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**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 1
JULY 1, 2002**

Roll Call: Councilor Bowring, sitting in for Mayor Dale, called the meeting to order at 7:03 P.M. Mayor Dale was the only one absent.

A. Acceptance of Minutes

Motion was made by Councilor Maietta and seconded by Councilor Boudreau to accept the minutes from the special meeting and regular meeting of June 17, 2002. Passed 6-0

B. Communications from City Manager

The Manager referred to a letter from the State Department of Transportation informing him that the D.O.T. and the Interagency Selection Committee selected the City's submission for a Small Harbor Improvement Program grant in the amount of \$6,000.

C. Petitions and Communications

Councilor Johnson wanted to publicly thank Dana Mallett from the Pollution Abatement Department for providing a tour to two Russian pollution abatement professionals on Saturday morning. He said Dana was extremely helpful and informative.

D. Appointment Calendar

1. ORDER #1-02/03 – Harbor Commission, (Mayor). To fill a term which expires 06/30/05. Passage requires majority vote.

There was no public discussion.

Motion to re-appoint Arthur Odlin of 210A Pine Street was made by Councilor Maietta and seconded by Councilor Baxter. Passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Kevin Glynn, State Representative of District 27 – Mr. Glynn wished to invite the Council, School Board and the public to attend a meeting on July 10, 2002, at 7:00 P.M. to address school funding issues. He would like to gather support to petition the State Board of Education to overturn its decision to not fund the South Portland school building bonding issue.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith thanked the Public Works Department for the work completed at the top of Nutter Road to address drainage

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issues. He also wanted the publicly state that he has sold his extra lot where he has grown blueberries for the last 39 years because the taxes are too high on it now.

Ray Lee, Henry Street – Mr. Lee said the Liberty Ship at Bug Light Park is an eye sore. He also feels that the public should vote on the budget. He is disappointed at newspaper statements that said some Councilors had made rock solid decisions on the budget before getting input from citizens.

Councilor Bowring distributed a letter from Mark Dennison to the Council.

G. Public Hearings and Action

2. ORDINANCE #13-01/02 – Amending Chapter 3, “Animals and Fowl” regarding impoundment fees. Postponed on 6/3/02. Passed first reading on 6/17/02. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion on this item. Chief Googins responded to questions stating that the ordinance was targeted to dogs but would apply to cats and other animals.

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

3. ORDINANCE #14-01/02 – Amending Chapter 18, “Parks and Recreation” regarding parks. Passed first reading on 6/17/02. ROLL CALL VOTE. Passage requires majority vote.

Motion to have the ordinance read by title only was made by Councilor Maietta and seconded by Councilor Bowring. Councilor Boudreau expressed concern over items being read by title only and felt that the public was being short changed. Councilor Maietta said that the Manager does an excellent job of outlining the information and that it is actually more clear than the ordinance or order reading. Passed 4-2 (Boudreau, Fickett)

The following person addressed this item;

Ray Lee, Henry Street – Mr. Lee feels that this ordinance should be strictly enforced if passed. People should not be allowed to watch the fire works on the Fourth of July from Willard Beach or Bug Light Park.

Motion for passage was made by Councilor Maietta and seconded by Councilor Baxter.

Officer Mark Clark from the Police Department responded to questions and stated that the 9:00 P.M. closing time of parks is not a change and that it has always been in effect. The change clarifies opening time to be 6:00 A.M. rather than sunrise, which is not easily enforceable. He also clarified that extenuating circumstances for events like the Fourth of July are allowable, referring to the passage in the ordinance that states in Sec.

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18-4 that nothing herein shall apply to any activity sponsored by the recreation department, school department or duly licensed by the appropriate city authority.

Councilor Maietta made a motion to postpone this item to pursue additional wording to the order that would allow citizens to be able to utilize the parks and walkways after hours for the purpose of passage from one location to another. The motion was seconded by Councilor Johnson. Postponed 4-2 (Baxter, Boudreau)

4. ORDINANCE #15-01/02 – Amending Chapter 9, “Garbage and Refuse” §9-707, “Fee Schedule” regarding commercial hauling of yard waste. Passed first reading on 6/17/02. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Ray Lee, Henry Street – Mr. Lee wanted to know if a commercial hauler would be charged if he were hauling for a South Portland resident. The Manager responded that if the resident was present and able to show proof of residency when the hauler actually went to the transfer station, the hauler would not be charged.

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

H. Action on Old and New Business

5. ORDER #174-01/02 – Accepting a portion of Crestview Drive; deeds for Juniper Circle, Vista Drive and Crestview Drive; pump station lot and 30 foot sewer easement located in Phases II, III and IV of the Grandview Subdivision. Reconsidered and postponed since 6/3/02. Passage requires majority vote.

The Manager requested that this item be postponed to the July 15th meeting because he was still gathering information.

Motion to postpone was made by Councilor Bowring and seconded by Councilor Baxter. Postponed 6-0.

6. ORDER #190-01/02 - Accepting a deed from Arlen Davis for property located at the end of Lowell Street. Postponed on 6/17/02. Passage requires majority vote.

There was no public discussion.

Tex Haeuser, Planning Director was present and answered several questions about this acceptance. He stated that if Mr. Davis were to split his lot more than once, it may have to be brought to the Planning Board.

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

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7. ORDER #2-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #3-02/03 - Authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 2002 to June 30, 2003. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #4-02/03 – Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith inquired whether anyone could come in and pay on delinquent taxes. The Manager responded yes.

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

10. ORDER #5-02/03 – Authorizing the extension of contract with Pike Industries of Portland, ME, for paving services for the 2002 season. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith asked if the paving budget had been cut in the 2002/2003 budget by 100,000.00 and the Manager confirmed that it had. He felt the parking lot at the athletic fields could have been surfaced with crushed rock rather than paved.

The Manager advised that this order could be reduced by \$38,000.00 from the amount stated on the order.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Councilor Boudreau made a motion to amend the order to \$276,139 and Councilor Bowring seconded the motion. The amendment passed 6-0. The main motion passed as amended 6-0.

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11. ORDER #6-02/03 – Accepting a \$400 grant from the Maine Nutrition Network’s (MNN), Mainly Nutrition Project to be used by the South Portland Public Library. Passage requires majority vote.

There was no public discussion on this item.

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

12. ORDER #7-02/03 – Accepting a Bureau of Justice Assistance Bulletproof Vest Partnership Grant for the South Portland Police Department. Passage requires majority vote.

There was no public discussion on this item.

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

13. ORDER #8-02/03 – Authorizing the City Manager to sign a renewal agreement with the Maine Office of Substance Abuse, for the D.A.R.E. Alternatives Program. Passage requires majority vote.

There was no public discussion on this item.

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

14. ORDER #9-02/03 – Award of bid to Dearborn Brothers Construction Inc., of Buxton, ME, for the Madison Street Greenbelt Walkway. Passage requires majority vote.

The following person addressed this item.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith asked for clarification on which side of Madison Street the walkway would be constructed. The Manager said the walkway would begin on the Portland Valve side of Madison Street, but would cross over to the other side about $\frac{3}{4}$ of the way down, in front of the old Captain’s house.

Tex Haeuser, Planning Director recognized the contribution made by Mr. and Mrs. Herb Tyler of land and a landscaping easement for this project.

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

15. ORDER #10-02/03 - Authorizing the release of an existing sewer easement and accepting a new utility easement from RiverPlace Development, LLC. Passage requires majority vote

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The following person addressed this item.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith inquired as to whether the city would have to pay for any of the sewer work. The Manager said that the city would not.

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

16. ORDER #11-02/03 – Setting the Street Opening Permit Administrative/Inspection fees for FY 2003. Passage requires majority vote.

There was no public discussion on this item.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 4-2 (Fickett, Maietta)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Baxter wished to address three items. The first was a request to the Manager to clarify who and when can the athletic fields be accessed. The Manager sited health and safety concerns since this area is still under construction. There has also been some damage to the building and construction equipment there. The Manager said that he would speak with staff and post access information to the area on the city web site. The second issue regarded calls from citizens asking about staffing hours at the Community Center on the weekends. The Manager said that due to decreased use of the Community Center during nice weather the Center would be closed. The last item was to acknowledge a letter from Guy Frenette regarding dogs.

Councilor Johnson wanted to address the negative comments about the Liberty Ship Memorial. He said the ship is still under repair. It will be visible to many people.

Councilor Boudreau said the monthly recycling report for May indicated that the recycling percentage reached 19.85% and averaged 19.3% year to date. She thanked everyone for their efforts and would like to see us break 20%.

Councilor Maietta wanted to clarify that the Community Center was closed Saturday and Sunday. He also raised the liability issue regarding citizens at the athletic fields when construction was underway. He said people should be free to walk down or use the road to roller blade after construction has ended for the day, but there are safety issues and risk of injury if people are around while construction equipment is in operation. He also thanked Doug Howard for the expediency of addressing “no parking” signage at the Walnut and Cottage Road intersection.

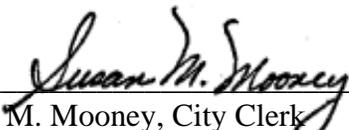
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K. Executive Session

Motion to adjourn was made at 9:19 P.M. by Councilor Boudreau and seconded by Councilor Baxter. Adjournment 6-0.

A TRUE COPY

ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 8
JULY 15, 2002

Roll Call: Mayor Dale called the meeting to order at 7:03 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of July 1, 2002. Passed 7-0

B. Communications from City Manager

The Manager distributed copies of the Fiscal Year 2003 Capital Improvement Plan to the Council. He did a brief review of the 7-year plan and said copies would be available in his office next week. A complete, televised, presentation will be made at the July 22, 2002 workshop.

The Manager then presented Theresa Wiper with the Bug Light Award in recognition of her contributions to the community through the Willard Beach Neighborhood Association. Theresa has spent a significant amount of time and effort on city projects, coordinating Clean Up Days and creating a South Portland Volunteer Network.

C. Petitions and Communications

Department Reports for the month of June, 2002.

Attendance Reports for the month of June, 2002.

D. Appointment Calendar

1. ORDER #12-02/03 – Board of Appeals, District 3 (Baxter). To fill a term which expires 07/23/02. Passage requires majority vote.

There was no public discussion.

A motion to reappoint Pamela Libby, 17 Larchwood Road, was made by Councilor Baxter and seconded by Councilor Maietta. Passed 7-0

2. ORDER #13-02/03 – Board of Appeals, District 4 (Bowring). To fill a term which expires 07/23/02. Passage requires majority vote.

There was no public discussion.

A motion to postpone this appointment to the August 5th Council meeting was made by Councilor Bowring and seconded by Councilor Maietta. Postponed 7-0.

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3. ORDER #14-02/03 – Board of Appeals, District 5 (Johnson). To fill a term which expires on 07/23/02. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Johnson to reappoint Gerard Jalbert, 32 Rhode Island Ave., and seconded by Councilor Boudreau. Passed 7-0

E. Consent Calendar

4. Sign permit

The Spring Point Festival Committee has requested a permit to erect three banners at the following locations; Cornell and Main Street, Cash Corner at Main Street, and Ge Erskine Park, to advertise the Spring Point Festival. They will be displayed from August 10, to August 18, 2002.

There was no public discussion.

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

5. Street Closings

- The residents of Grove Avenue have requested that Grove Avenue be closed from 9:00 A.M. to 9:00 P.M. on August 24, 2002 for the purpose of a neighborhood party.
- William Angell, 28 Jessica Lane is requesting that Jessica Lane be closed from 12:00 P.M. to 12:00 A.M. on July 27, 2002 for the purpose of a neighborhood party.
- Chris Bowring, 151 Elderberry Drive is requesting that Elderberry Drive be closed from 11:00 A.M. to 12:00 midnight on August 17, 2002.
- The Michauds, 93 Davis Street are requesting that Davis Street be closed from 11:00 A.M. to 3:00 P.M. on July 27, 2002.

There was no public discussion.

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

F. Citizen Discussion (First Part)

James Hughes, 1776 Broadway – Mr. Hughes spoke on behalf of the neighborhood association in the Exit 3, Broadway area. He asked that the Council study Exit 3 carefully and stop the traffic study until the neighborhood's concerns are addressed.

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Robert Wilson, 1596 Broadway – Mr. Wilson said he wanted to echo Mr. Hughes request.

Anissa Smith, 99 Hall Street – Mrs. Hall requested that a sound barrier be put up between the neighborhood and Interstate 295.

Beverly McCarthy, 129 Dawson Street – Mrs. McCarthy said the Cash Corned needs overhead signs. She said it is very difficult to get out of Dawson Street onto Broadway.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said he attended the meeting that addressed the school bonding issue. He said that the voters never would have approved the bond if they had known that the tax shift was coming.

Ray Lee, 28 Henry Street – Mr. Lee voiced concerns over the widening of Broadway, saying that it will be a nightmare. He asked whether the city made the owners of the home at the corner of Broadway and Peary Terrace mow the lawn there. The Manager said they had because of the hazardous situation the long grass created. The grass inhibited views of oncoming traffic. Mr. Lee then asked about the ordinances on building a second story on a house in South Portland. He was told that he could not build a second story, yet someone else was building a second story on their home. The Manager said there are setback ordinances that have to be met in order to get an approval to build a second story.

G. Public Hearings and Action

6. ORDINANCE #14-01/02 – Amending Chapter 18, “Parks and Recreation” regarding parks. Passed first reading on 6/17/02. Postponed on 7/01/02. ROLL CALL VOTE. Passage requires majority vote.

Mary Kahl offered additional language to amend the ordinance in order to allow travel access through the parks after 9:00 P.M.

The following person addressed this item;

Ray Lee, 28 Henry Street – Mr. Lee wanted to know if the additional language would allow access to Willard Beach. He said people should be allowed to walk on the beach after 9:00 P.M.

Motion for passage was made by Councilor Maietta and seconded by Councilor Baxter. Councilor Boudreau made a motion to amend Sec. 18-4 to add the additional wording “except for the purpose of traveling across or through them” after “9:00 p.m. to 6:00 a.m.”. The motion was seconded by Councilor Maietta. The amendment passed 6-1 (Bowring). The main motion passed as amended 7-0.

H. Action on Old and New Business

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7. ORDER #15-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #16-02/03 – Amending the Transfer Facility Fee Schedule. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if residents would still be allowed to bring their brush for free. The Manager said they would, this order addresses commercial haulers only.

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

9. ORDER #17-02/03 – Award of bid to C.S.H. Inc., of Portland, ME, for conversion services for historical police records. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett and seconded by Councilor Boudreau. Shawn Pennington, from the IT Department, answered several questions from the Council. The motion passed 6-1 (Fickett)

10. ORDER #18-02/03 – Award of bid to AirTemp Mechanical Contractors, of South Portland, ME, for the installation of a ventilation system for City Hall. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if this ventilation system would take care of the dampness in the basement. The Manager said the work completed around the foundation took care of the moisture in the basement. This work will address the lining in the chimney and take care of air quality concerns in the area of the Clerk's office. The damage in the basement from the previous water problems will be addressed in the future.

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

11. ORDER #19-02/03 – Authorizing a three percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 12
JULY 15, 2002

There was no public discussion.

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

12. ORDER #20-02/03 – Accepting a Juvenile Accountability Incentive Block Grant from the Maine Department of Corrections to be used by the Police Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if this was a new program that the city would have to take over when the grant money went away. The Manager said it was not.

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

H. Citizen Discussion (Second Part)

I. Councilor's Round Robin

Councilor Johnson was concerned over recent attempts to address the lack of support from the State for the school bonding issue. Conversations between the State Board of Education Commissioner and the Superintendent clearly indicated that because the cost per pupil was greater than the state average, South Portland would receive little money, if any, and would have to wait a couple of years before any consideration of funding would be made.

Councilor Boudreau found the session on the school bond issue to be quite enlightening. She said we would still qualify for upgrades. She also wanted to extend an invitation to the public to visit Gardi's Broadway Market.

Councilor Fickett said he also attended the session on school bonding. He feels that Kaler School could have been fixed up. He said that the city has torn down three good schools that could have been repaired.

Councilor Maietta said that South Portland rated 17 out of 25 schools looking for money from the state. Schools in South Portland would have to be falling down to be put on the first list of considerations. He said the administration did not mess up, we simply felt that it was not in the best interest of the city to wait 3 to 5 years for state funding. He requested an update on public nuisance properties on Coolidge Ave., Elmwood Ave., and Perry Terrace.

Councilor Baxter also defended the administrations decision to go ahead with the school bonding rather than wait for the state.

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J. Executive Session

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

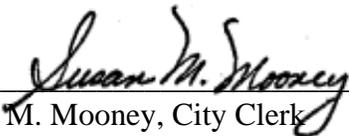
At 9:26 P.M. Councilor Bowring made a motion to recess to executive session. It was seconded by Councilor Maietta. Passed 7-0.

Motion to return from executive session was made to return from executive session by Councilor Bowring and seconded by Councilor Baxter. Passed 7-0.

Motion to adjourn was made by Councilor Bowring and seconded by Councilor Baxter at 9:41 P.M. Passed 7-0.

A TRUE COPY

ATTEST _____


Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 14
AUGUST 5, 2002

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the regular meeting of July 15, 2002. Passed 6-0 (Boudreau absent)

B. Communications from City Manager

Assistant City Clerk, Karen Morrill announced that nomination papers were available in the Clerk's Office for City Council Districts 1,2, and 5; and School Board At-Large. She also noted that Garage Sales were now being published on the City's website.

The manager announced that Art in the Park would be held on August 10, 2002.

Corporation Counsel Mary Kahl thanked the sponsors and volunteers who have worked on this year's Art in the Park.

The Manager then showed a Public Service Announcement that is airing on SPC-TV for the Spring Point Festival.

C. Petitions and Communications

D. Appointment Calendar

Motion was made by Councilor Bowring and seconded by Councilor Maietta to take items 20 and 15 out of order. Passed 6-0 (Boudreau absent).

20. PROCLAMATION #1-02/03 – Recognizing South Portland National Little League Nine and Ten year old All Stars. Passage requires majority vote.

The team Coaches introduced the players.

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

15. ORDER #30-02/03 – Authorizing the City Manager to sign a Federal Transportation Enhancement Project grant agreement in the amount of \$24,000.00. Passage requires majority vote.

There was no public discussion.

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

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AUGUST 5, 2002

1. ORDER #13-02/03 – Board of Appeals, District 4 (Bowring). For a term which expires on 07/23/05. Passage requires majority vote.

Motion to reappoint Brian Hanlon was made by Councilor Bowring and seconded by Councilor Baxter for passage. Passed 6-0 (Boudreau absent).

2. ORDER #21-02/03 – Conservation Commission, At-Large (Boudreau). To fill a term which expires 11/20/04.

There was no public discussion.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to postpone this item. Passed 6-0 (Boudreau absent).

3. ORDER #22-02/03 – Nomination to the Governor for an appointment to the Greater Portland Public Development Commission to fill an unexpired term which expires 08/08/06. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Maietta and seconded by Councilor Baxter to nominate Wayne Ross to this position. Passed 6-0 (Boudreau absent).

E. Consent Calendar

F. Citizen Discussion

G. Public Hearings and Action

4. Outback Steakhouse of Florida, Inc., d/b/a Outback Steakhouse, 147 Western Avenue, for an FSE/Class A Restaurant with Liquor License. Passage requires majority vote.

There was no public discussion.

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

5. CEC ENTERTAINMENT, Inc., d/b/a Chuck E. Cheese, 364 Maine Mall Road is seeking a variance to install 58 Pinball/Coin-op machines. Passage requires majority vote.

Alice Winters, Director of Licensing for Chuck E. Cheese was present to answer questions. She said they would be opening in December or January.

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

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6. P.C.Y., Inc., d/b/a Thai Taste Restaurant, 435 Cottage Road, for an FSE with Malt and Vinous License. New state and City license. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

7. ORDER #23-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #24-02/03 – Authorizing the appropriation of \$4,000,000 for the exit 3 – I-295 roadway improvements. Passage requires majority vote.

The following people addressed this item:

Jim Hughes, 1776 Broadway thanked the City for all their work that had already been accomplished. He stated he still had concerns regarding the project. He questioned whether the Council will still go through with the project if the City lowered the amount appropriated.

Sheila McDonough, 124 Fellows Street also stated she was opposed to this project.

Jennifer Prinn, 255 Westbrook St., asked whether the City could look at other solutions before going forward with the project. She stated that something should be done to route Maine Mall traffic away from Westbrook St.

Clarence Beckwith, Bonnybriar Road asked if the state had allocated any money for this project as of yet. City Manager Jordan stated that the money for this project was coming from National Semiconductor through their Tax Increment financing.

Robert Wiseman, 1596 Broadway was concerned with the effect that funneling five lanes of traffic into two would have.

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

9. ORDER #25-02/03 – Award of bid to Rowe Ford, of Portland, ME, for purchase of an automobile. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 17
AUGUST 5, 2002

Motion was made by Councilor Maietta and seconded by Councilor Johnson.

Motion was made by Councilor Maietta and seconded by Councilor Johnson to amend the order to replace Taurus with Crown Victoria. Passed 5-1 (Fickett) (Boudreau absent).

Clarence Beckwith, Bonnybriar Road asked why the City Manager needed a Crown Victoria as opposed the Taurus.

Main motion passed as amended 5-1 (Fickett) (Boudreau absent).

10. ORDINANCE #1-02/03 – Authorizing the appropriation of \$250,000 for capital projects for the fiscal year ending June 30, 2003. First reading. Passage requires majority vote.

The following people addressed this item:

Nancy Crowell, Fickett Street asked that the Council endorse this ordinance so it will be on the November ballot.

Catherine Frances, Fickett Street stated that she directed the signature drive for this and they collected 1000 signatures in 5 days. She urged the Council to vote yes on this ordinance.

Clarence Beckwith, Bonnybriar Road was concerned with the amount of money being spent.

Tex Haeuser, Planning Director explained that the Conservation Commission would be applying for a \$750,00 grant for this project.

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

Motion was made by Councilor Maietta and seconded by Councilor Bowring to amend the ordinance to be split into two separate ordinances as follows:

ORDINANCE #1-02/03 – Authorizing the appropriation of 8,500,00 for pension obligations.

