5-2 (Fickett, Glynn).

* * * * *

20. ORDER #128-93/94 - authorizing the acceptance of two (2) pagers and \$722.00 under the Asset Forfeiture Program.

There was no public discussion.

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

* * * * *

21. ORDER #129-93/94 - authorizing the City Manager to sign a consent decree regarding the Solvents Recovery Service of New England Superfund Case.

There was no public discussion.

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

* * * * *

22. ORDER #130-93/94 - referring an amendment to Ch. 27, "Zoning," regarding site plan review for stationary food service units to the Planning Board.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Lewis Beckford, 72 Bonnybank Road, said he came to thank the Council. He said he has lived here for twenty-two years, and finds the City well governed. He said he is grateful for the well kept winter roads and the very considerate, and friendly attendants on the rescue. He said he was hurt during the winter, and he has been getting good therapy at the pool. He said this is a great community in which to live, and the park concerts are great. He asked the council to please distribute the beauty of the park to the new island at the intersection of Broadway and Lincoln Street.

Beulah Swiger, High Street, said there are pipes sticking out of people's cellars, and every time someone walks by them, they get blasted with water. She said things haven't been the same since the City started messing around with Old Joe's Pond. She said it's too bad that everyone can't abide by the laws of South Portland. She said the Shipyard property is still a mess, and there is a pile of something there that stinks. She said the neighbors have to smell it every time the wind blows. She said that one woman called the Department of Air Quality. She showed the Council pictures of the property and noted that there are unregistered vehicles on the lot.

Bernard Faunce, 98 Sawyer Street, said Mrs. Swiger can thank the City Manager for those pipes, because the Engineering Department went around making everyone disconnect their sump pumps. He said it took about a month for him to get an unregistered car taken care of. He said he saw a City truck picking up Christmas trees again this year, after he was told to dispose of his own. He said the Council needs a cut off time for its meetings, because the Council isn't rational after midnight. He said South Portland isn't like it was 38 years ago when he moved here, adding that the Council and School Board don't work for the people anymore.

Ray Lee, Henry Street, complained about potholes and other bad places in the roads, one by Red's and the drain by the school on Broadway. He said he is angry with Linda Boudreau and her remarks about the closing of the polling place at district one. He said he spent the whole day there and saw a person vote who wasn't registered and one voted who was already checked off.

Jim Brewster, 1545 Broadway, seconded Mr. Beckford's comments about the city. He said it is wonderful that people can come down here and share their views. He said the judges found no basis for the charges by Glynn and Conroy, and they were assessed court fees.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Council adjourned at 11:22 P.M. 5-2 (Macomber, Soule).

A TRUE COPY.



ATTEST

Linda C. Cohen
Linda C. Cohen, City Clerk

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 5/16/94 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

1. "Municipal Expenditure Comparative Analysis" presented by Daniel Baschkoph and students from Mahoney and Memorial Schools: Susan Austin, Jill Norton, Sierra Scott, Jennifer Ishihara, Danielle McGillicuddy and Shiraz Biggie.

D. APPOINTMENT CALENDAR

2. ORDER #93-93/94 - Waterfront Advisory. Term to expire 3/20/97. Postponed since 3/7/94.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 6/20/94. Passage 6-0.

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3. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed since 3/7/94.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item to 6/20/94. Passage 6-0.

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4. ORDER #99-93/94 - Planning Board, District 3 (Soule). Term to expire 4/1/97. Postponed since 3/21/94.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to appoint Douglas Smith to this position. Passage 6-0.

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5. ORDER #114-93/94 - Civil Service Commission, District 3 (Soule). To fill an unexpired term which expires 3/1/99. Postponed since 4/20/94.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to appoint Tim

O'Neil to this position. Passage 6-0.

6. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed on 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 6/20/94. Passage 6-0.

7. ORDER #131-93/94 - Harbor Commission. Term to expire 6/30/97.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to re-appoint Richard Ingalls to this position. Passage 6-0.

E. CONSENT CALENDAR

AMPLIFYING DEVICE

8. South Portland Lions Club, at Spring Point Marina, fund raising event to benefit Ronald McDonald House. 6/10/94 only.

Michael Buchanan, 615 Sawyer Street, addressed this item.

Motion was made by Councilor Macomber and seconded by Councilor Dearborn to grant the permit. Passage 6-0.

F. PUBLIC HEARINGS AND ACTION

9. Uncle Billy's Southside BBQ Inc., 60 Ocean Street, Special Amusement Permit. 6/18/94 to 6/18/95. New City license.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to grant the permit. Passage 6-0.

10. Marjan Inc., d/b/a East Side Mario's, 390 Gorham Road, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 6/6/94 to 6/6/95. New State and City License.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to grant the license and permit. Passage 6-0.

11. Harvey Beaulieu, d/b/a Harvey's Lunch, amendment to FSE/Mobile Food Service license adding six (6) additional stops. Four stops require variance to operate within 500 feet of other licensed food service establishments. Granting of variance requires five (5) affirmative votes.

The following people addressed this item:

Jim Dyer, Davis Street
Jennie Mitchell, Mariner's Grill
Harvey Beaulieu, applicant
Ray Lee, Henry Street
Anthony Nobile, 59 Albany Street

Motion was made by Councilor Glynn and seconded by Councilor Soule to grant the license. Motion was made by Mayor Avery and seconded by Councilor Soule to postpone this item. Motion was made to amend the postponement amendment by excluding sites 1 and 2, and sending the others to the Police Chief for review. Passage 5-1 (Macomber). Motion, as amended, received passage 4-2 (Macomber, Glynn). For clarity, motion was made by Councilor Glynn and seconded by Councilor Soule to grant the license for sites 1 and 2 (no variance required). Passage 4-2 (Dearborn, Macomber).

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12. Dork's Unlimited, d/b/a Ground Round, 195 Maine Mall Road. Renewal of Pinball/Video license with an increase in number of machines from five (5) to six (6). Requires waiver; request is in excess of five (5) machine limit. Granting of waiver requires five (5) affirmative votes.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to grant the license. Passage 6-0.

G. ACTION ON OLD AND NEW BUSINESS

13. ORDER #117-93/94 - award of contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system. Reconsidered on 5/2/94. Postponed since 5/9/94.

Motion was made by Mayor Avery and seconded by Councilor Soule to withdraw this item. Passage 5-1 (Soule).

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14. ORDER #132-93/94 - award of bid to HCI/Craftsman, of South Portland, ME, for the purchase of lever type locks for South Portland High School.

Ralph St. Pierre, Finance Director, addressed this item.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 5-1 (Soule).

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15. ORDER #133-93/94 - acceptance of miscellaneous donations.

Dana Anderson, Parks and Recreation Director, addressed this item.

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage, Passage 5-0 (Boudreau out).

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16. ORDER #134-93/94 - accepting the warrants announcing the State Primary and the Portland Water District election on June 14, 1994 and setting the time for opening and closing the polls.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Glynn for passage. Passage 6-0.

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17. ORDER #135-93/94 - authorizing a lease agreement with One Fish, Two Fish, for the building at Portland Street Pier.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Passage 6-0.

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18. ORDER #136-93/94 - authorizing the acceptance of a sewer easement and granting a surface use easement at Second Street.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Passage 6-0.

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19. ORDER #137-93/94 - authorizing the acceptance of an easement from the Greater Portland Public Development Commission and acceptance of a license from the Portland Pipeline Corporation for Phase III of the Greenbelt Walkway.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Passage 6-0.

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20. ORDER #138-93/94 - referring an amendment to Ch. 27, "Zoning," regarding adult day care to the Planning Board.

There was no public discussion.