ORDINANCE #2-02/03 – Authorizing the appropriation of 250,000 for open space preservation.

Amendment passed 5-1 (Fickett) (Boudreau absent).

Main motion passed as amended 5-1 (Fickett) (Boudreau absent).

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 18
AUGUST 5, 2002

11. ORDER #26-02/03 - Discontinuing the public easement located on the vacated portion of Day Street. Passage requires majority vote.

Bob Metcalf from Mitchell & Associates, Inc., representing the School Department addressed this item.

Motion was made by Councilor Maietta and seconded by Councilor Baxter for passage. Passed 5-0 (Dale out) (Boudreau absent).

12. ORDER #27-02/03 – Setting August 19, 2002 as the date for nuisance hearing for property located at 11 Vista Drive. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #28-02/03 – Retaining tax-acquired property in Clark’s Pond area for Open Space. Passage requires majority vote.

Jim Gailey, Site Planner explained the circumstances regarding this property.

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

14. ORDER #29-02/03 – Authorizing the City Manager to accept a Federal Transit Administration Rural Transit Assistance Program grant in the amount of \$1,750.00. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #31-02/03 – Authorizing the City Manager to sign a standard agreement with the State of Maine to accept a Small Harbor Improvements Program grant in the amount of \$6,000.00. Passage requires majority vote.

There was no public discussion.

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

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AUGUST 5, 2002

17. ORDER #32-02/03 – Rescinding Order #134-01/02 and award of bid to CUES, of Amherst, NH, for a bucket truck for Code Enforcement. Passage requires majority vote.

City Manger Jordan requested that this item be withdrawn.

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

18. ORDER #33-02/03 – Authorizing the appropriation of \$1,700,000.00 for the construction of the West End Fire Station. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #34-02/03 – Award of bid to LaBrecque Construction, Inc., of Falmouth, ME, for construction and repair of sidewalks. Passage requires majority vote.

Craig Worth, Engineering Department answered questions regarding this bid.

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

I. Citizen Discussion (Second Part)

Clarence Beckwith, Bonnybriar Road discussed that he felt the City was spending too much and needed to tighten belts.

J. Councilor's Round Robin

Councilor Baxter discussed plans for a workshop concerning next year's budget.

Councilor Bowring urged residents to attend the re-lighting of Bug Light on Wednesday, August 14, 2002 at 1:00 P.M.

Motion was made by Councilor Bowring and seconded by Councilor Maietta to adjourn at 10:20 P.M. Passed 6-0 (Boudreau absent).

A TRUE COPY

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

**IN COUNCIL SPECIAL MEETING VOL. 64 PAGE 20
AUGUST 19, 2002**

Roll Call: Mayor Dale called the special meeting to order at 6:34 P.M.
Councilors Maietta, Bowring and Fickett arrived as the Council was recessing to executive session.

K. Executive Session

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

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

Motion to adjourn to executive session was made at 6:35 P.M. by Councilor Baxter and seconded by Councilor Boudreau. Passage 4-0.

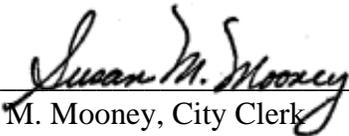
Motion to return from executive session was made by Councilor Bowring and seconded by Councilor Maietta.

Motion to deny poverty abatement #02/03-1 was made by Councilor Bowring and seconded by Councilor Baxter. Abatement denied 7-0.

Motion to adjourn from the special meeting was made by Councilor Bowring and seconded by Councilor Maietta at 7:03 P.M. Passed 7-0.

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ATTEST _____


Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 21
AUGUST 19, 2002

Roll Call: Mayor Dale called the meeting to order at 7:03 P.M. All members were Present.

A. Acceptance of Minutes

Motion was made by Councilor Maietta and seconded by Councilor Baxter to accept the minutes from the regular meeting of August 5, 2002. Passed 6-0 (Boudreau abstained due to absence of that meeting)

B. Communications from City Manager

City Manager Jeffrey Jordan was on vacation and Lauren Carrier, Assistant City Manager served in his place. She announced that the workshop meeting of August 26th will be held in the Council Chambers rather than the Community Center. Assistant City Manager Carrier went on to acknowledge two letters. The first was from Dick and Angela Campbell to Chief True expressing their gratitude to the response time from the Fire Department when their house was struck by lighting. The second letter was from Frances Jortherg to Debbie Smith at the Community Center. They said they were very impressed with the pleasant, helpful and kind staff. They thanked her for having such a wonderful facility.

C. Petitions and Communications

Department Reports for the month of July, 2002.

Attendance Reports for the month of July, 2002.

D. Appointment Calendar

1. ORDER #21-02/03 – Conservation Commission, At-Large (Boudreau). To fill a term which expires 11/20/04. Postponed on 8/5/02. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

2. Street Closing. The residents of Clifford, Adelbert, and Richards Streets request the closing of Clifford Street between Adelbert and Richards Street for a block party from 12:00 P.M. to 8:00 P.M. on August 24, 2002.

There was no public discussion.

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AUGUST 19, 2002

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

F. Citizen Discussion (First Part)

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said that he had attended the re-dedication of Bug Light and that the Rotary Club had done a great job. He said that he was bothered by the decision the Council made to purchase a more expensive vehicle for the City Manager. He went on to read an editorial from the Sentry that was published about that decision. He also voiced his opinion that the pool was a bottomless pit financially.

Mayor Dale said that he had also attended the re-dedication of Bug Light and that Jack Roberts and the Rotary Club did a great job. He said that he had attended the reception for the dedication of the “Overseas Portland” on behalf of the City of South Portland. This ship, named after Portland and South Portland for their long standing support of waterfront industries, will bring oil to Canada.

G. Public Hearings and Action

3. ORDER #35-02/03 – Declaring 11 Vista Drive a nuisance. Passage requires majority vote.

It was determined that Maietta Construction was one of several companies with mechanics liens filed against this property. A motion was made by Councilor Boudreau and seconded by Councilor Fickett to have Councilor Maietta abstain from having input and voting on this item. The motion passed 4-2 (Bowring and Johnson)

The following people addressed this item;

George Denison, 61 Crestview Drive - Mr. Denison acknowledged Mr. Beckwith and Councilor Fickett, saying that he felt comforted that they were looking out for the best interest of the City. He said that he is upset about the condition of this property and that it would take little more than a day to get it cleaned up.

Glenn Kooyenga, 3 Vista Drive – Mr. Kooyenga said that a dump truck had been to the site today and had cleaned up a lot of the debris. He said that he has chased kids away from the lot for two years and that the weeds are four feet high.

Jeff McCue, 48 Crestview Drive – Mr. McCue had conversations a while back with Pat Doucette. Pat called the bank and was told that the issues would be taken care of, but then received another call saying that it would not happen right away. He said that the doors at the site should be secured.

Carl Whipple, 12 Vista Drive – said he had been in contact with the bank back in April and also with Pat Doucette. He said no one should be subject to this nuisance and that someone is going to get hurt.

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Jeff Stone, 40 Crestview Drive – Mr. Stone thanked the Council for supporting this item.

Paul Koziell from Drummond and Drummond was present representing Liberty Savings Bank, the mortgage holder on the property. He said that Mr. Butler, the developer, was not around and that they had been unable to contact him. He requested that this item be postponed.

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

After a period of discussion a motion to amend the order to change the action completion date from September 3rd to September 4th was made by Councilor Fickett and seconded by Councilor Baxter. Passed 6-0 (Maietta abstaining)

A second motion to amend was made by Councilor Bowring and seconded by Councilor Baxter. He wished to detail that the order include that the bulleted articles in paragraph 9 be addressed as well as assuring that all windows and doors be installed and locked, the structures roofing and siding complete and that the site be graded and finished. This did not include that the driveway needed to be paved. The second amendment passed 4-2 (Fickett, Boudreau)

The order passed as amended 5-1 (Fickett) (Maietta abstaining)

4. ORDINANCE #1-02/03 – Authorizing the appropriation of \$8,500,000 for pension obligations. Passed first reading on 8/5/02. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if it was a 20 year bond. He recommended that the estimated \$53,000.00 per year savings be applied back to the principal to reduce the balance to save even more interest.

Rob Coombs, City Controller, said that the bond was for 14 years. It was determined that the Council could not adopt Mr. Beckwith's recommendation as it is not permissible to bind future Councils.

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

5. ORDINANCE #2-02/03 – Authorizing the appropriation of \$250,000 for open space preservation. Passed first reading on 8/5/02. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

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Nancy Crowell, 165 Fickett Street – Ms. Crowell said she is committed to open space but raised the issues of whether the City would be able to get matching funds for studies and surveys. She questioned who would write the grant applications.

Doug Roncardi, South Portland Land Trust – Mr. Roncardi also supports open space. He said open space can preserve and prevent degradation of streams, brooks and rivers. He said the opportunity to get this is fleeting.

Tex Haeuser, Planning Director – Mr. Haeuser said we are losing quiet space quickly and said we need to heed the directive to “Think Globally, Act Locally”.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said we have put a lot of money into parks already. He feels business and private donations should be secured to raise additional money.

Motion for passage was made by Councilor Baxter and seconded by Councilor Boudreau. After some discussion, it was decided to vote on this order in anticipation of it failing and to re-address the issue at the next workshop. The ordinance failed 7-0

H. Action on Old and New Business

6. ORDER #36-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Passed 5-0 (Baxter and Johnson out of room)

7. PROCLAMATION #2-02/03 – Dedicating “Firefighters Memorial Park” in Cash Corner on September 11, 2002. Passage requires majority vote.

The following people addressed this item;

Chief John True, Fire Department – Chief True ask for the Council’s support on this item.

Mike Williams, Fire Department – Mr. Williams also said he hopes that the park will be supported by everyone.

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

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8. ORDER #37-02/03 – Extending the Service Level Agreement between the City of South Portland, Maine and New England Interactive, Inc., as agent for State of Maine and the Information Resource of Maine (InforMe). Passage requires majority vote.

There was no public discussion.

Councilor Maietta asked Rob Coombs if the estimated loss of revenue was based on last years experience. Mr. Coombs said that the estimated loss of revenue was based on the last few months of activity, not the whole of last year.

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

9. ORDER #38-02/03 – Award of bid to Survivalink AED Corporation of Minneapolis, MN, for the purchase of seven (7) defibrillators for the Fire Department. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #39-02/03 – Authorizing the City Manager to sign a contract with Commercial Paving, Blue Rock Construction and Maietta Construction for Public Works maintenance operations. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if we would also be hiring trucks as well as graders and loaders. He said that Public Works has done a great job over the years and that it takes a lot of skill to operate the machinery.

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

11. ORDER #40-02/03 – Authorizing the City Manager to implement the FY 2003 Capital Improvement Program. Passage requires majority vote.

The following people addressed this item;

Nancy Crowell, Fickett Street – Ms. Crowell questioned the appropriateness of GASB 34 on the Capital Improvement list. Rob Coombs, the City's Controller said that this is a one time expense, therefore it would be appropriate.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said he is not in favor of the pool renovations.

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AUGUST 19, 2002

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

12. ORDER #41-02/03 – Award of bid to Apple Computer Inc., of Austin, TX, for the purchase of computers and equipment for the School Department. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Nancy Crowell, 165 Fickett Street – Ms. Crowell wanted to know when the open space issue will be back for discussion. This item will be re-addressed at the next workshop.

J. Councilor's Round Robin

Councilor Maietta said the re-dedication of Bug Light was a nice job. He said work is moving ahead on the Ge Erskine Memorial Park; underground work is being done, trees and a fountain have been ordered. He raised the issue of campaign signs and said the Council needs to talk about the placement of them.

Councilor Baxter visited the new nurses station at the high school. He said the piling work for Kaler School is less than was expected.

Councilor Boudreau said Spring Point Festival was coming right up. There is also going to be a meeting of neighborhood groups at the high school auditorium on September 23rd.

K. Executive Session

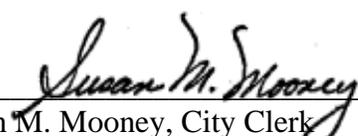
A motion may be made to go into executive session pursuant to 1 M.R.S.A., §405 (6)(D), labor negotiations with the South Portland Firefighters IAFF Local #1476.

An amendment was made to include this item at the special meeting, which was held prior to this regular meeting.

A motion to adjourn was made at 10:30 P.M. by Councilor Boudreau and seconded by Councilor Maietta. Passed 7-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 27
SEPTEMBER 4, 2002

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the special meeting and the regular meeting of August 19, 2002.
Passed 7-0

B. Communications from City Manager

The City Manager addressed numerous items;

- The City's effort to recognize the first year anniversary of the September 11, 2001 terrorist attacks by dedicating the Firefighters Memorial Park on September 11, 2002.
- A non-denominational prayer service to be held on the evening of September 11 at South Portland High School.
- Thank you to the Bus Service from Mrs. Casey's students. Mrs. Casey is a special needs teacher and conducts a summer program which is an orientation class for students coming into Memorial Middle School.
- He handed out the finalized FY 2003 Municipal Budget document
- He handed out updated numbers of the FY 2002 municipal surplus from Ralph St. Pierre, Finance Director, as requested by Councilor Boudreau.
- Update on the status of Vista Drive. The yard has been cleaned up, loam spread and a contractor will start work next Monday to finish the siding.
- Invite to the public and Council to attend the Maine Youth Center Forum at the Community Center at 6:30 P.M. September 12th.
- Coastal Cleanup Day on the morning of September 28th from 9:00 to 12:00. Theresa Wiper is the contact person should anyone have questions or want to volunteer.
- Letter from Charles Lane regarding adoption of Rule 5.5 – Subpoena by the Harbor Commission.
- Request to add Proclamation #3-02/03 as the ninth item to the agenda.

Motion to add Proclamation #3-02/03 was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #21-02/03 – Conservation Commission, At-Large (Boudreau). To fill a term which expires 11/20/04. Postponed since 8/5/02. Passage requires majority vote.

There was no public discussion.

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A motion to appoint Patrick F. Peluso, 19 Myrtle Ave., was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Tim Carr, 31 Hoyt Street – Mr. Carr said he supports item #8 regarding placement of political signs. As a member of the Land Trust he also spoke in favor of item #7 dedicating \$100,000. to the preservation of open space.

Omer Boudreau, 1092 Broadway – Mr. Boudreau expressed frustration with rezoning issues and non-conforming requirements that he has had to deal with over the years. Mayor Dale said that he would try and help Mr. Boudreau with his concerns if he would call him tomorrow.

Paul Koziell, Drummond and Drummond representing Liberty Savings Bank – Mr. Koziell said he was there to answer any questions the Council may have regarding 11 Vista Drive. In regards to Councilor Bowring's questions about what the plans for the property would be, he said that they hope pending litigation problems will be resolved by winter.

G. Public Hearings and Action

2. Western Host, Inc. d/b/a Sheraton South Portland Hotel, 363 Maine Mall Road for an FSE with Liquor License. New corporate officers. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

3. ORDER #42-02/03 – accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

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SEPTEMBER 4, 2002

4. ORDER #43-02/03 – Award of bid to Weirs Motor Sales, of Arundel, ME, for the purchase of a 3/4 ton truck for the Pollution Abatement Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street – Wanted to know if this was a replacement and was answered yes, it is replacing a 1991 vehicle with 91,000 miles. He stated that things are not getting any better and that the Council should be more conservative.

Dave Thomes was present from Pollution Abatement to answer any questions the Council may have. Motion for passage was made by Councilor Maietta and seconded by Councilor Bowring. Passed 6-0 (Baxter out of room)

5. ORDER #44-02/03 – Award of bid to Softmart, of Dowingtown, PA, for the purchase of an RMS Server for the Fire Department. Passage requires majority vote.

There was no public discussion.

Shawn Pennington from the IT department explained what the server would be used for. Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0.

6. ORDER #45-02/03 – Amending the lease with Port Harbor Marine. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if the City would receive additional revenue from the increase in boat slips and whether this amendment would extend the lease beyond 40 years. He was answered that yes, there would be additional revenue and no, the lease would not be extended beyond the 40 years.

Bob Soucy, Port Harbor Marine – Mr. Soucy was present to answer any questions the Council may have. He pointed out that the City would not only realize additional revenue from boat slip rentals but also from personal property taxes.

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

7. ORDER #46-02/03 – Authorizing the appropriation of \$100,000 for open space preservation and land acquisition. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith questioned how much surplus the city had on hand. The Manager said that there was \$750,000 over and above the

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 30
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recommended surplus of the estimated expenses for operating the city for one month. Mr. Beckwith pointed out that open space purchases by the city reduces taxable property. He feels that money for the purchase of open space should be collected at a private level.

Ray Lee, 28 Henry Street - Mr. Lee said that his neighbor has to use 8 months worth of social security checks to pay property taxes. He said that he feels we have plenty of open space off the tax rolls now. He doesn't have a problem with someone else paying for it, but not the taxpayers.

Jim Boyle, 61 Pennsylvania Ave. – Mr. Boyle spoke in favor of the Council passing this order. He noted that if the City purchased 50 acres for open space, it would be 50 less acres of development which could be more expensive to the taxpayers. He said that natural resources have significant value.

Jeff Tarling, 24 Mckinley Street – Mr. Tarling said as the Conservation Committee Chairman he hopes the City will support this. He urged for the passage of this item for South Portland's future.

Nancy Crowell, 165 Fickett Street – Ms. Crowell said she is in favor of spending funds for open space. She pointed out the benefits by helping storm water and wild life control.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Johnson. Councilor Boudreau read a letter to the Council from Tom Blake in support of this item. A motion for amendment to place the money directly into the South Portland Land Bank account was brought forward by Councilor Boudreau and seconded by Councilor Johnson. The motion to amend passed 4-3 (Maietta, Bowring, Fickett) After some discussion a second amendment was made by Councilor Baxter to reduce the \$100,000 to \$50,000. Councilor Bowring seconded the motion, however passage failed 3-4 (Fickett, Dale, Maietta, Bowring).

The main motion as amended failed passage 3-4 (Maietta, Dale, Fickett, Bowring)

The Mayor requested that item #9 be taken out of order.

9. PROCLAMATION #3-02/03 Recognizing the first anniversary of the September 11th, 2001 terrorist attacks against the United States. Passage requires majority vote.

The following person addressed this item;

Reverend Swan was in the audience and spoke on behalf of the clergy. He said the memorial service to be held on September 11, 2002 at the high school auditorium was a non-denominational prayer service to celebrate community. He invited everyone to attend this 45 minute program to offer a prayer for peace.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 31
SEPTEMBER 4, 2002**

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

8. ORDINANCE #3-02/03 – Amending Chapter 6, “Elections”, regarding the location of political signs. First reading. Passage requires majority vote.

The following people addressed this item;

Nancy Crowell, 165 Fickett Street – Ms. Crowell said this item should be addressed cautiously to make sure the intent was not to restrict political speech.

Ray Lee, 28 Henry Street - Mr. Lee agreed with Ms. Crowell. He said the parks are public property and this order may conflict with the first amendment. He recently was in Caribou where political signs were placed on school property.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said that it was his feeling that the people who have been memorialized would take offense to the proposed restrictions.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. There was some discussion on the issue of whether the passage of this order was constitutionally legal. Passage failed 2-5 (Johnson, Boudreau, Fickett, Baxter, Dale)

I. Citizen Discussion (Second Part)

Nancy Crowell, 165 Fickett Street – Ms. Crowell said that she was in a state of mourning for the loss of Fickett’s Woods. She voiced concerns about the attendance records of the members of various boards in the city. She felt that records of attendance should be reviewed to make sure participation of meetings is in accordance with the ordinance.

Ray Lee, 28 Henry Street - Mr. Lee addressed the issue regarding open space commitments. He said that if the Council were to place the money in a trust fund that they would not be able to take the money back out.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith commended the Council for turning down passage of item #7. He said that Tom Blake wrote a great letter.

J. Councilor’s Round Robin

Councilor Baxter said Kaler School is going fine and is under budget. Kaler School will be coming down in October and Small School is coming along.

Councilor Bowring announced two events coming right up;

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- Dedication of the Firefighters Memorial Park – September 11th at 11:00 A.M.
- The forum initiated by Joseph Conroy regarding South Portland's tax issue – September 23rd at the high school auditorium hosted by the South Portland Neighborhood Associations at 7:00 P.M.

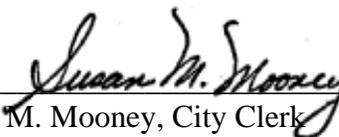
Councilor Maietta responded to the request to have attendance records reviewed from the various boards. He said these people volunteer there time and put in hundreds of hours per year. We should not embarrass them by making a public display of their attendance. He also commented on the Cumberland County Sheriff's Department doing free identification profiles for children for safety reasons. He was under the impression that South Portland Police Department also does this and perhaps it should be promoted better.

K. Executive Session

Motion to adjourn was made at 9:50 P.M. by Councilor Boudreau and seconded by Councilor Bowring. Adjournment 7-0.

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 33
SEPTEMBER 16, 2002

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of September 4, 2002. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- A letter from the Bureau of Liquor Enforcement regarding applications from five South Portland business requesting agency liquor store licensing.
- He announced that Lynn McCarthy submitted and won a grant for the Branch Library.
- Cathy Counts represented the Public Relations Committee and the City in Washington D.C., accepting an award from 3CMA. The brochure that was designed to promote the City of South Portland and to distribute the annual report was submitted with the advertisers for the small and growing public sector and won second place.
- An introduction to ARES.

Police Chief, Ed Googins, formally introduced ARES (Auxiliary Robotic Educational System) The robot, which stands approximately five feet high, rolled into the Council Chambers and was sworn in by the City Clerk. The Chief stated that the robot will be used to improve safety education programs in the schools. He acknowledged the following entities for making ARES possible;

Ronald McDonald House Charities of Maine Grant Coordinator: Mrs. Kristin Lamas-Patterson, Maine Department of Public Safety Grand Administrator: David Giampetruzzi, McDonald's Owner/Operator: Ms. Betsy M. Nygren.

After several minutes of discussion by the Council regarding applications for liquor store licenses, the Council requested that the Manager compose a letter to the Bureau of Liquor Enforcement requesting that they postpone issuance of licenses to South Portland locations for one year. The Council is concerned about the burden on existing small agency liquor stores who have made significant investments to obtain their licenses. A number of businesses are working together to have the 3 mile boundary limitation put back into law.

C. Petitions and Communications

Department Reports for the month of August, 2002.

Attendance Reports for the month of August, 2002.

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D. Appointment Calendar

E. Consent Calendar

Street Closing

1. Chris Mills, South Portland Music Boosters, is requesting the closing of Mountain View Road on September 28, 2002 from the hours of 5:00 P.M. and 10:00 P.M.

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

F. Citizen Discussion (First Part)

Scott LaBrecque, LaBrecque Construction, Inc. – Mr. LaBrecque passed out a letter to the Council regarding Item #8, award of bid for the Eastern Broadway Sidewalk Project. He questioned whether R.J. Grondin should actually be the recommended recipient of the bid when their submitted paper work did not include the bid deposit.

Susan Odencrantz, 61 Atlantic Ave. - Ms. Odencrantz addressed issues concerning excessive traffic volumes in her neighborhood. She has raised these concerns in the past and hopes the City will continue to work with her.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said he attended the Firefighters Memorial Park dedication and the prayer service at the high school auditorium on September 11th. He said the City should rebate the \$750,000.00 surplus back to the taxpayers. He also remarked that charging residents for a yard sale permit is unconstitutional.

G. Public Hearings and Action

2. The Ground Round, Inc., 195 Maine Mall Road for an FSE/Class A Restaurant with Liquor License. Change in Corporate Officers. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 35
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3. ORDER #47-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #48-02/03 – Authorizing the City Manager to sign a contract with Time Warner Cable, of Portland, ME, to provide Internet services. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said this is a complicated process and he hopes all the bidders felt they were treated fairly. He complained about the amount of advertising channels on Time Warner Cable.

Motion for passage was made by Councilor Maietta and seconded by Councilor Boudreau. Ralph St. Pierre, Finance Director, was present and answered questions from the Council. Issues regarding contract language were raised, especially in regards to when the City would be able to withdraw from the contract arrangement. Motion to postpone until clarification could be made was made by Councilor Boudreau and seconded by Councilor Maietta. Postponed 7-0

5. ORDER #49-02/03 – Award of bid to Medtronic Physio Control Corp., of Redmond, WA, for the purchase of a defibrillator for the Fire Department. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said it didn't make sense to him to lease an item for \$10,551.00 and we should just purchase it.

Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. The Finance Director said that this is scheduled to be leased because it is a piece of equipment that is replaced on a three year cycle. By leasing it, the expenditure remains level each year in the budget. After some discussion by the Council, a motion for amendment was made by Councilor Bowring and seconded by Councilor Maietta to charge the Fire Department public safety account for the budgeted expenditure and charge the remaining amount to the current year contingency account. The amendment passed 7-0. The main motion passed as amended 7-0.

6. ORDER #50-02/03 – Award of bid to Hall Implement Co., of Windham, ME, for the purchase of a riding/rotary mower for the Parks Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 36
SEPTEMBER 16, 2002**

There was no public discussion.

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

7. ORDER #51-02/03 – Award of bid to Doucette Auto Sales, of Somerville, MA; and A and Silver Auto Sales, of Boston, MA, for the sale of used Police Cruisers. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #52-02/03 – Award of bid to R.J. Grondin, of, Gorham, ME, for the Eastern Broadway Sidewalk Project. Passage requires majority vote.

The following people addressed this item;

Scott LaBrecque, LaBrecque Construction Co. – Asked that the bid process be consistent so that everyone is playing by the same rules.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said that he hopes this project meets deadlines.

Motion for discussion was made by Councilor Maietta and seconded by Councilor Baxter. When the bids were opened, the low bidder was R.J. Grondin, but their bid did not contain the bid bond. R.J. Grondin told the Finance Director it had obtained the bond but neglected to put it in the bid envelope. Grondin produced the bid bond approximately one half hour later. The Finance Director said this has been allowed in the past. Councilor Maietta made a motion to amend the order to award the bid to LaBrecque Construction, the second low bidder, for the project bid amount of \$423,715 plus Alternate B, for \$11,760.00 on the basis that R.J. Grondin did not submit all the items required as outlined in the invitation to bid. Councilor Bowring seconded the motion. Councilor Maietta said that he felt that the Public Works Department could complete the work outlined in Alternate A. The amendment passed 4-3 (Dale, Fickett, Johnson). The main motion passed as amended 4-3 (Dale, Fickett, Johnson)

9. ORDER #53-02/03 – Award of bid to Andrew Cloutier, of South Portland, ME, for the purchase of city-owned property located at 46 Arbutus Avenue and 46 Dawson Street; and Richard Carlson, of Cape Elizabeth, ME, for the purchase of city-owned property located at 0 Strout Street. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith wanted to know if the parcels were being sold for more than the outstanding taxes on the properties.

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

10. ORDER #54-02/03 – Authorizing the City Manager to sign a Participation Agreement with Maine Municipal Employees Health Trust. Passage requires majority vote.

There was no public discussion.

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

11. ORDINANCE #4-02/03 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally” regarding license and permit fees. First reading. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #55-02/03 – Amending Order #9-02/03 regarding award of bid to Dearborn Construction for construction of the Madison Street Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

Tex Haeuser explained that the purpose of the amendment is to include an additional \$24,120 for the installation of seven street lights in the esplanade of the walkway. \$19,296 of this amount will be paid by MDOT. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 7-0

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Boudreau said she received a call from someone saying they had found a bag filled with grocery store bags on the greenbelt walkway. Councilor Boudreau wanted to remind people that these can be recycled by returning them to the grocery stores.

Councilor Maietta remarked about the Firefighters Memorial Park dedication and that it was a fantastic job. He said that there should be discussion at a workshop to address the recycling program to decide how to go forward with the educational aspects of the program.

The Manager said that Stanley Cox would be chairing the recycling committee.

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SEPTEMBER 16, 2002

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(c), acquisition of real property.

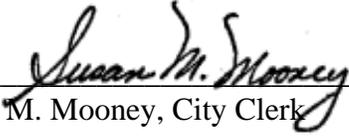
A motion to adjourn to executive session was made at 9:58 P.M. by Councilor Bowring and seconded by Councilor Boudreau. Passed 7-0.

Motion to return from executive session was made by Councilor Bowring and seconded by Councilor Maietta. Passed 6-0 (Fickett absent)

Motion to adjourn was made at 11:05 P.M. by Councilor Bowring and seconded by Councilor Maietta. Adjournment 6-0 (Fickett absent)

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 39
OCTOBER 7, 2002**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of September 16, 2002. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Memo from Theresa Wiper regarding Coastal Clean Up Day
- Letter from Friends of Casco Bay thanking the City Manager for his help in securing a generous grant in support of the Vessel Pumpout Program
- Memo from Brenda Peluso thanking the city for the playground at Willard Beach
- Thank you letter from Ina Tibbetts for the professional and excellent response from the Fire Department
- Memo from R. J. Obrien regarding Peter Cotton's customer service skills.
- Memo to Mayor Dale addressing his request for research on tax limitations/spending caps
- Memo to Mayor Dale addressing the municipal pool hot tub
- Memo to Mayor Dale addressing the storm water management plan
- Memo to Mayor Dale addressing Regional Waste Systems

C. Petitions and Communications

Maria Lundry of Alfred Street thanked the Council for supporting Project Graduation in the past. She provided the Council with a list of fund raisers scheduled to support Project Graduation 2003. She hopes the Council will continue to support the project and left canvas bags and water bottles from the South Portland Class of 2002 for the Council members.

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Susan Odenrantz, 61 Atlantic Ave. – Ms. Odenrantz wanted the public to know that she would be the only Democrat representing Legislative District 26 on the ballot. She is conducting a write in campaign and explained the process of casting a ballot for a write in vote.

G. Public Hearings and Action

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 40
OCTOBER 7, 2002**

1. ORDINANCE #4-02/03 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally” regarding license and permit fees. Passed first reading on 09/16/02. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

2. ORDER #48-02/03 – Authorizing the City Manager to sign a contract with Time Warner Cable, of Portland, ME, to provide Internet services. Postponed on 09/16/02. Passage requires majority vote.

There was no public discussion.

Ralph St. Pierre, Finance Director, was present and answered several questions raised by the Council. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 6-1 (Fickett)

3. ORDER #56-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #57-02/03 – Award of bid to Dearborn Construction, of Buxton, ME, for the construction of the Pleasantdale/Greenbelt Walkway. Passage requires majority vote.

The following person addressed this item;

Larry Albert, 98 Margaret Street – Mr. Albert commented on the heavy usage of the Greenbelt Walkway. He asked whether the walkway will be extended past the ball fields and continue to the Scarborough line and, if so, will it be tarred.

Manager, Jeff Jordan, said the walkway will be tarred to Evans Street and will only extent to the ball fields at this time. The City does not have access rights through to the Scarborough line.

Dave Pineo, from the Engineering Department and Tex Haeuser, Planning Director answered several questions for the Council. Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-1 (Fickett)

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 41
OCTOBER 7, 2002**

5. ORDER #58-02/03 – Amending the Comprehensive Plan to include the Ferry Village Neighborhood Plan. Passage requires majority vote.

The following people addressed this item;

Larry Albert, 98 Margaret Street – Mr. Albert stated Ferry Village is a great neighborhood and hopes the Council supports the amendment. He said it is a great tool for developers.

David Jacobs, 52 High Street – Mr. Jacobs commended the people who have spent numerous hours on behalf of this amendment.

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

Motion for amendment was made by Mayor Dale and seconded by Councilor Bowring to strike the word “the” in the eighth line of the first paragraph where it states, “provide such the facilities”. Motion passed 6-1 (Fickett)

A second motion for amendment was made by Mayor Dale and seconded by Councilor Boudreau to add, “In regard to neighborhood plans, such plan should be updated as reasonably necessary, by the affected neighborhood group, preferably no less than once every ten years.” to the end of the first paragraph. Motion for the second amendment passed 6-1 (Fickett)

The main motion passed as amended 6-1 (Fickett)

6. ORDER #59-02/03 – Accepting a Friends of Maine Libraries Grant in the amount of five hundred dollars to be used by the South Portland Library. Passage requires majority vote.

There was no public discussion.

Lynn McCarthy from the Branch Library was present. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 7-0

7. ORDER #60-02/03 – Accepting an anonymous donation in the amount of \$20,071 and amending Order #141-01/02 regarding the purchase of a foam engine for the Fire Department. Passage requires majority vote.

There was no public discussion.

Chief True, Fire Department was present to answer questions. Motion for passage was made by Councilor Maietta and seconded by Councilor Boudreau. Passed 7-0

8. ORDER #61-02/03 – Amending Order #53-02/03 regarding the sale of city-owned property at 0 Strout Street. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 42
OCTOBER 7, 2002**

The following person addressed this item;

Richard Carlson, Cape Elizabeth – Mr. Carlson said the City staff has been very helpful through this issue. He explained the effort of due diligence on his part to make sure he had done everything correctly before placing a bid on the property. He relied on incorrect data on assessing records that indicated that utilities were at the property when, in fact, they were not. Mr. Carlson provided a handout projecting costs to bring water to the property.

Motion for passage was made by Councilor Fickett and seconded by Councilor Boudreau. A motion to postpone was made by Councilor Bowring and seconded by Councilor Boudreau to allow time to gather more information as to whether the purchase price of the property could be reduced below the minimum bid requirement and to double check with Pat Doucette, Code Enforcement, about water and sewer options on the lot. Postponed 7-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau announced that the Historical Society has applied for a grant to do a study to assess the museum's contents storage and preservation. She also pointed out that the South Portland Public Library newsletter announced that Bruce Buxton would be at the Library on November 6th to appraise antiques and family heirlooms.

Councilor Maietta inquired about the start time for the Broadway sidewalk project. Jeff suggested that Alternate A be re-bid. Councilor Maietta also asked for more information regarding personnel issues in the Electrical Department.

Councilor Baxter gave an update on the Master Building Committee. Three schools are underway, with Brown School just starting. He said that there were some delays at Small School with foundation work but they were pretty much back on schedule. The County Budget Advisory Committee is looking to keep an increase to be no higher than 7.5%.

Councilor Johnson expressed gratitude to the Parks and Recreation Department for their work on the new play complex for young people at Wilkinson Park. He said it was nicely done.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(e), regarding *Frustaci v. City of South Portland*, and for consultation with Corporation Counsel regarding legal rights and duties of the City Council.

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OCTOBER 7, 2002**

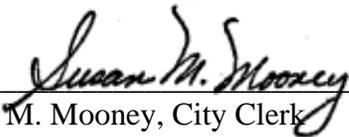
A motion to adjourn to executive session to discuss issues pertaining to Wainwright Fields was made at 9:41 P.M. by Councilor Baxter and seconded by Councilor Johnson. Passed 3-1 (Bowring) (Dale, Maietta and Boudreau abstaining due to conflict of interest)

Motion to return from executive session was made by Councilor Johnson and seconded by Councilor Baxter. Passed 4-0

Motion to adjourn was made at 10:42 P.M. by Councilor Johnson and seconded by Councilor Baxter. Adjournment 4-0

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 44
OCTOBER 21, 2002**

Roll Call: Mayor Dale called the meeting to order at 7:04 P.M. Councilor Boudreau was absent.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the regular meeting of October 7, 2002. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Cumberland County Soil & Water Conservation District regarding the Casco Bay Watershed. The letter expressed support from the communities in the Casco Bay Watershed for the DEP proposal to provide software and training assistance for a record keeping and reporting system.
- Letter from Dept. of Economic & Community Development thanking the Manager and City staff for their assistance with the closeout of the City of South Portland's 1998 Economic Development Infrastructure Grant.
- Statistical Data being compiled by the Public Library
- Letter from City of Portland regarding Board of Harbor Commissions adoption of Rule 22.0 – Floating Businesses and Houseboats
- Announced the swearing in ceremony for President James Ortez at S.M.T.C. on Friday, October 25th.
- Recapped the results of the 3rd annual Employee Recognition Breakfast. The Manager announced each of the employees that were recognized for the various awards.

C. Petitions and Communications

The Spanish Teacher at South Portland High School, Susan Calhoun presented the Mayor with a plaque of the oldest church in Spain. The plaque was given as a gift when she and several students visited this summer.

Department Reports for the month of September, 2002.

Attendance Reports for the month of September, 2002.

D. Appointment Calendar

E. Consent Calendar

1. Sign Permit

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 45
OCTOBER 21, 2002**

U.S. Coast Guard is requesting a permit to place three signs advertising a Haunted House. The sign will be placed at the following locations:

- Intersection of Broadway and Waterman Drive
- Broadway between Ocean Street and Cottage Road under existing Coast Guard sign
- Corner of Broadway and Mussey Street

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

F. Citizen Discussion (First Part)

David Jacobs, 52 High Street – Mr. Jacobs spoke in support of the glass museum.

Stanley Cox, 876 Highland Ave. – Mr. Cox is the Chairman of the Recycling Committee. He handed out comparative analysis between Portland, South Portland and Cape Elizabeth with percentages of recycling rates.

Michael Drinan, President of the Waterfront Market Association – Mr. Drinan spoke in support of the glass museum.

Susan Odencrantz, 61 Atlantic Ave. – Announced that she is a write in candidate for the Legislative District 26 race. She sang a verse to “Camp Town Ladies” explaining how to vote for a write in candidate.

Jane Eberle, 187 Pilgrim Road – Ms. Eberle spoke in support of the glass museum.

Romy Brown, 10 E Street – Ms. Brown spoke in support of the glass museum.

G. Public Hearings and Action

H. Action on Old and New Business

2. ORDER #61-02/03 – Amending Order #53-02/03 regarding the sale of city-owned property at 0 Strout Street. Postponed on 10/07/02. Passage requires majority vote.

The following person addressed this item;

Richard Carlson, Cape Elizabeth – Mr. Carlson said he can not find a way to feasibly continue on with the bid process. He said that he is not interested in proceeding with the purchase price of \$34,600. bid price.

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Ray Lee, 28 Henry Street – Mr. Lee wanted to know if this property was acquired by non payment of taxes.

Motion to amend to strike paragraph 3, adjust the fiscal note and return Mr. Carlson's bid deposit was made by Councilor Bowring and seconded by Councilor Maietta. The parcel will be put back out to bid. The order passed as amended 6-0.

3. ORDER #62-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #63-02/03 – Appealing the Public Works Director's denial of a curb cut on Broadway at the Museum of Glass and Ceramics. Passage requires majority vote.

The following people addressed this item;

Stanley Cox, 876 Highland Ave. – Mr. Cox felt that if 35 feet is acceptable on one side it should be acceptable on the other side.

Ray Lee, 28 Henry Street – Mr. Lee feels this is a dangerous area for a curb cut.

Richard Renner, Jones Museum – Mr. Renner said that financing for the property is in place.

Clarence Beckwith, Bonnybriar Road – Mr. Beckwith voiced concerns about traffic problems in that location.

Motion for passage was made by Councilor Fickett and seconded by Councilor Baxter. Mr. John Mitchell presented information to the Council and answered several questions. Councilor Maietta made a motion to postpone until a traffic engineering study was completed. There was not a second to the motion, so it failed. The order passed 5-1 (Maietta)

I. Citizen Discussion (Second Part)

Ray Lee, 28 Henry Street – Mr. Lee is concerned about what will stop traffic from turning left out of the glass museum.

Stanley Cox, 876 Highland Ave. – Mr. Cox talked more about recycling. He noted that Cape Elizabeth's recycling rate is high because residents have to go to the dump anyway, there is no curbside pickup.

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Clarence Beckwith, Bonnybriar Road – Mr. Beckwith said he is disappointed that Item #4 was not postponed. He inquired about the trench at Bug Light. The Manager said that a retaining wall for plantings was being constructed.

J. Councilor's Round Robin

Councilor Fickett announced that Friday is St. Crispen's Day.

Mayor Dale said he attended Mary Lou Fathke's gardening presentation at the Library. He commented on how lucky the City is to have someone with her talents. He reminded everyone that there will be a hazardous waste collection at Cash Corner from 9:00 to Noon.

Councilor Maietta raised an issue concerning apron work scheduled in the Public Works Department. He recently heard that there is a list of about 1,100 on schedule and requested an update on it.

Councilor Baxter said that Mary Lou Fathke recently helped him with some gardening issues.

Councilor Bowring said someone from Wright Express recently met with Ralph St. Pierre, the City's Finance Director and Jeff Jordan, to discuss Wright Express' purchasing card program. The Wright Express employee said that what South Portland has in place now far exceeds everything he has ever seen.

K. Executive Session

A motion may be made to go into executive session to discuss pursuant to 1 M.R.S.A., §405(6)(D), status and labor negotiations with the South Portland Firefighters IAFF Local #1476, South Portland Police Command and Supervisory Unit and South Portland Police Patrol Association.

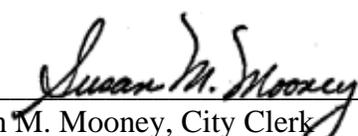
Motion to adjourn to executive session was made at 9:21 by Councilor Bowring and seconded by Councilor Baxter. Passed 6-0

Councilor's Maietta, Dale and Boudreau left after discussion of the labor negotiations turned to discussion on Wainwright Fields. Motion to return from executive session was made by Councilor Baxter and seconded by Councilor Johnson. Passed 4-0

Motion to adjourn was made at 10:55 by Councilor Baxter and seconded by Councilor Johnson. Adjournment passed 4-0.

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ATTEST


Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 48
NOVEMBER 04, 2002**

Roll Call : Mayor Dale called the meeting to order at 7:05 P.M. All members were present

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of October 21, 2002. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Presentation of Bug Light award to Rick Sargent at the Bus Service on October 29th for extraordinary focus on customer service
- Moment of silence to recognize the passing of Roger Roscoe. Roger was employed by the Bus Service since the inception of the department.
- Withdrawal of Harbor Commission Rule 22.0 – Floating Businesses and Houseboats after consideration that the definition of “floating business” might be viewed as preventing a cruise ship from mooring in the harbor. The notice was submitted by Charles Lane, Associate Corporation Counsel for the City of Portland.
- Memo from Dan Hogan regarding a tree that he had removed. Mr. Hogan was very complimentary of the city staff and the efficiency of the process involved.
- Letter from David Twombly recognizing Christina Fernald, Finance Department, on her customer service skills.
- Announcement of the fall leaf collection program. Curbside pickup began on November 4th and will end on the 29th. Leaves must be in biodegradable bags.
- The Manager outlined the bond issue appearing on the November 5th ballot, stating that if passed, the city could save a significant amount of money by refinancing the retirement debt.
- Note from Mary Cerullo regarding the back up of her sewer line. She was very pleased with the response from the sewer maintenance department.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #64-02/03 – Appointing Pamela Garland as Warden District 5, Pro Tempore, for the November 5, 2002 election only. Passage requires majority vote.

There was no public discussion.

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

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NOVEMBER 04, 2002

E. Consent Calendar

F. Citizen Discussion (First Part)

Kevin Glynn, 109 Huntress Avenue – Representative Glynn announced that Governor King was calling the legislation into special session to address the 240 million dollar budget shortfall. They will be meeting on November 13th in Augusta. He read through the Governor’s proclamation.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the brick structure at Bug Light has been removed. He urged people to get out and vote saying that the state and city budgets must be cut. He said the Manager’s CIP budget of 45,000,000 over the next five years is a lot of money.

Alice Winters, Chuck E. Cheese - Ms. Winters said she was here to answer any questions the council may have regarding the license for Chuck E. Cheese.