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

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21. ORDINANCE #26-93/94 - amendment to Ch. 9, "Garbage and Refuse," Article IV, "Sanitary Landfill," regarding the transfer facility. First reading.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Jim Dyer, Davis Street

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Passage 5-1 (Glynn).

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22. ORDER #139-93/94 - authorizing an agreement with the Maine Department of Transportation to allow contractors to transport heavy construction equipment over city streets.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Passage 5-1 (Glynn).

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he saw work being done on the Willard concession roof, but it hadn't gone out to bid. He said he brought an issue of misappropriation of funds at the Treatment Plant to Mr. Bryant's attention two and a half to three weeks ago, but he hadn't heard anything. He said that someone was taking manhole covers, selling them and pocketing the money. He said it was paid in cash so there was no tracing it. He asked why the Manager had not responded to him.

Bernard Faunce, 98 Sawyer Street, complained about the new driving lanes on Broadway. He asked how the playgrounds for Ferry Village and Redbank are coming. He said the new island at Broadway and Lincoln Street will cause problems this winter. He suggested charging a fee to use the Greenbelt Walkway.

Jim Brewster, 1545 Broadway, said he accepts the responsibility for paying a user fee when he uses his truck to take things to the dump. He said that someone who doesn't use the facility shouldn't have to pay for it. He said there is a user fee at the pool and bus. He said he, as a representative of the Lions Club, attended the volunteers' reception at the High School. He noted that over \$100,000 worth of hours are contributed by volunteers, citizens who care. He said there should be at least one tulip in the park at Cash Corner, adding that the beautification of the eastern part of the city is great.

Don Legere, 149 Walnut Street, said there is a City Councilor who continues to abuse his position. He cited Chapter 25 17-A M.R.S.A. §608 regarding official oppression. He said a City Councilor represents himself on City Council stationery, using for his own

personal use. He said enough is enough, and that the actions are inappropriate. He said this behavior is putting citizens and other boards in an unfair position.

Peter Ventry, a representative of the South Portland Chamber of Commerce, commended the Council for its patience and attentiveness and said the Chamber appreciates it.

I. EXECUTIVE SESSION

Motion was made by Councilor Soule and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 6-0 9:43 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to return to open session. Passage 6-0 9:54 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to grant abatement request #9-95/94 plus interest and costs. Passage 5-1 (Soule).

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to adjourn. Passage 6-0 9:58 P.M.

A TRUE COPY.

ATTEST



Linda C. Cohen, City Clerk



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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 6/6/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Mayor Avery read a letter from Deborah Fuller, of Adelbert Street, regarding the proposal to charge for leaf disposal.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Finance Director regarding tax abatements.
2. Department Reports for the month of May.
3. Attendance Reports for the month of May.

D. APPOINTMENT CALENDAR

4. ORDER #93-93/94 - Waterfront Advisory, Coast Guard. Term to expire 3/20/97. Postponed since 3/7/94.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to appoint Lt. Russ Davidson to this position. Passage 7-0.

* * * * *

5. ORDER #94-93/94 - Waterfront Advisory, Marina Industry, to fill an unexpired term which expires 3/20/95. Postponed since 3/7/94.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 7/6/94. Passage 7-0.

* * * * *

6. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 7/6/94. Passage 7-0.

* * * * *

7. ORDER #140 -93/94 - Board of Assessment Review, District 3, (Soule). To fill an unexpired term which expires 3/16/97.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 7/6/94. Passage 7-0.

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8. ORDER #141-93/94 - Civil Service Commission, District 2 (Avery). To fill an unexpired term which expires 3/1/95.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to appoint James Dyer to this position. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

9. Harvey Beaulieu, d/b/a Harvey's Lunch, amendment to FSE/Mobile Food Service license adding four (4) additional stops. Requires variance to operate within 500 feet of other licensed food service establishments. Postponed on 6/6/94. Granting of variance requires five (5) affirmative votes.

Jim Dyer, Davis Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to grant the license with the variance. Passage 5-2 (Macomber, Dearborn).