Steve Hasson, 148 Breakwater Drive – Mr. Hasson addressed the negative politics and Council bashing, especially in regard to the Maietta family. He went on to recognize some of the things that the Maietta family has contributed to the community;

- Volunteering their front end loaders through the 70’s and 80’s along with entire crews to help with snow removal
- After a hurricane, five of the Maietta brothers went out clearing the roads of debris to create safe passage for citizens
- Refurbished 3 of the 4 softball fields
- Little league fields at Henley and Brown Schools
- Made the Eagles happen, giving thousands of dollars to local charities
- Donation of land and manpower to construct the road to Wainwright Fields.

Robert Schwartz, Scammon Street – Mr. Schwartz reiterated Mr. Hasson’s comments. He said that he has been friends with the Maiettas for years and they are honest, sincere, hardworking and generous. He feels the restrictions on Wainwright fields were unreasonable.

David Bourke, 26 Henry Street – As president of the Willard Neighborhood Association, Mr. Bourke raised the issue of the sidewalk on Lowell Street. From a safety point of view, Mr. Bourke requested the sidewalk be installed a year ago upon approval of the Beach Landing Subdivision. Chief Googins supported putting in a sidewalk. The Manager said the sidewalk is scheduled to be installed next spring. The Manager will provide additional information for the Council and the matter will be reviewed within the next few weeks.

Lori Bowring Michaud, 10 Hudson Street – Ms. Bowring Michaud was upset about Mr. Beckwith’s comments about yuppies running for school board. She went on to say she was also grateful for all the things the Maietta family has done for this community. She

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 50
NOVEMBER 04, 2002**

does not feel there is going to be adequate parking at Wainwright Fields but is incredibly proud of the complex.

Ray Lee, 28 Henry Street – Mr. Lee remarked about the negative campaigning in this election. He said he received a call at 10:00 P.M. asking for his support in the senate race. He also said that Maine is the highest taxed state in the union.

G. Public Hearings and Action

2. Business License

CEC Entertainment, Inc., Chuck E. Cheese's, 364 Maine Mall Road, for an FSE/Class A Restaurant with Malt and Vinous License and Special Amusement Permit. Passage requires majority vote.

There was not public discussion.

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

H. Action on Old and New Business

3. ORDER #65-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #66-02/03 – Award of bid to Maine Lubrication Service, of Portland, ME, for the purchase of a mobile column lift for the School Department. Passage requires majority vote.

The following person addressed this item;

Jack Gurney, Director of School Maintenance – Responding to questions raised, Mr. Gurney answered that the city bus service does not have a mobile column lift but he would be willing to share this one with the city. He commented that having this piece of equipment will reduce the risk of workers comp injuries.

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

5. ORDER #67-02/03 – Award of bid to Vern Larkin, of Berwick, ME; Frank Woodworth, of Pittsfield, ME; Town of Littleton, ME; and Love Maine Lobster, of Portland, ME, for the sale of surplus Public Works equipment. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 51
NOVEMBER 04, 2002**

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith asked if we would have received more trade in value for the equipment being sold. He asked why the city would have lobster tanks.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Johnson. The Manager said that the city did not purchase the lobster tanks, they were abandoned by the previous owners when the city took over the Portland Street Pier. Councilor Bowring raised the question of how detailed the items were posted when advertised in the paper. Realizing there were several issues that needed to be researched for more information, Councilor Bowring asked to have the item postponed. Councilor Boudreau seconded the motion. The item was postponed with a vote of 7-0.

6. ORDER #68-02/03 - Authorizing the City Manager to sign a Municipal/State Agreement regarding improvements to Exit 3 of I-295. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith wanted to know if passage of this item would commit the state to spend money and whether the city would have to go through an approval process with the state.

Motion for passage was made by Councilor Bowring and seconded by Councilor Baxter. The Manager said the agreement is the next step in procuring assistance from the State of Maine for this project. As part of the arrangement MDOT agrees to develop plans and specifications in the preliminary engineering process which will be used for future construction. The city agrees to provide 100 percent funding necessary for the preliminary engineering costs, which is estimated at \$300,000. This amount will be considered a portion of the city's local match of \$1.5 million toward this project. The item passed with a vote of 7-0.

7. ORDER #69-02/03 – Authorizing contractors for the Maine Department of Transportation to transport heavy construction equipment over city streets. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Johnson and seconded by Councilor Baxter. Passed 7-0

8. RESOLVE #1-02/03- Endorsing a comprehensive tax reform for the State of Maine. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 52
NOVEMBER 04, 2002

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said the state and the city can not provide more services and cut taxes. This resolve is just for political consideration and does not do anything. He said we have to be more self reliant.

Lori Bowring Michaud, 10 Hudson Street – Ms. Bowring Michaud said she hopes the Council passes this resolve. She said federal and state mandates all cost money and it is hard to fund the mandates. She does not believe the money is disbursed equitably. She feels that if the surrounding communities all pass similar resolves, perhaps enough support can be gained to get something done.

Motion for passage was made by Councilor Johnson and seconded by Councilor Baxter. Councilor Bowring motioned for an amendment to change “that the proposed tax reform initiative will result in new tax policy” in the last paragraph to be reworded to “that tax reform will result in new tax policy”. Councilor Johnson seconded the motion and the amendment passed 7-0. The main motion passed as amended 6-1 (Fickett)

9. ORDER #70-02/03 – Setting the time for opening the polls for the November 5, 2002 election. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Maietta thanked the public works crew for taking care of the driveway apron at 414 Broadway.

Councilor Johnson said that he is touched by the amount of donations made to the city.

Councilor Boudreau said that she once road on a bus from Portland driven by Roger Roscoe. He appeared to be thrilled to have a city councilor on his bus and had remarked that he was very happy in his job and working for Tom Meyers.

Councilor Fickett commented on what has happened since the Federal Reserve stopped payment on the Silver Certificate since 1968. We have used Federal Reserve Notes since then and they have no value. He said we are so bad off that we have deflation and inflation at the same time.

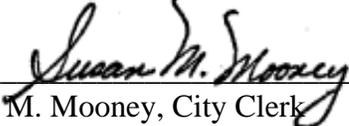
**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 53
NOVEMBER 04, 2002**

K. Executive Session

Motion to adjourn was made at 9:40 P.M. by Councilor Bowring and seconded by Councilor Maietta. Adjournment 7-0

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 54
NOVEMBER 18, 2002**

Roll Call: Mayor Dale called the meeting to order at 7:05 P.M. All members were present

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Maietta to accept the minutes from the regular meeting of November 4, 2002. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- The Manager called for a moment of silence for Mary Marsh. Mary, the principal of Redbank School for many years, recently passed away. Redbank School has been renamed to Mary Marsh Elementary School in remembrance of her contributions.
- Lauren Carrier had a baby boy, Beck, on November 11, 2002. Weighing in at 8 lbs. 12 oz., Mom and Beck are doing great.
- Memo regarding an information request from the Council on the Beach Landing Condominium Sidewalk Project. The city plan is for a late spring/early summer construction schedule
- The Manager attended the Foreign Service Institute for training ambassadors from around the nation. The training program was established in 1958. He spoke on the economy and business climate in Portland and South Portland .
- Note from Sue Roscoe thanking the Manager and staff for all their support during this difficult time of dealing with the loss of Roger Roscoe.
- Recognizing Timothy Gato, pool employee, for completion of the Certified Pool/Spa Operators course.
- Letter from Dennis & Stephanie Gilbert expressing gratitude to Jim Gailey, Planning Department, for his role in the planning process for the transformation of the armory.
- Announced that this is the last formal meeting for the current Council. He recognized outgoing Councilors Maietta and Johnson and also Mayor Dale. He presented the Council with jackets from L.L. Bean which were purchased from an anonymous donation. The Manager recognized all the hours that the Council members put in, between the meetings and subcommittees that they belong to and noted the small stipend they receive for their efforts.

C. Petitions and Communications

Department Reports for the month of October, 2002.

Attendance Reports for the month of October, 2002.

The City Clerk wished to thank all the people who made the election run so smoothly.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 55
NOVEMBER 18, 2002**

She verbalized appreciation to Papa John's Pizza for donating and delivering pizza to all of the polling locations, Dipietro's Market for a donated pizza delivery to District Two and J.P. Thorntons for donating food at the Central Polling location at city hall. She said she also appreciated the help of Eddie Rombalski for coordinating the set up and tear down of all the polling locations, the Parks Department and Police Department. She gave heart felt thanks to all the elections workers, Wardens and Ward Clerks and Karen Morrill and Jennifer Scholz in the Clerk's Office.

Councilor Bowring recognized the work of Councilors Maietta, Johnson and Mayor Dale. He said that he had learned a lot from Councilor Maietta and felt Mayor Dale has done a great job as mayor. He also said Councilor Johnson had a way of making you look at things in a way you hadn't thought of. He said he is a better person and councilor for having worked with them.

D. Appointment Calendar

1. ORDER #71 – 02/03 – Conservation Commission, District 1, (Dale), to fill a term which expires on 11/20/05. Passage requires majority vote.
2. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Passage requires majority vote.

Motion to postpone orders #71 and #72 was made by Councilor Boudreau and seconded by Councilor Bowring when it was determined that a recommendation for appointment had not been brought forward. Postponed 7-0

E. Consent Calendar

3. Street Closing

Waterfront Market Association is requesting that Hinkley Drive be closed from Cottage Road to Ocean Street on Friday, December 6, 2002 for the Tree Lighting Ceremony.

Passed 7-0

F. Citizen Discussion (First Part)

Aileen Kalaskie-Martello, 31 Oak Street – Ms. Kalaskie-Martello said that Item #12, sale of land at the end of Roosevelt Street was counter productive. She feels the green space should be reserved for use by the public. She would like to see the money put in the land bank account if the council votes to sell the property.

Travis Williams, 299 Ocean Street – Mr. Williams is concerned about the city all night parking ban during the winter months. The apartment he and his wife rent has parking for one car only and they have two vehicles. The Manager will work with Mr. Williams

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to see if he can help with a solution to the parking problem without a change to the ordinance.

Bill Laidley, 2 Taylor Street – Addressing Mr. Laidley’s inquiry about the status of the hot tub, the Manager said that Ben Walters should identify issues and options in approximately two weeks.

Susan Odenrantz, 61 Atlantic Ave. – Miss Odenrantz wanted to thank everyone who supported her campaign and learned to spell her name correctly. She congratulated Councilor Maietta on his win of House Seat 27.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith questioned why the property at the end of Roosevelt Street was being sold for \$5,000 when the assessing records indicate a value of \$26,200.

Ray Lee, 28 Henry Street - Mr. Lee thanked the supporters of his campaign. He hopes the three new councilors do something about taxes.

Bob Simonds, 775 Highland Ave. – Mr. Simonds raised some questions about the new West End Fire Station. He thought there may be an error in the bid summary sheet.

G. Public Hearings and Action

4. Business Licenses

4A. Imagine One, Inc., d/b/a Eggspectations, 125 Western Avenue, for an FSE Class A Restaurant with Liquor license. Passage requires majority vote.

There was no public discussion.

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

4B. RARE Hospitality Management, Inc., d/b/a Longhorn Steakhouse, 300 Maine Mall Road for an FSE Class A Restaurant with Liquor license. Passage requires majority vote.

The following person addressed this item;

Barry Gerstein, representing Longhorn Steakhouse – Mr. Gerstein was concerned that the restaurant will not be scheduled to open until March, 2003. If the city approved the application tonight, he was concerned that the issuance of the license would be granted before they were ready to open and license time would be lost.

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Motion for passage was made by Councilor Fickett and seconded by Councilor Baxter. Motion to amend the order to close the public hearing tonight and postpone signing the application until the first meeting in February to accommodate the licensee was made by Councilor Boudreau and seconded by Councilor Bowring. Amendment passed 6-1 (Fickett) The main motion passed as amended 6-1 (Fickett)

H. Action on Old and New Business

5. ORDER #67-02/03 – Award of bid to Vern Larkin, of Berwick, ME; Frank Woodworth, of Pittsfield, ME; Town of Littleton, ME; and Love Maine Lobster, of Portland, ME, for the sale of surplus Public Works equipment. Postponed on 11/04/02. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said he thinks the public works equipment should be kept and used as backup machinery.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Councilor Maietta motioned to amend the order to hold off on the grader until we are sure we won't need it. Councilor Bowring seconded the amendment. The amendment failed 3-4 with Dale, Baxter, Boudreau and Johnson opposed. The main motion passed 4-3 (Maietta, Bowring Fickett)

6. ORDER #73-02/03 – Award of bid to Mainland Construction, of Gorham, ME, for the construction of the West End Fire Station. Passage requires majority vote.

Chief True thanked Kevin Guimond, Miles Haskell, Bob Rogers, Dana Anderson and Councilor Maietta for all their hard work and time spent bringing this project together. Ben Walters presented an overview and addressed the concerns raised earlier in the meeting by Bob Simonds.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said when he voted for the fire station he did not anticipate Item #7. He feels this should be postponed until the next budget.

Bob Simonds, 775 Highland Ave – Mr. Simonds felt the \$20,000 Start Date Deduct should be taken advantage of under alternate #4.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said it is confusing for the public to know what the actual cost of the station is. The Manager figured the cost at \$2,469,895 not including labor. The majority of this will be funded from the Fairchild Semiconductor and National Semiconductor TIF Funds.

Motion for passage was made by Councilor Maietta and seconded by Councilor Baxter. Councilor Boudreau wished to remove herself from participating in this

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 58
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item as her husband drives for Maietta Construction and Maietta Construction was listed as a possible general contractor. Councilor Maietta said that none of the work has been scheduled out to subcontractors and there are no guarantees that Maietta Construction would be used at all and did not find any ties to Maietta Construction to be a conflict of interest.

The Manager passed out an email from Polly Ward sent to Ralph St. Pierre earlier in the day outlining issues relating to Mainland Structures and Allied Engineering. The school is in the process of working with their attorney in regards to the Memorial Middle School Project. Ben Walters, who most recently worked with the city in the construction of the Community Center, noted that he has worked with Mainland Construction and considers them to be a reputable, stable company.

The motion passed 5-1 (Fickett) (Boudreau abstaining)

7. ORDER #74-0203 – Award of bid to Hackney Emergency Vehicles of Washington, NC, for the purchase of a Heavy Rescue/Pumper for the West End Fire Station. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #75-02/03 – Accepting Gary L. Maietta Parkway as a city street. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #76-02/03 – Accepting Jennie’s Court as a city street. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #77-02/03 – Amending the *Traffic Schedule* regarding a stop sign at the corner of Gary L. Maietta Parkway and Highland Avenue; a stop sign at the corner of Jennie’s Court and Evans Street; and parking on Madison Street. Passage requires majority vote.

There was not public discussion.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 59
NOVEMBER 18, 2002**

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

11. ORDER #78-02/03 – Authorizing the City Manager to sign two Municipal/State Agreements regarding roadway improvements and operation and maintenance of traffic signals at the intersections of the turnpike spur and US Route 1 and Cornell Street and US Route 1 and appropriate \$448,700 to fund the project. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith remarked that it is not a wonder that the state considers South Portland to be wealthy. He does not agree that the city should be paying for the bulk of state projects.

Motion for passage was made by Councilor Johnson and seconded by Councilor Boudreau. Passed 5-2 (Boudreau, Fickett)

12. ORDER #79-02/03 - Sale of city owned property on Roosevelt Street, Map 9 Lot 250 to Robert and Christina Fernald. Passage requires majority vote.

The following people addressed this item;

David Jacobs, High Street – Mr. Jacobs asked that the money for the sale of the property be credited to the Land Bank Trust.

Christina Fernald, Roosevelt Street – Said she was available to answer any questions that might be raised.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith feels this item should be bid out to the public.

Motion for amendment was made by Councilor Johnson and seconded by Councilor Bowring to remove the wording from the Quitclaim Deeds as follows, “ Grantees ~~may convey a portion of the conveyed parcel to an abutting property owner to become a part of an abutting lot but may not sever the parcel into a separate buildable lot and~~ may not build more than one principle structure on the single lot created through the merger of Lot 249 with Lot 250.” Amendment passed 6-1 (Fickett)

Motion for amendment was made by Councilor Maietta and seconded by Councilor Bowring to credit the money to the Land Bank. Amendment passed 6-1 (Fickett)

Motion for passage was made by Councilor Maietta and seconded by Councilor Bowring. Passage need six votes to pass. The order failed with a vote of 4-3 (Fickett, Boudreau, Baxter)

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NOVEMBER 18, 2002**

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Maietta thanked everyone for putting up with him. He said he learned a lot. He also commented on the great job that outgoing members, Dale and Johnson.

Councilor Baxter wished Councilor Maietta the best of luck in his new position as Legislator in District 26. He said Mayor Dale did a great job as Mayor in the past year.

Councilor Bowring wished everyone well and welcomed the new members.

Councilor Johnson said he has had a good six years as a Councilor. He said he has enjoyed working with the Manager. He also thanked Mayor Dale for being a good Mayor.

Councilor Boudreau thanked Councilor's Maietta and Johnson and Mayor Dale. She remarked about the stress the position puts on their families. She offered her condolences to the family of Mary Marsh and is pleased that Redbank has been renamed after her.

Councilor Fickett said this has been the "best bunch" he has worked with.

Mayor Dale thanked everyone for putting up with him. He said being Mayor was actually harder than it looked.

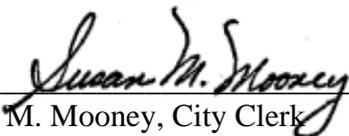
K. Executive Session

Motion to adjourn was made at 11:30 P.M. by Councilor Boudreau and seconded by Councilor Maietta. Adjournment passed 7-0.

*** Note: Following adjournment the City Council will hold a caucus for Mayor.**

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 64 PAGE 61
COUNCIL INAUGURATION
DECEMBER 2, 2002

Mayor Dale called the meeting to order at 4:05 P.M. and invited Reverend Birger Johnson to offer the invocation.

Mayor Dale led the Pledge of Allegiance and introduced children from Dyer School who then sang the Star Spangled Banner.

City Clerk Mooney administered the Oath of office to Councilors-elect Jacobs, Maietta and Hughes.

City Clerk Mooney declared Councilors Jacobs, Maietta and Hughes duly qualified Councilors.

Councilor Boudreau nominated Councilor Baxter for Mayor for year 2002/2003. Councilor Jacobs seconded the motion.

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

After taking the roll call vote, City Clerk Mooney announced Councilor Baxter as Mayor for 2002/2003 by unanimous vote.

Mayor Baxter presented Councilor Dale with his official gavel and portrait.

Mayor Baxter then presented the Inaugural Address.

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

City Clerk Mooney read RESOLUTION #2-02/03 establishing time and place of meetings. Councilor Boudreau moved for passage. Councilor Jacobs seconded the motion. Mayor Baxter took the vote and declared the Resolution duly passed.

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

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 62
DECEMBER 2, 2002**

Roll Call: Mayor Baxter called the meeting to order at 7:05 P.M. All members were present

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to accept the minutes from the regular meeting of November 18, 2002. Passed 7-0

B. Communications from City Manager

The Manager began by thanking Mayor Dale and Councilor Maietta for their three years of service and Councilor Johnson for his six years of service. He welcomed Councilors Jacobs, Maietta and Hughes. The Manager addressed the following items;

- Letter from Charles Lane regarding Board of Harbor Commissioners adoption of Rule 22.0 – Floating Businesses and Houseboats
- Letter from Eric Pearce, Harbor Master to John Cacouldis ordering that usage of pier located at Map 6 Lot 2H cease due to the lack of a permit.
- Law Enforcement Award from Portland Police Department to the South Portland Emergency Communications.

C. Petitions and Communications

Planning Board report regarding setback requirements in the Conditional Residential G-1 District.

Planning Board report regarding the sale of city-owned property on Robert Mills Road to Dawn DiMauro.

Mayor Baxter had the City Clerk pass out the Committee Assignment list for the councilors to review. The assignments will be addressed at the next workshop. Councilor Bowring expressed interest in creating a budget advisory committee consisting of several councilors, members of the public and several department heads.

Mayor Baxter gave an update on the Master Building Committee. He said that Kaler and Small were both about two weeks behind schedule due to shipments running late. They are beginning discussions on Brown School.

D. Appointment Calendar

1. ORDER #71 – 02/03 – Conservation Commission, District 1, (Jacobs), to fill a term which expires on 11/20/05. Postponed on 11/18/02. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 63
DECEMBER 2, 2002**

2. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed on 11/18/02. Passage requires majority vote.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Campbell, 29 Washington Ave. – Mr. Campbell handed out a letter to the council regarding his picking up items from the transfer station to repair. He stated that he is being denied the opportunity to gather items. He wanted to know where the money from scrap gets deposited to. The Manager will work this out with him.

Bill Laidley, 2 Taylor Street – Requesting the engineering study for the hot tub. The Mayor will make sure information is gathered and forwarded to Mr. Laidley.

G. Public Hearings and Action

3. Reconsideration of the application for RARE Hospitality Management, Inc., d/b/a Longhorn Steakhouse for an FSE/Class A Restaurant with Liquor License at the request of the applicant. Postponed on 11/18/02. Passage requires majority vote.

Mary Kahl brought forward a request from Barry Gerstein to have this item reconsidered for passage rather than postponed to February. Mr. Gerstein initially requested the postponement at the last council meeting because the business would not be ready to open until next spring. After contacting the State of Maine he learned that the license time would not begin until the restaurant opens. Councilor Bowring moved to reconsider this items from the November 18th Council Meeting. Councilor Fickett seconded the motion and reconsideration was passed 7-0.

Councilor Boudreau moved to withdraw her motion to postpone. Motion for passage was made by Councilor Bowring and seconded by Councilor Fickett. Passed 7-0

4. RT New England Franchise, LLC d/b/a Ruby Tuesday, 364 Maine Mall Road, for an FSE/Class A Restaurant with Liquor License.

There was no public discussion.

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

5. Benjamin Building Wrecking, Inc., d/b/a Benjamin Wrecking, 41 Jackson Street, for an Automobile Graveyard/Junkyard License. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 64
DECEMBER 2, 2002**

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

H. Action on Old and New Business

6. ORDER #80-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #81-02/03 –Accepting a donation from the South Portland Lions Club and accepting a \$1,568 safety grant from Maine Municipal Association to be used by the Fire Department. Passage requires majority vote.

The following people addressed this item;

EMS Coordinator, Mike Carroll - Mike Carroll said that he donation from the Lions Club will be used to extend the Touch & Track System. He explained how the system works.

Tom Baker, Secretary for the South Portland Lion’s Club – Mr. Baker noted that \$15,000.00 has been donated to the Fire Department over the last three years. On May 17th the Lions Club will be 75 years old.

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

8. ORDER #82-02/03 – Authorizing the City Manager to execute an agreement with the State of Maine permitting the taking of 1,069 square feet of land at Main and Cornell Streets by eminent domain. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said he does not agree with eminent domain.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith also is not comfortable with eminent domain proceedings.

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

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 65
DECEMBER 2, 2002**

9. ORDER #83-02/03 – Authorizing the City Manager to submit a Community Development Block Grant (CDBG) public infrastructure grant application for the Maine Youth Center redevelopment project. Passage requires majority vote.

The following people addressed this item;

Elaine Clark, Bureau of General Service of the State of Maine
Richard Berman, Berman Associates, Developer
Tex Haeuser, Planning Director
Kevin Glynn, Representative to Legislature – District 27
Hillary Basset – Greater Portland Landmarks
Ray Lee, 28 Henry Street
Clarence Beckwith, 51 Bonnybriar Road
Casimara McIntire, 72 Skillings Street
Evan Richert, 21 Karynel Drive

Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. This item was discussed extensively with council concerns over traffic and ownership being a main focus. Several council members did not trust that the state would be in a position to channel enough money to address traffic issues with the burdens of revenue shortfalls it will have to contend with in the next year or two. The order failed with a 2-5 vote (Hughes, Boudreau, Fickett, Bowring, Maietta)

10. ORDINANCE #5-02/03 – Amending Chapter 27, “Zoning,” for a text amendment to the Conditional Residential G-1 District regarding setbacks. First reading. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith asked if this was going to be low income housing. Mr. Maietta said it would be affordable, in the 135,000 to 150,000 range but it would not be low income.

Councilor Maietta wished to remove himself from discussion of this item due to a conflict of interest. Motion for passage was made by Councilor Bowring and seconded by Councilor Jacobs. Passed 6-0 (Maietta abstaining)

11. ORDER #84-02/03 - Waiving the bid process and authorizing the sale of city-owned property on Robert Mills Road to Dawn DiMauro. Passage of waiver requires six (6) affirmative votes.

The following person addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 66
DECEMBER 2, 2002**

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith suggested this item be postponed until city is through with the sewer work scheduled in the Robert Mills Road area.

Casimara McIntire, 72 Skillings Street – Ms. McIntire asked if the buyer was going to build onto the house to make it a two family. The Manager responded saying that the buyers interest in the lot was to be able to build a garage.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Discussion led to a motion by Councilor Boudreau requesting a postponement until sewer work was completed so that the lot could be utilized to store materials. Councilor Jacobs seconded the postponement. Councilor Bowring was not in favor of using the lot for storage, siting it would be dangerous considering the amount of children in the area. The postponement passed 4-3 (Hughes, Bowring, Maietta)

12. ORDER #85-02/03 - Authorizing notice to abutters regarding discontinuance of Henry Street. Passage requires majority vote.

The following person addressed this item;

Casimara McIntire, 72 Skillings Street – Ms. McIntire noted that there are two Henry Streets in South Portland.

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

I. Citizen Discussion (Second Part)

Casimara McIntire, 72 Skillings Street – Ms. McIntire remarked that some people say not to bother talking to city hall because city hall does not listen. She said this is not true and referenced an article in the Sentry about the sale of property on Roosevelt Street.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith thanked the Code Enforcement Department, Assessor's Office and Planning Department for providing him with information. He did not agree with selling the Roosevelt Street property for \$5,000 when the Assessor had a value of \$26,000 on the lot. In reference to the Maine Youth Center Development, Mr. Beckwith talked about the law suites that drove up the costs of the Betsy Ross House.

J. Councilor's Round Robin

Councilor Boudreau welcomed the three new councilors. She shared that Councilor Hughes had asked her, "How long it takes to stop feeling guilty when voting against an item", in regards to the Maine Youth Center. She acknowledged that it is very tough job when making decisions for all of the citizens of South Portland.

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Mayor Baxter said, "It takes a while", in response to Councilor Hughes question. He thanked the council for a good meeting.

Councilor Jacobs said the he is looking forward to his term. He thanked city staff, Jennifer Scholz, Pam St. John and Susan Mooney for helping with the inaugural reception. He also thanked the following businesses for their contribution to the reception;

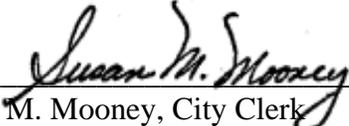
Shaw's Millcreek Supermarket, beverages
Hannaford's Supermarket, sheet cake
Grape Vine Catering, hors d'oeuvres
Joe's Boat House, hors d'oeuvres
Snow Squall, hors d'oeuvres
Barbara's Kitchen, hors d'oeuvres

K. Executive Session

Motion to adjourn was made at 10:50 P.M. by Councilor Bowring and seconded by Councilor Boudreau. Adjournment 7-0

A TRUE COPY

ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 68
DECEMBER 16, 2002**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Jacobs to accept the minutes from the regular meeting of December 2, 2002. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Handed out the new bus schedule and highlighted information from Tom Meyers Memo
- Thank You from Maine Medical Center for the \$100.00 donation to Turning Point in memory of Roger Roscoe
- Memo from Chief Googins to owners of businesses licensed for the on-premise consumption of liquor regarding illegal possession of a firearm while on premise.
- Letter from Animal Refuge League thanking for past and future support. The letter highlighted a rescue initiative by Stan Brown, South Portland's Animal Control Officer and Bruce Richards from Troiano Waste Services.
- Letter from Mary Esposito and David Plimpton supporting the South Portland Public Library
- Memos from Public Works regarding Christmas tree collections and rubbish collection schedule for Christmas.
- Conflict of interest memo from the Manager advising three new councilors that his wife Anne H. Jordan is employed by Norman, Hanson and Detroy. The law firm is used by the City, on occasion, for legal matters on an "as-needed" basis.
- Presentation of the Spring Point Ledge Light award from the Manager to Ralph St. Pierre, the City's Finance Director. Ralph will be leaving to take a job with the City of Augusta as Assistant City Manager / Finance Director. Jeff outlined the many contributions Ralph has made in his 12 years as Finance Director.

C. Petitions and Communications

Mayor Baxter reminded Councilors of the importance of speaking into the microphone. He also indicated that he had received a letter from Senator Bromley as a reminder that December 20th is the closure date for submitting bills.

Councilor Bowring reminded everyone about the joint meeting Thursday night with the School Board. The Manager will be presenting information relevant to determining budget guidance for fiscal year 2003/2004.

Mayor Baxter gave an update from the Master Building Committee. Kaler School is four weeks behind schedule and Small School is two.

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DECEMBER 16, 2002**

Department Reports for the month of November, 2002.

Attendance Reports for the month of November, 2002.

D. Appointment Calendar

1. ORDER #71-02/03 – Conservation Commission, District 1, (Jacobs), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs to appoint Karine Odlin of 21 Deake Street. Second was made by Councilor Boudreau. Passed 6-0

2. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Maietta and seconded by Councilor Bowring. Postponed 6-0

3. ORDER #86-02/03 – Library Advisory Board, At-Large, (Boudreau), to fill a term which expires on 12/31/05. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau to appoint Margaret Beals of 245 Broadway. Second was made by Councilor Jacobs. Passed 6-0

4. ORDER #87-02/03 – Library Advisory Board, At-Large, (Fickett), to fill a term which expires on 12/31/05. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Fickett to appoint Jonathan Platt of 91 Mitchell Road. Second was made by Councilor Boudreau. Passed 6-0

5. ORDER #88-02/03 – Library Advisory Board, District, District 1, (Jacobs), to fill an unexpired term which expires on 12/31/03. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Jacobs and seconded by Councilor Boudreau. Postponed 6-0

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6. ORDER #90-02/03 – Library Advisory Board, District 3, (Baxter), to fill a term which expires on 12/31/05. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Mayor Baxter to appoint Mary Strnad of 91 Pilgram Road. Second was made by Councilor Boudreau. Passed 6-0

7. ORDER #91-02/03 – Library Advisory Board, District 4, (Bowring), to fill an unexpired term which expires on 12/31/04. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Bowring to appoint Ann Morrill of 160 Fickett Street. Second was made by Councilor Maietta. Passed 6-0

8. ORDER #92-02/03 – Appointing Jeffrey K. Jordan and Edward Reidman to the PACTS Policy Committee. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Angela Griffiths, Davis Street – Ms. Griffiths said we are lucky to have the library staff that we have. She went on to thank the Council for all the hours they put in. She would like to see a Legislative Task Force created to address school funding reform. She said that Portland has already done this and we could tap into them as a resource.

Richard Campbell, 29 Washington Ave. – Mr. Campbell would like to see the city build a shed for recycled materials. He said that it would save the city money to have people like himself take things that have been brought to the transfer station. He said that he has been harassed by attendants there and feels that the city should check into where copper and other materials are disappearing to.

Ray Lee, 28 Henry Street – Mr. Lee said it was his understanding that anything that was brought to the transfer station that looked useful was supposed to be set aside for the public. He thinks Mr. Campbell is right. Mr. Lee questioned why snow plows were out after the last snowfall. He said with the temperature raising to 37° everything was melting and it was a bad judgement call to have the plows out. He wanted to know why the Manager reads only the good letters and not those that have negative feedback.

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Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith noted that according to the last school board meeting, 1.5 million dollars will have to be added to the budget to continue present programs. He want the council to give guidelines for putting together the school budget. He questioned why there was city equipment and people working on a Sunday at Small School. It was his understanding that moving the Hornbeam tree was not going to cost the city any money. The City Manager said this was a school department project and the city just assisted.

G. Public Hearings and Action

9. ORDINANCE #5-02/03 – Amending Chapter 27, “Zoning,” for a text amendment to the Conditional Residential G-1 District regarding setbacks. Passed first reading on 12/02/02. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Fickett. Passed 5-0 (Maietta abstaining)

H. Action on Old and New Business

10. ORDER #89-02/03 – Discontinuance of Henry Street. Passage requires majority vote.

There was no public discussion.

Mary Kahl recommended this item be postponed because a step in the process was overlooked. This item will go back to the Planning Board on January 14th.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Fickett. Postponed 6-0

11. ORDER #93-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Fickett. Passed 6-0

12. ORDER #94-02/03 – Award of bid to R. J. Grondin & Sons, of Gorham, ME, for snow removal truck rental for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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David Gaudet was present and answered questions from the council. Motion for passage was made by Councilor Boudreau and seconded by Councilor Fickett. Passed 6-0

13. ORDER #95-02/03 – Award of bid to Rowe Ford, of Westbrook, ME and O’Connor GMC, of Augusta, ME, for the purchase of two trucks; one each for the Parks and Public Works Departments. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said 76,000 miles did not seem like very high mileage in regard to the truck being traded in. He also questioned the need for an extended cab. David Gaudet responded saying that the extended cab would allow space for moving equipment that could not get wet and for moving crews during construction season. He added that although the truck only had 76,000, it is 20 years old and it is corrosion that is necessitating replacement of the vehicle.

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

14. ORDINANCE #6-02/03 – Amending Chapter 23, “Streets and Sidewalks,” regarding curb cuts. First reading. Passage requires majority vote.

There was no public discussion.

Motion to withdraw this item based on additional clarification to be incorporated into the ordinance was made by Councilor Boudreau and seconded by Councilor Bowring. This item will have a new first reading. Withdrawn 6-0

15. ORDINANCE #7-02/03 – Amending Chapter 24 “Subdivisions,” regarding curb cuts. First reading. Passage requires majority vote.

There was no public discussion.

Because this item ties back to Item #14, it was also withdrawn by a motion made by Councilor Boudreau seconded by Councilor Fickett. Withdrawn 6-0

16. RESOLVE #3- 02/03 – Endorsing the Friends of Casco Bay Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. Some questions were raised on whether endorsing the Friends of Casco Bay Plan could have monetary ramifications to the city. Motion to postpone for clarification was made by Councilor Boudreau and seconded by Councilor Fickett. Postponed 6-0

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17. ORDER #96-02/03 – Authorizing an appropriation not to exceed \$15,000.00 for electrical services provided by Mitchell Electric. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith wanted to know why we are going from 3 electricians to 1. The Manager said we are evaluating the cost effectiveness of outsourcing work permanently instead of replacing two full time electricians.

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

18. ORDER #97-02/03 - Award of bid to Maximus, of Boston, MA, for Capital Asset and Infrastructure Inventory and Valuation Services. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #98-02/03 – Amending Order #72-00/01 regarding labor relations/negotiations consulting services from Jensen Baird Gardner and Henry. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Jacobs. Motion to amend the order to delete the last paragraph was made by Councilor Jacobs and seconded by Councilor Boudreau. Amendment passed 6-0. Main motion passed as amended 5-1 (Fickett)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau said she has served on the Jetport Noise Committee and the 16 members have spent months looking at background and historical material to address problems that could be solved. They have explored areas such as;

- Low flights
- Early and late departure flights
- Old noisy equipment
- FBX Flights
- Lack of formal noise abatement policies

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The next meeting is scheduled for 2/5/03 at 6:00 P.M. at the Jetport Terminal Conference Room. She also shared that Barbara Davis fell and broke her hip requiring surgery. She is in the Critical Care Unit at Mercy Hospital.

Councilor Fickett said that city debt is going to get larger and that the cost of everything keeps going up. He said that a \$100,000 dollar home is actually worth \$8,000 in U.S. Silver Dollars.

Mayor Baxter remarked on the success of the tree lighting and that Parks and Recreation put up an additional 3,000 lights.

Councilor Jacobs commented on the success of saving the Hornbeam Tree at Small school and encouraged citizens to get involved with neighborhood projects. He also shared that Richard Berman would be continuing with his efforts to develop the property at the Youth Center.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A. §405(6)(e), for discussion with Corporation Counsel of legal rights and duties of the City Council regarding Wainwright Farms and regarding Joseph Frustaci v. City of South Portland et al.

Motion to adjourn to executive session was made by Councilor Bowring and seconded by Councilor Boudreau at 9:35 P.M. Passed 6-0

Motion to return from executive session and adjourn to a workshop to discuss committee assignments was made by Councilor Bowring and seconded by Councilor Maietta at 9:55 P.M. The workshop concluded at 11:20 P.M.

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ATTEST _____
Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 75
JANUARY 6, 2003

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

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Maietta to accept the minutes from the regular meeting of December 16, 2002. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Goodwill Industries recognizing Officer Jeff Caldwell.
- Letter from Harbor Commission to CMP and Northern Utilities in regard to backfilling a submarine crossing.
- Copy of an Act to create a CATV Franchise Board as submitted by Tony Vigue. Tony is interested in creating a statewide Cable Television Franchising Authority.
- Note from Jennifer Fox complimenting the efforts made to light Mill Creek Park for the holidays.
- Acknowledgement of Sargent Gary Cummings retirement after serving the South Portland Police Department for 30 years. The Manager highlighted Gary's accomplishments and the Mayor and the Chief of Police each presented Gary with a plaque in honor of his years of service.
- The Manager passed out four hand outs and highlighted information from;
 - ❖ 10 Predictions / Hopes for the Year 2002
 - ❖ 10 Predictions / Hopes for the Year 2003
 - ❖ Accomplishments in 2002
 - ❖ Recognition, Awards and Personal Achievements

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #88-02/03 – Library Advisory Board, District, District 1, (Jacobs), to fill an unexpired term which expires on 12/31/03. Postponed on 12/16/02. Passage requires majority vote.

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There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith was disturbed about an article that he read in the paper that referred to the city postponing pavement projects. He stated that pot holes destroy vehicles and cost far more than investing in the paving and other things should be done away with. He said bus ridership was less than 3% in the city and it costs taxpayers \$683,000. to provide the service. He feels the hot tub should also be put out of service. He questioned the necessity of ½ mile of chain link fence running along the Greenbelt Walkway to protect walkers from trains. The Manager responded to Mr. Beckwith's comments. He said the city has a legal obligation to tend to reported pot holes and that the city did not intend to neglect road maintenance. Also, the city only had to cover 10% of the cost of enhancements on the Greenbelt Walkway and the fencing was a condition of approval of the project.

Ray Lee, 28 Henry Street - Mr. Lee said the Council did not listen to Mr. Beckwith's concerns and that wants and needs are two different things. He said you need roads and the Council's decisions are bankrupting the city. In regards to an item at the last Council meeting authorizing additional funding for legal fees, he said he thinks the vendor should have to eat the over run. He also questioned why there was always 4 to 5 inches of snow on Willard Street after a snow storm when all the other streets are plowed to the pavement.

G. Public Hearings and Action

3. Cousins Inc., d/b/a Thatchers, 613 Maine Mall Road, for an FSE/Class A Restaurant with liquor license. New business. Passage requires majority vote.

There was no public discussion.

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

4. Pape Auto Motion, Inc., 2123 Broadway, for an increase in total amount of cars on lot on a Used Car lot license. Passage requires majority vote.

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

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H. Action on Old and New Business

Mayor Baxter asked if any of the Councilors had anything to report on. He wanted to report that a Master Building Committee meeting is scheduled for Tuesday night at 7:00 P.M. at South Portland High School.

Councilor Hughes reported that the Broadway / Westbrook Street Neighborhood Association would be meeting at 7:00 P.M. on Wednesday night at the Thorton Heights United Methodist Church. Richard Berman will be the speaker.

Councilor Jacobs reported that the Ferry Village Conservation Committee will be meeting Thursday night at 7:00 at the Betsy Ross House.

Councilor Bowring commented on the number of hours that the Public Works crews had to put in during the recent storms and said they did a good job.

5. RESOLVE #3-02/03 – Endorsing the Friends of Casco Bay Plan. Postponed on 12/16/02. Passage requires majority vote.

There was no public discussion.

Councilor Fickett said he would not support this without knowing exactly how much this will cost the city. Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Passed 6-1 (Fickett)

6. ORDER #99-02/03 – Authorizing the City Manager to sign a Municipal/State Agreement regarding traffic signals in the Maine Mall area. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know what was wrong with the lights that are there now. The Manager responded that the planned installation is a comprehensive system similar to the light system on Forest Avenue in Portland. Traffic congestion will be relieved with the new system.

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

7. ORDER #100-02/03 – Authorizing contractors for the Maine Department of Transportation to transport heavy construction equipment over city streets. Passage requires majority vote.

There was no public discussion.

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

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8. ORDER #101-02/03 – Amending the Personnel Policy regarding sexual orientation. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #102-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Fickett said we are in a bad way. He read passages from a memo from March 17, 1993 from a congressional hearing relating to bankruptcy and inflation.

Mayor Baxter wanted to make sure that everyone had received a printout of Council Assignments for 2003. He has received positive feedback in regard to the early start on addressing the budget for fiscal year 2003/2004.

Councilor Jacobs commended the City Manager and School Superintendent for their early start in the budget process. He said that he is hopeful in creating a committee consisting of Council members, School Board members and local legislators to address school funding. He also said Public Works did a great job and he wished Annette Park a happy birthday.

Councilor Maietta said there was a problem with the traffic lights at Sawyer and Ocean. He also asked for an update on the boon truck for the electrical department. He congratulated Gary Cummings on his retirement.

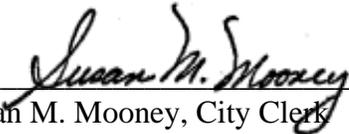
Councilor Bowring said he hopes folks realize that the city is not going to neglect pot holes. He will not be able to attend the next Council meeting because he will be traveling. He asked that a little research be done on the removal of Home for Sale by Owner signs. Two signs were removed and he wanted to know if there is a procedure in place to notify a homeowner if a sign happened to be located in a questionable area.

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JANUARY 6, 2003**

K. Executive Session

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Bowring at 8:43 P.M. Adjournment passed 7-0

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ATTEST _____
Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 80
JANUARY 22, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Maietta to accept the minutes from the regular meeting of January 6, 2003. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Maine Municipal Association press release regarding the Maine Supreme Court decision to overrule a Superior Court ruling in favor of allowing Credit Counseling Centers, Inc. to hold a tax exempt status as a “benevolent and charitable” organization.
- Memo from Central Maine Power to the Board of Harbor Commissions regarding backfilling the trench containing the combination electric and natural gas submarine cable and pipeline. Experts have concluded that backfilling the trench is not warranted.
- List of service achievements for 2002 from the South Portland Public Library
- Letter from Mark Potter to Steven Johnson regarding the great job the Public Works Department is doing with snowplowing.
- Letter from Maine Criminal Justice Academy notifying the Police Department that funds for the Tobacco Grant Program have been frozen and unavailable due to State budget shortfalls.
- Thank you letter from Fort Fairfield thanking Tony Vigue for his help and expertise in assisting with their cable contract.
- Thank you letter from Lisa Smith, the Development Coordinator at Marine Animal Lifeline for allowing them to use Willard Beach facilities for their New Year’s Day Fundraising event “Swim for the Seals”.

The Manager then provided the Council with two hand outs, a traffic report from Gorrall Palmer regarding the Maine Youth Center and an assessment of the fiscal impact of the proposed Maine Youth Center.

C. Petitions and Communications

Planning Board report regarding the discontinuance of Henry Street.

Department Reports for the month of December, 2002.

Attendance Reports for the month of December, 2002.

The Mayor referred to a letter submitted to the Council from a citizen. He wanted the Council to be aware that the matter was being taken care of. He then read a letter from Rhomy Brown stating support from the Knightville/Millcreek Association for the Maine Youth Center project. He gave a very quick update on the Master Building Committee

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saying that the project is still running a little behind and more staff will be put on the project as soon as the weather gets better.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Boudreau. Postponed 6-0

2. ORDER #88-02/03 – Library Advisory Board, District, District 1, (Jacobs), to fill an unexpired term which expires on 12/31/03. Postponed on 12/16/02. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Laidley, 2 Taylor Street was made by Councilor Jacobs and seconded by Councilor Hughes.