* * * * *

10. ORDINANCE #26-93/94 - amendment to Ch. 9, "Garbage and Refuse," Article IV, "Sanitary Landfill," regarding the transfer facility. Given first reading on 6/6/94.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Jim Dyer, Davis Street

Motion was made by Councilor Soule and seconded by Councilor Dearborn for passage. Motion was made by Councilor Soule and seconded by Mayor Avery to amend the ordinance by changing the fees for cars to \$10 yearly and pickup trucks to \$20 yearly. Motion was made by Councilor Glynn and seconded by Councilor Dearborn to amend the amendment to charge \$10 for noncommercial vehicles and \$20 for commercial vehicles. Both motions were then withdrawn. Motion was made by Councilor Glynn and seconded by Councilor Dearborn to amend the amendment by charging \$10 for all noncommercial vehicles. Failed 2-5 (Avery, Soule, Macomber, Dearborn, Fickett). Amendment passage 6-1 (Fickett). Motion was made by Councilor Fickett and seconded by Councilor Macomber to amend the ordinance by changing the fee to \$1 and issuing a sticker to all noncommercial cars and pickups. Passage 4-3 (Avery, Dearborn, Soule). Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the ordinance by making the language gender neutral. Passage 7-0. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to have this serve as a new first reading. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

- 11. ORDER #142-93/94 - acceptance of miscellaneous donations.

Tom Dobbins, Getty Petroleum, presented Mayor Avery with a check for \$3,330.00.

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

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- 12. RESOLVE #9-93/94 - Appropriation Resolve for the 1994/95 fiscal year.

The following people addressed this item:

- Ray Lee, Henry Street
Elizabeth Flaherty, 44 Berwick Street
Ann Chadderton, 47 Berwick Street
Bernard Faunce, 98 Sawyer Street
Don Legere, 129 Walnut Street
Ralph St. Pierre, Finance Director
Arvin Erskine, Public Works Director

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

Motion was made by Councilor Macomber and seconded by Councilor Fickett to amend the resolve on the school side by increasing expenditures and revenues by \$219,890 each for Special Education State Agency Clients. Passage 7-0.

Motion was made by Councilor Soule and seconded by Mayor Avery to amend the resolve by adding the municipal and education side supplemental summary requests plus an additional \$46,416, \$37,500 of which would be used to purchase a second used rubbish truck, and the remaining \$8,916 to add a half time Special Education teacher. Motion was made by Councilor Glynn and seconded by Councilor Fickett to divide the question. Passage 6-1 (Dearborn). Motion was made by Councilor Dearborn and seconded by Councilor Glynn to further divide the question by separating the additional municipal requests. Passage 7-0.

- Transfer Facility Passed 6-1 (Fickett)
Rubbish Truck Passed 4-3 (Dearborn, Fickett, Glynn)
Assessor's Office Employee Failed 2-5 (Avery, Macomber, Dearborn, Glynn, Fickett)
RWS Fees Failed 2-5 (Avery, Boudreau, Glynn, Fickett, Dearborn)

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the resolve by including the City Manager's revenue adjustments. Passage 7-0.

- School Supplement #1 Failed 2-5 (Macomber, Glynn, Boudreau, Dearborn, Fickett)
School Supplement #3 Failed 3-4 (Fickett, Glynn, Dearborn, Macomber)

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by including the \$50,000 current year and \$140,000 prior years school budget surplus. Failed 2-5 (Avery, Soule, Boudreau, Macomber, Dearborn).

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the resolve by including the \$50,000 current year school budget surplus. Failed 3-4 (Avery, Dearborn, Macomber, Soule).

\$46,416 Rubbish Truck and
Special Education Teacher Failed 0-7.

Resolve, as amended, failed 3-4 (Glynn, Fickett, Dearborn, Soule).

Motion was made by Councilor Fickett and seconded by Councilor Glynn to reconsider the resolve. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber).