E. Consent Calendar

3. Street Closing

The Transportation and Waterfront Department is requesting that Pillsbury Street between Chase Street and Bay View Avenue be closed from 11:30 A.M. and 12:30 P.M. on January 24, 2003 for the Roger E. Roscoe, Jr. Memorial Dedication ceremony.

Councilor Maietta suggested that the street be closed from Cottage Road to Bayview Ave. Councilor Boudreau moved to pass the street closing from Cottage Road to Bayview Ave. and Councilor Jacobs seconded the motion. Passed 6-0

F. Citizen Discussion (First Part)

Peter Larson, 406 Ocean Street – Mr. Larson brought a case of Portland Water District water for the Council along with a check for \$34,926.00 for the city. The check was a refund for an overestimation of services for sewer billing. Mr. Larson encouraged the Council to support the Portland Water District's effort to be self governing. He asked the Council to consider a workshop to learn more about the effort and to provide a proclamation or letter of support to the legislature. He announced that the Portland Water District meetings will now be taped for the public to view. The Board meets the second Monday of the month for a workshop and holds its' regular meeting on the fourth Monday of the month.

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G. Public Hearings and Action

4. ORDER #89-02/03 – Discontinuance of Henry Street. Postponed on 12/16/02. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

5. ORDER #103-02/03 – Award of bid to R. J. Grondin, Inc. of Gorham, ME, for the Cash Park Separation Project. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #104-02/03 – Accepting \$2,835.00 cash under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #105-02/03 - Appealing the denial of the Public Works Director for a curb cut for Brown Elementary School. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #106-02/03 - Appealing the denial of the Public Works Director for a curb cut on Highland Avenue for Parkway Pines. Passage requires majority vote.

There was no public discussion.

Councilor Maietta asked to abstain from this item due to a conflict of interest. Motion for passage was made by Councilor Hughes and seconded by Councilor Fickett. Motion for amendment was made by Councilor Jacobs and seconded by Councilor Boudreau to correct the wording on the order to change “Highland Avenue” to “Gary L. Maietta Parkway”.

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JANUARY 22, 2003

Amendment passed 5-0 (Maietta abstained). The main motion passed as amended 5-0 (Maietta abstained)

9. ORDINANCE #8-02/03 – Amending Chapter 10, “Health, Welfare And Sanitation Generally,” regarding rent maximums. First reading. Passage requires majority vote.

There was no public discussion.

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

10. ORDINANCE #9-02/03 – Amending Chapter 23, “Streets and Sidewalks,” regarding curb cuts. First reading. Passage requires majority vote.

The following person addressed this item;

Stanley Cox, 460 Highland Ave. - Mr. Cox said he would like to see this ordinance amended to be consistent with the approved curb cut for the glass museum. He feels the radii for curb cuts both with and without a splitter island be set to a maximum of 35 feet.

Motion for passage was made by Councilor Fickett and seconded by Councilor Boudreau. Motion for amendment was made by Councilor Boudreau and seconded by Councilor Maietta to set the radii maximum to 35 feet. The amendment passed 4-2 (Hughes, Jacobs) The main motion passed as amended 4-2 (Hughes, Jacobs)

11. ORDINANCE #10-02/03 – Amending Chapter 24 “Subdivisions,” regarding curb cuts. First reading. Passage requires majority vote.

There was no public discussion.

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

12. RESOLVE #4-02/03 - Regarding the Maine Youth Center Redevelopment Project. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith asked about the Jetport Access Road.

Richard Berman was present to answer any questions the Council may have. Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Motion for an amendment to change the wording in the third paragraph from “vital to maintaining economic viability” to “important to maintaining economic viability” was

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made by Councilor Boudreau and seconded by Councilor Maietta. Amendment passed 5-1 (Fickett). The main motion passed as amended 5-1 (Fickett)

13. PROCLAMATION #4-02/03 – Recognizing the events of January 17, 2003, through February 5, 2003 as Happy Bus Days! Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said he hopes to see ridership increase.

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

I. Citizen Discussion (Second Part)

Stanley Cox, 460 Highland Ave. – Mr. Cox said that safety is the most paramount concern of the Planning Board. He said the amendment to allow the 35 foot maximum radius on curb cuts will allow the Planning Board more flexibility.

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith said the Maine Youth Center project is based on tax credits and federal money and the future of funding support for these projects will get smaller and smaller.

J. Councilor’s Round Robin

Councilor Jacobs wished to address a comment made by Mr. Cox concerning “micro-management”. Councilor Jacobs said he wants to make sure all questions are answered for the sake of the constituents.

Councilor Maietta commented about the letter the Council received from someone in the community. Mayor Baxter assured him that the matter was being addressed. Councilor Maietta also asked if someone could check into whether recycling had been completed for the day. He noticed several containers that had not been emptied. He also mentioned that he received a call from someone that had received a parking ticket for being double parked in the High School parking lot. The City Manager said he would check into it.

Mayor Baxter said that everyone is concerned about safety in regards to the radius issue.

Councilor Boudreau encouraged people to be safe in this cold weather and to dress appropriately.

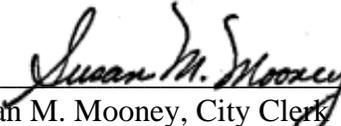
K. Executive Session

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Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Jacobs. Adjournment passed 6-0 at 9:33 P.M.

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 86
FEBRUARY 3, 2003**

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

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of January 22, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- List of requests from surrounding communities to Maine Department of Transportation
- The Willard Beach Shoreline Study. The Manager recognized, in particular, the efforts of Theresa Wiper.
- Community Policing Across Maine newsletter. The newsletter contained an article written by Police Chief Ed Googins titled "An Executive Leadership Series 2002 Participant's Comments".
- Memo from the Manager to the Council regarding a name change from the Pollution Control Department to South Portland Water Resource Protection.

C. Petitions and Communications

The Manager announced that the following item has been submitted to the Council for their review;

- Planning Board Report regarding Conditional Residential and Commercial Use District G-3.

Councilor Maietta asked that the vacancy on the Conservation Commission be posted on the web site and SPCTV.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

A motion to postpone was made by Councilor Maietta and seconded by Councilor Bowring. Item postponed with a vote of 7-0.

E. Consent Calendar

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F. Citizen Discussion (First Part)

Stan Cox, 876 Highland Ave. – Mr. Cox provided the Council with a hand out outlining South Portland’s recycling rate and provided an overview of the data. He said citizen’s are doing a very good job recycling.

G. Public Hearings and Action

2. ORDINANCE #8-02/03 – Amending Chapter 10, “Health, Welfare And Sanitation Generally,” regarding rent maximums. Passed first reading on 01/22/03. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said the Housing Authority has had good luck with their rental units. They have been able to lease 100% of the units.

Jack Roberts was present to answer any questions the Council had. Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passage was made by roll call vote 7-0.

3. ORDINANCE #9-02/03 – Amending Chapter 23, “Streets and Sidewalks,” regarding curb cuts. Amended and passed first reading on 01/22/03. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Tex Haeuser was present and gave an overview of the proposed change. Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passage was made by roll call vote 7-0.

4. ORDINANCE #10-02/03 – Amending Chapter 24 “Subdivisions,” regarding curb cuts. Passed first reading on 01/22/03. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion

Motion for passage was made by Councilor Jacobs and seconded by Councilor Bowring. Passage was made by roll call vote 7-0.

H. Action on Old and New Business

5. ORDER #107-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 88
FEBRUARY 3, 2003

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

6. ORDINANCE #11-02/03 – Amending Chapter 27, “Zoning,” regarding Conditional Residential and Commercial Use District G-3. First reading. Passage requires majority vote.

Councilor Bowring made a motion to have the ordinance read by title only. Councilor Boudreau seconded the motion and it passed 7-0.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked the City Manager if the impact fees would be paid by the developer. The Manager said the developer would be responsible and the City would not be covering any portion of the impact fee. Mr. Beckwith raised concerns with the City having to cover two thirds of cost of State road construction fee, relating to the building of the Jet Port Plaza Road.

Tex Haeuser gave an overview of the project and Richard Berman reviewed the site plan. Councilor Bowring indicated that he is not comfortable with the process of this project, saying that this is the first time that the Council is being asked to pass an ordinance without having all the details in place. Mr. Berman responded saying that by passing the ordinance, the City would be sending a clear message of support for the project to the legislators, who will be deciding on the lease and sale aspects of the parcel.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Councilor Hughes made a motion to amend Section 27-416, paragraph E, subsection (2) by inserting “or any subsequent Phase” after “Approval of Phase II” and also subsection (3) by inserting “or more than 210 residential units” after “Approval of any phase which will result in more than fifteen thousand (15,000) square feet of non-residential use”. The amendment was seconded by Councilor Bowring and passed with a 6-1 vote with Fickett opposed. The main motion passed first reading with final passage postponed to a special meeting to be held before the workshop meeting, scheduled on February 24th, with a vote of 5-2, with Fickett and Maietta in opposition.

7. ORDER # 108-02/03 – Authorizing the City Manager to extend one of the City’s Roadrunner service drops to the United States Sea Cadet Corps. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith asked if the City is paying for Cable TV. The Manager said we are paying a flat fee per month which includes thirty Roadrunner connections.

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LTJG Roger Sabourin Sr., Commanding Officer of the CG Group Portland Division of the US Coast Guard pointed out that the Order should read United States Naval Sea Cadet Corps CG Group Portland Division of the US Coast Guard. It read "United States Sea Cadet Corps".

Motion for passage was made by Councilor Fickett and seconded by Councilor Maietta. Motion for amendment was made by Councilor Bowring and seconded by Councilor Maietta and passed with a vote of 7-0. The main motion passed as amended 6-1 with Councilor Jacobs in opposition.

8. ORDER #109-02/03 - Authorizing the City Manager to sign an agreement with South Portland Firefighters, IAFF Local 1476 regarding impact negotiations for the Public Safety Dispatch. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road - Mr. Beckwith wanted to know if the dispatchers were civilians and if they were covered under the Firefighters bargaining unit. The Manager said since the consolidation of police and fire dispatch, all dispatchers are civilians and are covered under their own collective bargaining unit.

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

I. Citizen Discussion (Second Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith commented that it appears to him that the consolidated dispatch center has actually cost the city more to operate than the two separate dispatch facilities had.

J. Councilor's Round Robin

Councilor Hughes said that someone had raised an issue with his attire at Council meetings. He indicated that it is very difficult for citizens to come and speak before the Council and he feels that his informal attire might put people who come to address the Council more at ease.

Councilor Boudreau recognized and thanked Stanley Cox for his efforts to educate the community on recycling issues. She urged for community support regarding a swap shop at the transfer station. There was not sufficient support from the Council at a recent workshop that would uphold her interest in locating a swap shop at the facility. She also congratulated the Historical Society for being awarded a \$1,397.00 grant. The grant, along with a donation from the South Portland Lions Club for \$700.00 and an anonymous donation of \$250.00 will allow the Society to start some archival projects.

Councilor Jacobs said that it is very intimidating to be before the Council at the podium. He said that studies show the #1 greatest fear is public speaking. He said any

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 90
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opportunity to create comfort for people is worthy. In regard to the swap shop, he encouraged the public to work with the Council in an effort to better serve the community.

Councilor Maietta said the free bus ride day was very enjoyable.

Mayor Baxter said he has tried to visit neighborhood group meetings to get feedback. He said this night's meeting was very professional, especially in light of a couple of tough items on the agenda.

K. Executive Session

A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of City Manager.

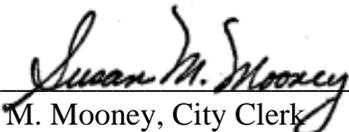
Motion to adjourn to executive session was made by Councilor Boudreau and seconded by Councilor Jacobs at 9:25 P.M. Passed 7-0

Motion to return from executive session was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 6-0 (Fickett had left)

Motion to adjourn was made by Councilor Bowring and seconded by Councilor Jacobs at 10:55 P.M. Passed 6-0

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 91
FEBRUARY 19, 2003**

Roll Call: Mayor Baxter called the meeting to order at 7:02 P.M. Councilor Bowring and Councilor Maietta were absent.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Jacobs to accept the minutes from the regular meeting of February 3, 2003. Passed 5-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Lewiston thanking the South Portland Police Department for their assistance with the Peace Rally and the White Supremacy gathering January 11, 2003.
- Announcement of the special Council meeting on February 24, 2003.

C. Petitions and Communications

Department reports for the month of January, 2003.

Attendance reports for the month of January, 2003.

Mayor Baxter gave a quick update on the Master Building Committee. Kaler and Small School were running about 10 weeks behind. Currently they have caught up to being 5 weeks behind. He also said that the owners of the new restaurant, "Eggspectation", were very complimentary regarding the treatment by the Planning Department and the City Clerk's Department. He commented on the City's effort to be pro-business.

Councilor Boudreau said that she had met with the Manager, Public Works Director and Mayor to discuss a swap shop at the transfer facility. It was decided that a bulletin board will be hung at the transfer station to allow citizens to post notices. They could either state that they have items on hand that could be refurbished or they could leave their name and number for others to contact them if they were interested in picking things up.

Councilor Jacobs announced that applications to purchase a composting machine were in various locations throughout the City including the Library and City Hall.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

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FEBRUARY 19, 2003

Motion for postponement was made by Mayor Baxter and seconded by Councilor Boudreau. Postponed 5-0.

E. Consent Calendar

2. The Sea Cadets and the American Legion are requesting the closing of Broadway from the S.M.T.C. parking lot to the American Legion Post #35 from 10:00 A.M. to 11:00 A.M. on November 11, 2003, for a parade in honor of Veterans Day.

The following person addressed this item;

LTJG Roger Sabourin Sr., Commanding Officer of the CG Group Portland Division of the US Coast Guard - LTJG Roger Sabourin Sr. said that this is the first Veteran's Day Parade since 1919.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Boudreau noted that the time should be posted from 9:30 A.M. to 11:00 A.M. Passed 5-0

F. Citizen Discussion (First Part)

William Laidley, 2 Taylor Street – Mr. Laidley said the taxpayers cannot afford the hot tub replacement. He felt that perhaps local businesses could be encouraged to underwrite the costs and have the hot tub named after them.

Clarence Beckwith, 51 Bonnybriar – Mr. Beckwith also stated that the hot tub was probably worthwhile, but not in a year when costs are skyrocketing. He commented that the tub benefits a small portion of the public and the pool is an endless black hole.

G. Public Hearings and Action

H. Action on Old and New Business

3. ORDER #110-02/03 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Boudreau. Passed 5-0

4. ORDER #111-02/03 – Award of bid to Daigle and Houghton, of Fort Kent, ME, for the purchase of one (1) school bus for the School Department. Passage requires majority vote.

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The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar – Mr. Beckwith wanted to know if we have the money from the State to pay for the bus yet.

Polly Ward, the School's Business Manager said that reimbursement from the State comes one year after the purchase. They have received reimbursement from the two buses purchased last year.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 5-0

5. ORDER #112-02/03 – Award of bid to Mainland Structures Corp, of Gorham, ME, for replacement of the South Portland Municipal Pool Spa. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar – Mr. Beckwith said \$100,000 is a lot of money. Things are going to come up that are needed much worse. He said it is not appropriate for the City to spend this money.

Motion for discussion was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Boudreau requested Dana Anderson, Parks & Recreation Director to provide some background information on the project. Mr. Anderson assured the Council that the cost is not extravagant and the engineer that provided the estimate, Ben Walters, is very capable. Mr. Walters worked with Mr. Anderson on both the Redbank School and Community Center project. Councilor Boudreau moved to postpone the item to the next meeting. Councilor Hughes seconded the motion. Postponed 4-1 (Fickett)

6. ORDER #113-02/03 – Amending Order #96-02/03 regarding electrical services. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar – Mr. Beckwith asked if the electrical work was going to be contracted out from now on or just until the end of the year. The Manager said that the City is working to see if it is more beneficial to hire our own electricians or to contract the work out.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 5-0

I. Citizen Discussion (Second Part)

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FEBRUARY 19, 2003**

J. Councilor's Round Robin

Councilor Fickett read through a paper from his history books regarding inflation. He said a dollar is now only worth about eighteen cents.

Councilor Jacobs thanked the Public Works Department for doing a great job at keeping the streets clear. He reminded people that trash collection was cancelled Monday and Tuesday because of the storm. He also asked citizens to help the Fire Department by digging out any fire hydrants close to their home.

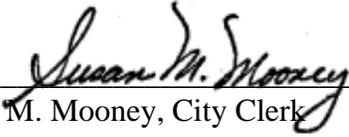
Mayor Baxter thanked citizens for their comments on the hot tub. He acknowledged and welcomed the guests in the Council Chambers. He said the driving conditions are dangerous and encouraged people to be careful.

Motion for adjournment was made at 8:08 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 5-0

K. Executive Session

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ATTEST



Susan M. Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 64 PAGE 95
FEBRUARY 24, 2003**

Roll Call: Mayor Baxter called the meeting to order at 7:03 P.M. Councilor Maietta was absent.

G. Public Hearings and Action

1. ORDINANCE #11-02/03 – Amending Chapter 27, “Zoning,” regarding Conditional Residential and Commercial Use District G-3. Amended and passed first reading on 2/3/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Due to the length of the ordinance, a motion to have the ordinance read by title only was made by Councilor Bowring and seconded by Councilor Hughes. Passed 6-0.

The Manager passed out two memos, one from Growsmart Maine and one from South Portland Land Trust, both supporting the project. Following the Manager’s introduction to this item the developer, Richard Berman, gave an overview of the proposed project. Winton Scott gave highlights about the design and Elaine Clark from the Bureau of General Services provided information about the status of the legislature in regards to the sale / lease of the Maine Youth Center land. She indicated that the administration will not support a whole sale sell off of the parcel.

The following people addressed this item;

Jean Maginnis, 194 Mussey Street – Ms. Maginnis asked, “What does neighborhood mean?” Mr. Berman replied that the project is not a gated community. It will serve the greater neighborhood area by providing green space, access and public transportation.

The people below all spoke in support of the project;

Hilary Basset, Executive Director of Greater Portland Landmarks
Donna Yellen, 77 Willow Street
Grant Lee, Southern Maine Coalition on Affordable Housing
Bobby Piveronas, 43 Settler Road
Mike Vaillancourt, Ainsworth and Thelin, P.A.
Chris Trout, 462 Preble Street
Lisa Munderback, 23 Coach Road
Mollie Mahanna, 46 Ocean View Ave.
Don Legere, South Portland Chamber of Commerce
Amy Donahoe, 46 Ocean View Ave.

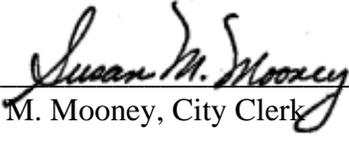
Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passage was made by roll call vote 5-1 (Fickett)

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Motion to adjourn was made at 8:43 P.M. by Councilor Bowring and seconded by Councilor Jacobs. Passed 6-1

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 97
MARCH 3, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:06 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Boudreau to accept the minutes from the regular meeting of February 19, 2003 and the special meeting of February 24, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- The Manager reminded people about ordering composting machines through the Public Works Department
- Memo from Deb Smith regarding a donation of hand made furniture from Clayton Farrar for the pre-school program
- Note from Pat and Don Powers praising the Public Works Department for their long history of excellence.

Mayor Baxter said the Superintendent has presented his budget to the School Board. Workshops are now being held.

Councilor Jacobs said that he is troubled by LD Bill 251 regarding tax acquired property. He said the bill, submitted by Representative Glynn, would turn municipalities into real estate agents. The bill proposes that when municipalities sell tax acquired properties, the proceeds should be returned to the former owners of the property after taxes have been settled.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion to postponed was made by Councilor Maietta and seconded by Councilor Bowring. Postponed 7-0

2. ORDER #114-02/03 – Board of Assessment Review, District 3, (Baxter), to fill a term which expires on 03/16/06. Passage requires majority vote.

There was no public discussion.

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MARCH 3, 2003

Motion to postponed was made by Councilor Baxter and seconded by Councilor Boudreau. Postponed 7-0

3. ORDER #115-02/03 – Civil Service Commission, District 1, (Jacobs), to fill a term which expires on 03/01/08. Passage requires majority vote.

There was no public discussion.

Motion to postponed was made by Councilor Jacobs and seconded by Councilor Maietta. Postponed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Dick Campbell, 29 Washington Ave – Mr. Campbell said that the Superintendent has refused to produce a line item budget. He said the Council is suppose to be the voice of the people. The Mayor responded saying that the Superintendent has submitted a line item budget.

Dave Bourke, 26 Henry Street – Mr. Bourke welcomed the new Council members and said that he was one of the two people that attended the school board meeting when the budget was presented. He said the budget was increasing by over a million dollars and that there are ways to cut those costs. He encouraged the Council not to authorize the school to spend any more this year than last year. On the City side, he suggested increasing user fees at the pool, cutting Parks and Recreation management positions and not plowing residential sidewalks as cost cutting measures.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith inquired as to whether the leased land at the Maine Youth Center would be taxable. The Manager said that it would be taxable. Mr. Beckwith also voiced concerns about the costs relating to the hot tub and with staff from Sewer Maintenance working on the Greenbelt Walkway.

Ray Lee, 28 Henry Street - Mr. Lee was disappointed that the hot tub was not on the agenda for action. He said we can not afford it, gas and oil are up and the Country is on the verge of war. Mr. Lee commented that the recycling truck drives by so fast that they are missing bins of material.

Janice Doctor, 199 High Street – Ms. Doctor has concerns about the development at the Youth Center. She said she has not studied the project but said that there are no guarantees that bringing more children into that school district will result in additional funding from the State.

Dave Bourke, 26 Henry Street – Mr. Bourke asked what the impact on taxes for the development would be. He said the project makes sense and 100 year ground leases are very common.

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MARCH 3, 2003

Richard Berman, the developer of the Maine Youth Center Project addressed the issues raised. He has submitted a total fiscal impact report and would be happy to share the information with the public if they contact him. Responding to a comment that Mr. Lee had about the affordability of the housing, he said that the project is not low income housing. The project is earmarked for people making 50% of the median income. It is geared to workforce housing and would provide opportunities for first time teachers, police, firemen, etc.

G. Public Hearings and Action

4. Business License

O'Charley's Inc. d/b/a 99 Restaurant, Maine Mall Road, FSE/Class A restaurant with Liquor License. Change in corporate structure. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

5. PROCLAMATION #5-02/03 - Proclaiming Allen Andrews as Officer of the Year. Passage requires majority vote.

Chief Googins spoke on behalf of Officer Andrews. He presented him with plaques, one from the Police Department and one from the City Council.

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

6. RESOLVE #5-02/03 – Designating the former Maine Youth Center property as a Community Revitalization Area. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #116-02/03 – Authorizing the City Manager to sign a City/State Agreement with the Maine Department of Transportation regarding traffic signals at the intersections of Cottage Road and Sawyer Street. Passage requires majority vote.

There was no public discussion.

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MARCH 3, 2003

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

8. ORDER #117-02/03 – Authorizing the City Manager to sign a City/State Agreement with the Maine Department of Transportation regarding traffic signals at the intersections of Maine Mall Road, Gorham Road and Running Hill Road. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if this was part of the \$600,000 traffic light project. The Manager said it is not, but it will be tied into it.

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

9. ORDER #118-02/03 – Authorizing the implementation of postponed projects from the FY2003 Capital Improvement Plan and appropriating \$450,000.00 for the High School Annex roof. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said that he is not necessarily against this item but wanted to know what prompted the Council to bring this forward. The Manager said that the list was put on hold last August and was scheduled to be brought forward in January or February.

Motion for passage was made by Councilor Bowring and seconded by Councilor Hughes. Councilor Boudreau made a motion to remove the \$100,000 for paving, indicating that there really is nothing pressing at the moment that would necessitate approving passage at this point in time. She thought it would be more prudent to address the paving issue again in June when a clearer financial picture would be in place. Councilor Maietta seconded the amendment stating that perhaps more money could be allocated at that later point in time. The amendment passed 5-2 (Bowring, Fickett). The main motion passed as amended 6-1 (Fickett)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau was disappointed that the hot tub issue had been blown out of proportion. The Council did not speak in support of spending the \$100,000 and the decision to postpone was to look for alternative funding arrangements.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 101
MARCH 3, 2003**

Councilor Fickett read through a passage from the book, "The Making of America". The section that he read was titled, "Affirmative Programs to Encourage All Religions on the State Level" in the chapter, "The Bill of Rights and the First Amendment".

Councilor Jacobs said that he was disturbed by a comment mumbled at the end of the Pledge of Allegiance. He said that someone said, "Except in South Portland", after, "With Liberty and Justice for All". He also said that his car had been vandalized at a School Board meeting and that people should be aware and to keep a look out. In regards to an article in the paper, he asked Corporation Counsel, Mary Kahl, if she would agree that city email addresses should be made public if requested. Counselor Kahl said she did not see any reason why email addresses would not be public. He also wanted to make the public aware that he has had problems with his city email address and not all of his emails have gotten through to him.

Mayor Baxter said the School Board is just getting started with studying the Superintendent's budget. He commented that no one wants to see a tax increase. The difficulty is that no one wants to see the quality of services reduced. People should submit lists of what they think should be cut.

K Executive Session

A motion may be made to go into Executive Session, pursuant to 1 M.R.S.A. §405 (6)(a), discussion of public employee's employment status – evaluation of Corporation Counsel.

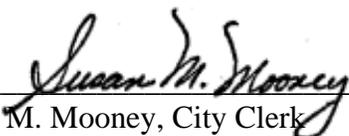
Motion to adjourn to executive session was made at 8:56 P.M. by Councilor Boudreau and seconded by Councilor Bowring. Passed 7-0

Motion to return to open session was made at 9:41 P.M. by Councilor Bowring and seconded by Councilor Jacobs. Passed 7-0

Motion to adjourn was made at 9:50 P.M. by Councilor Fickett and seconded by Councilor Boudreau. Passed 7-0

A TRUE COPY

ATTEST



Susan M. Mooney, City Clerk

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Roll Call: Mayor Baxter called the meeting to order at 7:03 P.M. All members were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

The Manager addressed the following items;

- Proposed FY 2004 Budget – The Manager passed out his budget message and line item summaries and indicated that the detail budget document had been sent to the printers. He ran through a summary of the budget as submitted.
- The Manager announced that Chief John True has submitted his retirement notice. The Manager said that the City has been fortunate to have had a Fire Chief with Chief True's dedication and experience.
- Jeanne Crocker, the Principal at South Portland High School has been named Principal of the Year.
- The Railroad Show at the Library was highly successful with a turnout of over 700 visitors.
- Steve Johnson, Public Works Director presented the composting bin that the City is taking orders for. Orders will be received until May 26th.

C. Petitions and Communications

Department Reports for the month of February, 2003.

Attendance Reports for the month of February, 2003.

Mayor Baxter said that Jeanne Crocker was hired when he was principal at the high school. He said this is a big honor. He also commended the School Board and the Manager for their hard work on the budget.

Councilor Bowring also recognized Jeanne Crocker, along with the High School Robotics Team for taking first place for the second year in a row.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

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

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2. ORDER #114-02/03 – Board of Assessment Review, District 3, (Baxter), to fill a term which expires on 03/16/06. Postponed on 03/03/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint Brian Linscott of 75 Adelbert Street was made by Mayor Baxter and seconded by Councilor Jacobs. Passed 7-0

3. ORDER #115-02/03 – Civil Service Commission, District 1, (Jacobs), to fill a term which expires on 03/01/08. Postponed on 03/03/03. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #119-02/03 – Planning Board, At-Large, (Fickett), to fill a term which expires on 04/01/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Judy Carpenter, 25 Washington Avenue was made by Councilor Fickett and seconded by Councilor Boudreau. Passed 6-1 (Jacobs)

5. ORDER #120-02/03 – Planning Board, District 3, (Baxter), to fill a term which expires on 04/01/06. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Dick Campbell, 29 Washington Ave. – Mr. Campbell voiced concerns about the wages made by the City Manager, Assistant City Manager and the City Clerk and their raises last year. He also said he felt that the Public Works Department did not do a good job clearing city sidewalks.

Jonathan Platt, 91 Mitchell Road – Mr. Platt did not feel that it was necessary to repave Mitchell Road last year. He did not think the road was in poor condition and the \$26,000 cost to repave would have been better spent elsewhere. He also questioned the maintenance of playing fields on Broadway. He does not feel the field should have

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been plowed and the building there was being heated unnecessarily. He also voiced concerns about the tax rate and felt that his food service license was unfair.

Louis Koukos, 21 Simmons Road – Mr. Koukos was extremely upset that the School Board has decided to close Hamlin School one year early. He said shifting kids around twice is not a good idea and it is not what we voted for. He said the City Council should not approve the school budget unless they change the plan to close Hamlin School.

Ray Lee, 28 Henry Street - Mr. Lee said he was told by the State that you do not need a food service license if you were selling prepackaged candy. He questioned the Manager about a rumor he had heard about a City Hall employee working from home and he asked who was plowing the Armory since it was sold. He feels people should use pools in other communities and does not support investing money into the pool at the Community Center.

Mark Loring, 5 Woodmoor Road – Mr. Loring has a child at Hamlin School and he voiced frustration with the redistricting plan. Parents were not involved in the decision of how the shift of students was going to occur.

Angela Griffiths, Davis Street – Ms. Griffiths asked the Council to support the school budget. She said that South Portland has a high percentage of Special Ed Students and hopefully the State will help with funding. She feels that South Portland is not competitive with other communities in regard to physical education and foreign language at the elementary levels.

G. Public Hearings and Action

6. Business License

Waterman's Service Center, 620 Main Street, Used Car Lot license. New City License. Passage requires majority vote.

There was not public discussion

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

H. Action on Old and New Business

7. PROCLAMATION #6-02/03 - Proclaiming March 16 – 22, 2003 as Media in Democracy Week. Passage requires majority vote.

There was no public discussion.

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

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8. ORDER #121-02/03 – Amending the license agreement with Portland Pipeline for the Greenbelt Walkway. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #122-02/03 – Award of bid to John and Sylvia Gordon, of Gorham, ME for the lease of the Willard Beach Concession. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #123-02/03 – Award of bid to Higgins Office Products, of South Portland, ME, for the purchase of computers for the School Department. Passage requires majority vote.

There was no public discussion.

Ed Gomes was present from the School Department to answer questions. Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Passed 7-0

11. ORDER #124-02/03 – Award of bid for the purchase of an air-conditioning compressor for the Main Library. Passage requires majority vote.

The Manager requested that this item be withdrawn from the agenda as the bid priced came in below \$10,000. Motion to withdraw was made by Councilor Bowring and seconded by Councilor Maietta. Withdrawn 6-0 (Jacobs out of the room)

12. ORDER #125-02/03 – Award of bid to Apex Construction, of Chocorua, NH, for the Bay Road Pump Station Upgrade. Passage requires majority vote.

There was no public discussion.

Pat Cloutier and Dave Thomes were present to answer questions on items #12 through #16. Motion for passage was made by Councilor Maietta and seconded by Councilor Jacobs. Passed 7-0

13. ORDER #126-02/03 – Award of bid to T-Buck Construction, Inc., of Auburn, ME, for De-Grit System Replacement for Willard Beach and Front Street Pump Stations. Passage requires majority vote.

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There was no public discussion.

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

14. ORDER #127-02/03 – Authorizing a two-year extension on the City’s contract with Wright-Pierce regarding Treatment Plant’s projects. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #128-02/03 – Award of bid to Wright-Pierce for Treatment Plant facility update. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #129-02/03 – Approving the 2003 rates for Spring Point Marina. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #130-02/03 – Award of bid to Pine Tree Engineering, of Bath, ME, for engineering design and inspection consulting services for Thomas Knight Park. Passage requires majority vote.

There was no public discussion.

There was discussion on whether now was the time to invest money into this project. With the grant of \$240,086. the City would have to contribute \$142,500. to complete the project. Motion for passage was made by Councilor Jacobs and seconded by Councilor Fickett. Passed 4-3 (Bowring, Hughes, Fickett)

18. ORDER #131-02/03 – Setting April 2, 2003 as the date for Public Hearing in City Council Chambers for the Proposed Fiscal Year 2004 Municipal Budget. Passage requires majority vote.

There following person addressed this item;

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Mark Loring, 5 Woodmoor Road – Mr. Loring wanted to know if the School Board would be present at the public hearing. He was told yes.

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

19. ORDER #132-02/03 – Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Passed 5-2 (Bowring, Fickett)

20. ORDER #133-02/03 – Authorizing the City Manager to sign a Collective Bargaining Agreement with South Portland Police Command and Supervisory Unit. Passage requires majority vote.

There was no public discussion.

Assistant City Manager, Lauren Carrier was present for Items #20 and #21 to answer questions. Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0

21. ORDER #134-02/03 – Authorizing the City Manager to sign a Collective Bargaining Agreement with South Portland Fire Command Officers Unit. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Baxter said he laments the retiring of Chief John True. He also referred to people waiting for “magic figures” regarding the budget.

Councilor Bowring, referring to the President's 8:00 P.M. televised message, advised that Saddam Hussein and his sons have been given 48 hours to get out of Iraq. The Manager said that the security threat advisory has been bumped back up to orange (high risk of terrorist attack)

Councilor Boudreau thanked Steve Johnson for his demonstration on the recycling bin.

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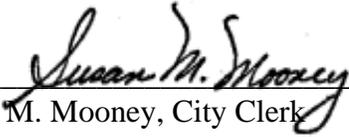
Councilor Fickett said that composted leaves create the same additive to soil as lime. He said people will have to grow their own garden for food.

K. Executive Session

Motion to adjourn was made at 9:43 by Councilor Bowring and seconded by Councilor Maietta. Adjournment passed 7-0

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ATTEST



Susan M. Mooney, City Clerk

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APRIL 7, 2003

Roll Call: Mayor Baxter called the Special Meeting to order at 6:01 P.M. Councilor Jacobs was not present. Motion to adjourn to executive session for discussion of an employee's employment status was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0. Councilor Jacobs arrived at 6:03 P.M. as Councilors were adjourning.

Motion to return from executive session was made at 7:12 P.M. by Councilor Jacobs and seconded by Councilor Boudreau. Passed 7-0. The Regular Meeting was called to order. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Jacobs to accept the minutes from the regular meeting of March 17, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- The Manager presented a flag to Tatanya Sidorin. The flag was embroidered with the name Eugene Sidorin on the edge and had been flown on the City Hall flag pole. Eugene is currently stationed in Iraq. The flag was donated by the Allen family of Allen Flag in Cape Elizabeth.
- A retirement plaque was presented to Daniel J. O'Carroll. Officer O'Carroll had served in the Police Department from February 1978 to February 2003. Chief Googins also presented a second plaque from the Police Department.
- A thank you note from the City of Portland for the contribution to their One Maine effort. The money was raised to help the food banks and home heating assistance agencies in the Katahdin Region.
- Free yard waste disposal at the transfer station from April 22nd to May 11th.
- An accident in front of the Central Fire Station this morning dumped 8,000 gallons of jet fuel. Most of the fuel ran into catch basins in the area. Hearing about the accident on the scanner, Maietta Construction sent trucks of sand immediately to the area to try and contain the spill.
- Note of appreciation from Sandra Gilley to the Public Works Department recognizing the great job they do with keeping the roads safe and the little extras they provide for service.
- Pleasantdale Neighborhood Association will be scheduling a cleanup along the Greenbelt Walkway on April 19th in recognition of Earth Day.
- The City Clerk announced that the County Commissioners voted to place on the November ballot the question of the establishment of a Cumberland County Charter Commission. At the same time, the members of that Commission will be elected. Nomination papers are available in the Clerk's office. Two seats from each of the three county districts will be voted on in November.

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Due to Councilor Bowring not feeling well, a motion to continue with the agenda order until item #6 has been voted on, to then take items #8 and #17 out of order was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0

C. Petitions and Communications

Planning Board Report regarding the creation of a Noise Ordinance.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Maietta and seconded by Councilor Bowring. Postponed 6-0 (Boudreau out of room)

2. ORDER #115-02/03 – Civil Service Commission, District 1, (Jacobs), to fill a term which expires on 03/01/08. Postponed since 03/03/03. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Jacobs and seconded by Councilor Maietta. Postponed 6-0 (Boudreau out of room)

3. ORDER #120-02/03 – Planning Board, District 3, (Baxter), to fill a term which expires on 04/01/06. Postponed on 03/17/03. Passage requires majority vote.

There was no public discussion.

Motion for passage was made to reappoint Stanley Cox, 460 Highland Ave. by Mayor Baxter and seconded by Councilor Maietta. Passed 7-0

4. ORDER #135-02/03 – Housing Authority, District 1, (Jacobs), to fill a term which expires on 03/25/08. Passage requires majority vote.

There was no public discussion.

Motion for passage was made to reappoint Christine Dearborn, 215 Settler Road by Councilor Jacobs and seconded by Councilor Hughes. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

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Mike Fletcher, 5 Briarwood Road – Mr. Fletcher announced the kick-off of a fund raising project to raise money to buy new playground equipment for Skillins School. Students Nick Rice and Ben Savage both spoke regarding the safety of the existing equipment. The kick-off party will be held April 30th from 5:30 P.M. to 7:00 P.M. The committee is anticipating a cost of \$60,000 and are setting 8/21/04 as a build date. Mr. Fletcher handed out a flyer describing the event.

Dave Bourke, 26 Henry Street – Mr. Bourke raised concerns over the impact of the school bond issue. He noted that the bond passed with a minority of the registered voters turning out for the election. Mr. Bourke feels that the additional expenses incurred from the bond issue need to be offset by cutting the budget and recommended that a freeze be placed on salaried employees. He clarified that he had been misquoted in the paper and that he does not support closing the library. He was encouraged with the efforts by Managers meeting to discuss regionalization considerations.

Matt Marks, 753 Broadway – Mr. Marks encouraged the Council to support the resolve presented in item #8. High school teachers have put together packages to send to the troops and he felt it would be great to be able to include a copy of the resolve signed by the Council. He said he has been unable to reach the Assistant City Manager after placing several calls to the Manager's Office.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith felt cuts needed to be made in the Superintendents office and he proceeded to announce a run down of positions and their associated salaries. He said that if the bond issue had been voted on in the November election, rather than in the spring, it never would have passed. He voiced concerns again about the amount of time that Sewer Maintenance employees were spending working on the Greenbelt Walkway.

Louie Maietta, 185 Elderberry Drive – Mr. Maietta requested an update from the City Manager on the plan that the city officials had put together to mitigate the impact of the school bond issue. The Manager said that as of the passing of this budget, the Council and School Board will have set aside \$1.08 of the \$1.53 mil rate increase to cover the cost of the 28 million dollar bond. At this point in time 12 million of the 28 million has been borrowed to cover the building costs of Kaler and Small schools. Kaler and Small each came in a million dollars less than budget. That cost savings may well be taken when bonds are issued to build Brown School.

Ray Lee, 28 Henry Street - Mr. Lee said that some of the school cuts were temporary and that we are really going to be in a bind next year. With salaries and benefits being the largest costs, employees should have to pay for their own medical insurance or at least 50%. He predicted massive layoffs at National Semiconductor and Fairchild Semiconductor in the next two to four weeks. Mr. Lee inquired whether an employee was working from home and the Manager responded that there is not a city hall employee permanently working from home.

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G. Public Hearings and Action

5. Business License

Ground Round, Inc., 195 Maine Mall Road, for a Special Amusement Permit. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

6. PROCLAMATION #7-02/03 – Recognizing the South Portland High School Robotics Team. Passage requires majority vote.

The following person addressed this item;

John Meade, the coach of the South Portland High School Robotics Team introduced the team members;

Mikaela Martin
Kevin Crosby
Alex Trout
Mike Morris

Jeff Rollins
Nick Dehaas
Ryan Williams
Justin Deckand

Patrick Libby
Jake Deckand
Chris Witham

Steve Martin – Parent and National Semiconductor Engineer
Jane Martin – Fund Raising Parent Advisor
Jim Kinney – National Semiconductor Machinist
Bob Libby – Parent Advisor
Ralph Newall – Teacher Advisor

The team won the championship at the Granite State/New England event. They provided a demonstration of the robot they created.

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

As voted on earlier, the Mayor moved on to Item #8.

7. ORDER #174-01/02 - Accepting a portion of Crestview Drive; deeds for Juniper Circle, Vista Drive and Crestview Drive; pump station lot and 30 foot sewer easement located in Phases II, III and IV of the Grandview Subdivision. Postponed since 5/20/02. Passage requires majority vote.

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The following person addressed this item;

Oliver Keithly, 96 Crestview Drive – Mr. Keithly voiced concerns about the resale value of the homes in the neighborhood because of the perception of water problems in the area. He said this matter has been dragged out far too long and he encouraged the Council to support the passage of this item.

Stormy Keithly, 96 Crestview Drive – Mrs. Keithly wanted to make sure that it was clear that only a couple of the homes have had water problems.

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

8. RESOLVE #6-02/03 – Supporting military troops in Iraq. Passage requires majority vote.

The following people addressed this item;

Valorie Swiger, 77 School Street – Ms. Swiger is the proud mother of a soldier stationed in Iraq. Jason came to her from the foster care system. The last time Ms. Swiger heard from Jason was on Valentines Day. She read a letter from him in which he said he is going to fight hard to make sure that they (his siblings at home) will be able to grow in a world where their dreams and fantasies can grow to new heights and take shape of whatever they want to be. Ms. Swiger said that these young men and women are fighting to maintain our rights and that this is their home. She wants him to be recognized now and said we owe all of them a thank you.

Ray Lee, 28 Henry Street - Mr. Lee recalled a mentor he had in his youth who served as a Sea Scout. His mentor was killed in action. He said he could not believe 3 or 4 Councilors would not support our troops. He also said he hates war and that our President ordered these men and women over there. He said there have been rumors about Councilor Bowring bringing forward this resolve for his own benefit to help in a reelection campaign. He does not believe this to be true and he applauds Councilor Bowring for bringing this forward.

Jan Grieco, 108 School Street – Ms. Grieco’s son is also serving overseas in his second tour of duty. She does not currently know where he is. She is present tonight to support the resolution and commented that often, the only time the soldiers get thanks is when their name is being chiseled into a monument. She wants recognition of those who are serving us and urged an amendment be made to the resolve to remove references to events and to focus only on the men and women in service.

John Howard, 94 Loveitt’s Field Road – Mr. Howard said it appears that the war will be over quickly due to the men and women serving there. He strongly supports the troops but feels political, strategic and tactical decisions are deeply flawed. It is his opinion that the resolution suffers from both trivial and important problems. Some are minor grammatical issues. He feels the last paragraph is offensive in that it seeks to read the

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minds of anyone who would dare to hold a contrary opinion. He hopes that Councilor Bowring will withdraw the resolution because he does not feel that taking a stand on this issue is what they were elected to do.

Richard Bowman, 34 Drew Road – He is a charter member for Veterans for Peace. He supports the troops but feels that same as Mr. Howard. He reflected back on his own experiences in the service and also quoted General Eisenhower.

Rommy Brown, 10 E Street – Ms. Brown urged the Council to not support the resolve due to its highly political nature. She said this is a difficult and divisive resolution which foster animosity and disagreement and is a use of the Council's time which would be better spent on making South Portland a safe, secure and solvent city for all of its citizens, both here and those who hopefully soon will return from this terrible war.

Dick Bernard, 5 E Street – Mr. Bernard is a veteran of World War II who is against the resolution as constructed but wished to thank Councilor Bowring for bringing it forward. He feels there is a necessary debate that needs to be held. He feels we need to support the troops and feels that the Council should make an offer to support them financially. He urged Mr. Bowring to rework this effort.