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13. ORDER #143-93/94 - establishing sewer user rates for the 1994/95 fiscal year.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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14. ORDER #144-93/94 - authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 1994 to June 30, 1995.

There was no public discussion.

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

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15. ORDER #145-93/94 - authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Jill Blackwood, Bluff Road, asked the City Manager if some property owner had really seen a fourfold tax increase because of the revaluation. She asked how many years had passed between revaluations. She asked if the City Manager hadn't requested a revaluation several times and had it cut from the budget. She said that Councilor Glynn had previously voted against the revaluation. She said that, when one person's property taxes leap, it means someone else has been paying that person's share.

Janice Doctor, 199 High Street, said she is one of the waterfront property owners whose taxes leaped. She said she thought she was already paying her fair share. She said that the bureaucracy has leaped more than fourfold, and that causes taxes to go up. She said she blames the Housing Authority for all the extra children in the school, adding that taxes were never meant to support education.

Don Legere, 149 Walnut Street, said that classroom sizes are a priority with him, personally. He again addressed the issue of misuse of authority given to Councilors. He said there are Councilors stating that they're representing the entire Council when they're not. He said they use Council stationery when they are not authorized to do so. He requested copies of written documentation regarding this issue over the last several years. He said he received a lot of calls about this issue after he raised it at the last Council meeting.

Ray Lee, Henry Street, asked how a Councilor is supposed to respond to a constituent if not on Council stationery. He said that, in the 1960's, there were 6,000 students in the school system. He said Willard Concession should be closed down, if pushcarts can't go there either. He said he received a response from the City Manager about the incident at the Sewer Treatment Plant, and asked who investigated it. He said he will never handle something like that again by going through the Manager; he will spend his own money for a private investigator, if he has to.

Clarence Beckwith, Bonnybriar Road, said he just visited his daughter in Wisconsin, and his grandson was in a class of 26 students. He said the teacher was wonderful, and a small sized class is not necessary in order to get a good education. He asked if it was true that the City had signed conflicting contracts with the fire department unions. He complimented the Council for having the courage to stand by its convictions and vote its conscience.

Bernard Faunce, 98 Sawyer Street, asked if James Dyer is still running the Willard Concession stand and whether it is a conflict of interest for him to do that and be appointed to the Civil Service Commission. He said he was interested to see City vehicles fined, and asked how many mechanics the City employs. He told Councilor Soule he must really hate him because Councilor Soule told him to be quiet when he was talking.

Kevin Glynn, 89 Park Avenue, said he was stopped by a lady in the supermarket who said it meant a lot to her that the Council is addressing adult daycare.

Jean Flaherty, Broadway, said there have been three surveys done on her land, and three square footage figures have emerged. She said she would sell 5,000 square feet to the City, because she can't afford the taxes. She asked the Council to think of the little guy like her trying to survive when it passes a budget.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 6-1 (Soule) 11:25 P.M. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to come back into open session Passage 5-0 (Soule, Fickett out) 11:37 P.M.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to grant abatement request #10-93/94 for \$418.95 plus costs and fees. Passage 5-0.

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to grant abatement request #11-93/94 for \$2,197.16 plus costs and fees. Passage 4-1 (Avery).

Motion was made by Councilor Macomber and seconded by Councilor Glynn to adjourn. Passage 5-0 11:38 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen
Linda C. Cohen, City Clerk



IN COUNCIL SPECIAL MEETING JUNE 27, 1994 VOL. 55 PAGE 124

ROLL CALL: Mayor Avery called the meeting to order at 6:00 P.M. All Councilors were present.

G. ACTION ON OLD AND NEW BUSINESS

1. RESOLVE #10-93/94 - authorizing the expenditure of funds prior to the adoption of the 1994/95 Fiscal Year budget.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 6-1 (Glynn).

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0. 6:11 P.M.

A TRUE COPY.

ATTEST


Linda C. Cohen, City Clerk