Louis Maietta, 185 Elderberry Drive – Mr. Maietta questioned whether people have actually read the final resolution. He was upset at the continuing misconception that the resolution supported the war. He helped to organize the "Day of Unity" to honor the Firemen, Policemen and Military personnel in response to the terrorist attack on the United States. No one opposed this effort. He said this resolve does not speak for or against any anti or support efforts that have been going on for the last several months. He has spent a lot of time with the McCue family, who's son was injured in the war.

Oliver Keithly, 96 Crestview Drive – Mr. Keithly doesn't see why we can't support the these men and women. It would be a shame for those folks to come back and say my hometown did not support me.

Ralph Kilgore, 70 Coach Road – Mr. Kilgore said if you listened carefully, the discussion tonight has separated people into two groups, those who would like to have the resolution worked on further and those who do not want to deal with this issue at all. He wanted to thank Councilor Bowring for bringing it forward. He said we should not make an issue about the grammar and he hopes it is passed.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Councilor Bowring said he introduced this resolve in an effort to support the families and military serving our country. He clarified that the resolve does not say that it supports the war or the President's position on the war. He drafted the resolve as a result of calls that he received from family members who had relatives fighting in the effort. He said if the resolve supports one person or a group of people make it through the war then it is worth the time involved to pass it. He urged the Council to do what is right and that this resolve supports the troops.

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Councilor Fickett supports the resolve. He said the acts of September 11th were an act of war.

Councilor Hughes said it is disingenuous to say this proclamation is not about the war. He supports the war and believes America is doing the right thing. He commented that there are numerous avenues to show your support, you have the right to express your opinion and you have the right to support your opinion. He continued saying you can not force your neighbor to support your position. He feels that by supporting this resolve, the Council is purporting to speak for all of South Portland. He said that the Council does not have the duty, the responsibility or the right to pass a proclamation that doesn't represent the opinion of many of our neighbors.

Councilor Jacobs said he was very moved by Valorie Swiger and Jan Greico. He was very upset that he has been forced into the position that if he does not go along with the resolution that he is somehow unpatriotic and that he does not support the troops. He said the citizens that elected him did so because they wanted him and entrusted him to use his sound judgment in their best interest. He does not believe this resolution is something that we are empowered to deal with on a local level. The decision to not support the resolution wasn't about not supporting the troops. There was opposition to take a position on this because of the passion, emotions and divisiveness this issue engenders. He spoke with Councilor Bowring during the day to see if a compromise on the wording could be reached. He said if the other paragraphs were removed and the last paragraph remained, he could support it. He said he is in awe of those who serve this Country and he does support the troops.

Mayor Baxter said that he has never said he does not support the troops. He said it's ok to say the resolution is not about war but the word is in the resolve three times. He said how he feels about the war is one persons business and that it is his alone. He does not feel the Council should be involved in supporting resolves such as this. He said he is willing to write a personal letter and sign it for anyone who is interested in having him do that.

Councilor Boudreau did not want to offer any additional comments. She said the less said the better, it was not the forum for this item.

The final vote on the resolve failed 3-4 (Boudreau, Hughes, Jacobs, Baxter) Councilor Bowring left the meeting at this point and time and it was decided to continue with item #7 on the agenda rather than taking item #17 out of order.

9. ORDER #136-02/03 – Authorizing the City Manager to sign an administrative agreement with property owners at 14 Columbus Avenue regarding setback violations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. An amendment to change the wording on the order to "revenue from

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fine to be used for neighborhood improvements” was made by Councilor Boudreau and seconded by Councilor Hughes. Amendment passed 6-0 (Bowring absent) Main motion passed as amended 6-0 (Bowring absent)

10. ORDER #137-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Maietta. Councilor Boudreau stepped in for Mayor Baxter for a moment. He returned before Item #11 was voted on. Passed 4-0 (Baxter and Hughes out of room, Bowring absent)

11. ORDER #138-02/03 – Award of bid to Highway Safety Systems, Inc., of Hanover, MA, for line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Hughes. Steve Johnson, Public Works Director was present and answered several questions. Passed 6-0 (Bowring absent)

12. ORDER #139-02/03 – Award of bid to Twin Pumps, Inc., of Oldwick, NJ, for the purchase of slurry grit pumps for the Treatment Plant. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Jim Jones from the Water Resource Protection Department was available to answer questions. Passed 6-0 (Bowring absent)

13. ORDER #140-02/03 – Amending Order #34-01/02 – Award of bid to Boyle Associates for engineering services for Jetport Plaza Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Ed Reidman and Craig Worth from Engineering and Jim Boyle were present to answer questions. Passed 5-1 (Fickett) (Bowring absent)

14. ORDER #141-02/03 – Award of bid to Precision Tank of Jay, ME for underground fuel tank modifications at the Main Library. Passage requires majority vote.

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The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know if this was a project that had to be done immediately or could it just be repaired. The Manager said that the DEP would not let a faulty sensor be repaired, it would have to be replaced.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Maietta. Ed Reidman and Steve Johnson answered several questions about the existing tank. Passed 6-0 (Bowring absent)

15. ORDER #142-02/03 – Award of bid to Jerry’s Sports Center, Inc., of Forest City, PA, for the purchase of forty-eight (48) pistols for the Police Department. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee wanted to know how old are the pistols being replaced. He also inquired whether they were upgrading the caliber. Chief Googins said the pistols were purchased in 1989. The recommended replacement schedule for semiautomatic weapons is every ten years.

Motion for passage was made by Councilor Maietta and seconded by Councilor Jacobs. Motion to amend the order, deleting the last two paragraphs, was made by Councilor Boudreau and seconded by Councilor Jacobs. Councilor Boudreau would like to discuss the matter of old weapons being offered for sale to officers at a workshop. The amendment passed 6-0 (Bowring absent). The main motion was passed as amended 6-0 (Bowring absent)

16. ORDER #143-02/03 – Accepting \$3,902.00 cash under the Asset Forfeiture Program. Passage requires majority vote.

There was no public discussion.

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

17. ORDINANCE #12-02/03 – Amending the Code of Ordinances establishing Chapter 30 “Control of Noise from New Development”. First reading. Passage requires majority vote.

Motion to have the ordinance read by title only was made by Councilor Maietta and seconded by Councilor Jacobs. The following person addressed the item;

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Ray Lee, 28 Henry Street - Mr. Lee wanted to know if this ordinance addressed behavioral noise issues. The Manager clarified that this ordinance regulates noise from new developments only and does not address behavioral noise.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Maietta said the more he reads through this ordinance the more confused he gets by it. He does not believe there is currently a problem and that this ordinance presents an opportunity for select enforcement. The motion passed 4-2 (Fickett, Maietta) (Bowring absent)

18. ORDER #144-02/03 – Authorizing contractors for the Maine Department of Transportation to transport heavy construction equipment over city streets. Passage requires majority vote.

There was no public discussion.

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

19. ORDER #145-02/03 – Authorizing the City Manager to sign an Easement Modification Agreement with Portland Water District. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Jacobs wanted to remind citizens about Earth Day and encouraged any one who wanted to get involved to contact Theresa Wiper or Linda Eastman. He went to the tanker crash site in the morning and said the crews did a great job trying to contain the spill. He commended Maietta Construction for getting sand delivered to the site.

K. Executive Session

Pursuant to 1 M.R.S.A. 405(6)(E), consultation with the Corporation Counsel concerning legal rights and duties of the City Council regarding a tax-acquired property.

Motion to adjourn to executive session was made at 11:00 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passage 6-0 (Bowring absent)

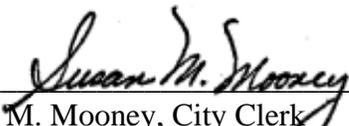
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Motion to return from executive session was made at 11:24 P.M. by Councilor Boudreau and seconded by Councilor Jacobs. Passage 6-0 (Bowring absent)

Motion to adjourn was made at 11: 25 P.M. by Councilor Boudreau and seconded by Councilor Fickett. Passage 6-0 (Bowring absent)

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 120
APRIL 23, 2003

Roll Call: Mayor Baxter call the meeting to order at 7:02 P.M. Councilor Maietta was absent.

A. Acceptance of Minutes

Motion was made by Councilor Bowring and seconded by Councilor Jacobs to accept the minutes from the regular meeting of April 7, 2003. Councilor Jacobs pointed out that Jan Grieco's name was incorrectly listed as Jane Grieco. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from Nellie Goulette, Me. State Dept. of Economic and Community Development notifying the City that audit reports submitted for the period ending 6/30/02 met the audit requirements for the CDBG grant.
- Letter from Deborah Balmer, MMA Risk Management Services, awarding the Safety Grant "Enhancement" Program Award in the amount of \$1,442.00 to George Berry for Police Department training.

C. Petitions and Communications

Department Reports for the month of March, 2003.
Attendance Reports for the month of March, 2003.

D. Appointment Calendar

1. ORDER #72-02/03 – Conservation Commission, District 2, (Maietta), to fill a term which expires on 11/20/05. Postponed since 11/18/02. Passage requires majority vote.

There was no public discussion.

Motion to appoint Gregg Frame, 590 Sawyer Street, was made by Councilor Baxter and seconded by Councilor Jacobs. Passed 6-0

2. ORDER #115-02/03 – Civil Service Commission, District 1, (Jacobs), to fill a term which expires on 03/01/08. Postponed since 03/03/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint George Hackett, 157 Stanford Street, was made by Councilor Jacobs and seconded by Councilor Bowring. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

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Stan Cox, 460 Highland Ave. – Mr. Cox felt the City should have held up on accepting Crestview Drive in Grandview Estates until boundary issues on several of the homes had been resolved.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith said the property at 4 Dawson Street was a hazard and that the owner was not allowed to return there after being released from the hospital. The Manager said he would look into the matter.

Valerie Swiger, 77 School Street – Ms. Swiger was upset because she felt the Council did not feel the servicemen were worth a thank you from them. She started a yellow ribbon campaign and said that there would be a signature gathering effort conducted at the Eagles parking lot on Saturday to support an initiative being brought forward from a group of citizens.

Ray Lee, 28 Henry Street - Mr. Lee questioned whether Public Works would pick up boxes if they were not broken down. Steve Johnson, Public Works Director, said they do not have room take oversize boxes in the rubbish trucks. Mr. Lee also referred to Councilor Bowring's resolve to support the troops and said people just can't believe four councilors would not support it.

William Lynch, 130 Cleveland Circle – Mr. Lynch said he is against the employees getting raises. He feels the taxes are going up too fast to keep pace with them. He said he was a veteran and all his sons have been in the service. He thinks the city should re-evaluate how it comes up with the taxes.

G. Public Hearings and Action

3. ORDINANCE #12-02/03 – Amending the Code of Ordinances establishing Chapter 30 “Control of Noise from New Development”. Passed first reading on 04/07/03. ROLL CALL VOTE. Passage requires majority vote.

The ordinance was read by title only by a motion from Councilor Bowring, seconded by Councilor Hughes. Passed 6-0. Tex Haeuser, Planning Director, did a power point presentation to provide an understanding of the ordinance. Charles Wallace was also present to answer questions.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee feels this will discourage companies from wanting to do business in South Portland. He asked how much the ordinance is going to cost the city. Tex Haeuser said it would cost a couple of thousand dollars to provide training to individuals in Code Enforcement and the Police Department to operate the meter.

Stan Cox, 460 Highland Ave. – Mr. Cox is bothered that the ordinance effects new businesses and that we are not applying the same rules to existing businesses. He

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 122
APRIL 23, 2003

feels the ordinance is too complicated and feels a professional engineer is needed to interpret the readings of the equipment.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. The ordinance passed by roll call vote 4-2 (Bowring, Fickett)

H. Action on Old and New Business

4. ORDER #146-02/03 - Appealing the denial of the Public Works Director for a curb cut on Running Hill Road for Weight Watchers of Maine. Passage requires majority vote.

There was no public discussion.

Frederick Licht from Land Use Consultants was available and answered questions from the Council. Motion for passage was made by Councilor Bowring and seconded by Councilor Fickett. Passed 6-0

5. ORDER #147-02/03 – Authorizing the purchase of a used pavement recycling machine from Jamison Distributors, Inc. of Worcester, MA, for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Steve Johnson, Public Works Director, presented a short video on how the recycling machine works. Motion for passage was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 6-0

6. ORDER #148-02/03 – Authorizing the sale of used handguns to South Portland Police Officers. Passage requires majority vote.

There was no public discussion.

Sgt. Todd Bernard was present to answer questions. Motion for passage was made by Councilor Bowring and seconded by Councilor Hughes. Motion for amendment was made by Councilor Jacobs and seconded by Councilor Boudreau to add “Each sale is limited to the officer to whom the gun was originally issued (one per officer).” Amendment passed 6-0. The main motion passed as amended 6-0.

7. ORDER #149-02/03 –Authorizing the City Manager to sign a contract with Delta Dental regarding dental insurance for non-union employees. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith wanted to know a ball park figure of the cost to implement the insurance. The Manager said there would be an informational meeting held to explain the benefit to the employees and then

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an enrollment period would take place. Mr. Beckwith voiced concerns about how long it would be before the city would be asked to pay 25%, then 50% of the benefit.

A motion to table this item to the end of the meeting was made by Councilor Bowring and seconded by Councilor Boudreau. The postponement was made in order to devise wording to be added to the order which would make clear that the city would not be obligated to continue to provide dental insurance if this program did not work out. The item was brought back before Councilor's Round Robin. Motion for amendment was made by Councilor Jacobs and seconded by Councilor Bowring to add "Be it further ordered, that said employee-paid dental insurance program shall be offered as long as a sufficient number of employees participate in order to meet any minimum participation level established by Delta Dental or other dental insurer. Be it further ordered, that if this policy expires and no similar program is available, the city is not bound to provide dental insurance coverage." The amendment passed 6-0. The main motion passed as amended 6-0.

8. ORDER #150-02/03 – Authorizing Tax-acquired property be put out to public bid. Passage requires majority vote.

There was no public discussion.

Mary Kahl recommended that this item be withdrawn. The payment plan that had fallen behind had been brought up to date. Councilor Bowring wanted to make it clear that if the tenant allowed the payment plan to elapse again in the future, that he would not be forgiving the next time. Motion to withdraw was made by Councilor Bowring and seconded by Councilor Boudreau. Withdrawn 6-0

9. RESOLVE #7-02/03 – Supporting Military Troops. Passage requires majority vote.

The following people addressed this item;

Valerie Swiger, 77 School Street – Ms. Swiger said this resolve has no business being here and stated that it was not honest or sincere.

Jan Grieco, 108 School Street – Ms. Grieco encouraged everyone to hold some thoughtful conversations and come back when they have come to an agreement. She would just like to see recognition to all those serving for us.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Bowring motioned to postpone this item until all Councilors could be present. Councilor Fickett seconded, but the motion failed 3-3 (Boudreau, Hughes, Jacobs) After a fairly lengthy period of time of discussion, Councilor Boudreau moved the question. The resolve passed 5-1 (Fickett)

10. ORDER #151-02/03 - Amending Order #57-02/03 regarding award of bid to Dearborn Brothers for construction of the Pleasantdale/Greenbelt

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Walkway. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith stated the Greenbelt was the most expensive piece of walkway on the east coast and that it is a colossal waste of taxpayer money.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Bowring expressed disappointment with Councilor Boudreau's request to move the question during discussion of item # 9. He said two councilors had something to say and it was bad form to do so.

Councilor Hughes said he considers the role of the Council to be similar to a Board of Directors. When considering proposal such as the resolve supporting military troops, he does not consider these to be in their purview. He said he is not comfortable with asserting support on behalf of the citizens of South Portland.

Councilor Boudreau wanted to highlight three issues. First, the Land Trust watershed stream survey, April 26th at 8:00 at the Community Center. Second, the Recycling Committee will be distributing Earth Machines on May 3rd at the Public Works compound on O'Neill Street. And third, she wanted to raise the issue about dogs on Willard Beach being a problem, again. She received a report about dogs knocking down people at the beach.

Councilor Jacobs recognized the efforts made from Earth Day Clean-ups. He also wanted to wish dear Cora Simpson a very Happy Birthday.

Mayor Baxter said he would like to see the dog issue come to a workshop. Dogs under voice control and picking up after them has been a constant problem.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A §405(6)(E), consultation with Corporation Counsel concerning legal rights and duties of the City Council regarding a tax-acquired property.

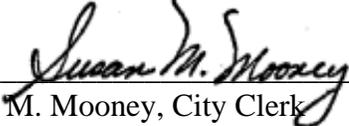
Mary Kahl announced that since there was no new information regarding the tax-acquired property to be presented, there was no need for an executive session.

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APRIL 23, 2003

Motion to adjourn was made at 10:34 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Adjournment passed 6-0

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 126
MAY 05, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:06 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Bowring to accept the minutes from the regular meeting of April 23, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items:

- Memo from Tom Meyers, Director of Transportation & Waterfront outlining the standing of several bus employees in a Bus and Van Roadeo sponsored by the Maine Transit Association and the state Department of Transportation.
- Memo from Rep. Janet McLaughlin to Rep. Kevin Glynn regarding the Maine Youth Center project
- Letter from Charles Lane regarding the Board of Harbor Commission's amendment to rules.

C. Petitions and Communications

Councilor Bowring welcomed the United Bikers of Maine.

Mayor Baxter gave an update from the Master Building Committee and said that Kaler School was on schedule and Small was still a little behind. He also said that he had welcomed 18 students visiting from France at the High School.

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Janice Doctor, 99 Preble Street – Ms. Doctor commended Representatives Glynn and Maietta for a wonderful presentation on the Maine Youth Center Project. She said she was probably the only person opposed to affordable housing in South Portland. She said it would cost the taxpayers money and make houses more expensive. She also said that it would increase homelessness in the area and that the State would not help with the extra educational cost from students added to the system.

Ray Lee, 28 Henry Street - Mr. Lee did not approve of one of the city's ambulances being sent to the airport on a Medivac call. He said it was a private case that should have been requested to use a private ambulance service.

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Dave Bourke, 26 Henry Street – Mr. Bourke made several suggestions on how to keep the budget down. He also announced that he was running for the County Charter Commission seat in November.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith feels the expense for the bus service needs to be lowered. He also commented on the expense of the Greenbelt Walkway and that he is bothered by the amount of time Sewer Maintenance employees have worked on it.

G. Public Hearings and Action

H. Action on Old and New Business

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

1. RESOLVE #7-02/03 – Reconsideration. Passed on 04/23/03. Passage requires majority vote.

A motion to reconsider was made by Councilor Bowring and seconded by Councilor Maietta. Councilor Bowring said he had requested the resolve be postponed at the last Council meeting so that Councilor Maietta could weigh in on the issue. He is requesting a reconsideration for that reason. The reconsideration passed 7-0.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said both resolves are a moot point and the drive to bring forward a petition will still move forward.

Councilor Maietta said he would only support Councilor Bowring's original resolve. Upon vote, the resolve passed a second time 6-1 (Maietta).

2. PROCLAMATION #8-02/03 – Proclaiming May 23, 2003 as Arbor Day. Passage requires majority vote.

There was no public discussion.

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

3. PROCLAMATION #9-02/03 – Recognizing the South Portland Lions Club. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Bowring and seconded by Councilor Jacobs. Kevin Battle received the proclamation on behalf of the Lions Club. Passed 7-0

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4. ORDER #152-02/03 - Award of bid to Creative Office Pavilion, of Portland, ME, for furnishings for Kaler Elementary School. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee said new furniture does not assist in educating students and we should use the old furniture.

Scott Morrison, Kimsco Supply – Mr. Morrison protested the recommendation for award of bid to Creative Office Pavilion. He argued that his product was as good if not better than the VS equipment Creative Office Pavilion quoted on and that Kimsco's product cost far less.

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith wanted to know what happened to all the equipment from Kaler School.

Dave Bourke, 26 Henry Street – Mr. Bourke questioned the functionality of the equipment. He said that Small Schools equipment functions well.

Polly Ward, School Business Manager – Ms. Ward said the bid was put together meeting the standards set forth by the State. School staff analyzed the existing equipment and salvaged what was still useful.

Dave Brochu, School Department – Mr. Brochu said that the Kimsco product did not meet bid specifications. The specs called for a one piece, one frame chair and there were concerns about the welds in the Kimsco product.

Motion for passage was made by Councilor Bowring and seconded by Councilor Maietta. Councilor Bowring said he had not anticipated 100% replacement of desks and chairs in the schools. He said he would have a hard time authorizing \$20,000 more for the VS product when the Kimsco warrantee was 50% longer. There was a significant amount of discussion on this item which led to an amendment from Councilor Bowring to reduce the total award by \$19,752.96. Councilor Hughes seconded the amendment and it passed 5-2 (Baxter, Jacobs) The main motion passed as amended 7-0

5. ORDER #153-02/03 - Award of bid to Creative Office Pavilion, of Portland, ME, for furnishings for Small Elementary School. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Rd. – Mr. Beckwith suggested the same amendment be brought forward.

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MAY 05, 2003

Motion for passage was made by Councilor Bowring and seconded by Councilor Jacobs. Motion to amend to reduce the total award by \$19,031.68 was made by Councilor Bowring and seconded by Councilor Jacobs. The amendment passed 7-0. The main motion passed as amended 7-0.

6. ORDER #154-02/03 – Amending Order #98-02/03 regarding labor relations/negotiations services from Jensen Baird Gardner & Henry. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Bowring. Motion to amend the orders Fiscal Note from “\$135.00 per hour” to “Not to exceed \$30,000 was made by Councilor Bowring and seconded by Councilor Hughes. The amendment passed 6-1 (Boudreau) The main motion passed as amended 7-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Jacobs commended the Recycling Committee and all the volunteers who chipped in to help distribute the compost bins on Saturday.

K. Executive Session

A motion may be made to go into executive session, pursuant to 1 M.R.S.A. §405(6)(E), consultation with Corporation Counsel concerning legal rights and duties of the City Council regarding a Community Development Block Grant loan agreement with Durastone.

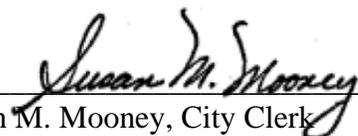
Motion to adjourn to executive session was made at 9:36 P.M. by Councilor Boudreau and seconded by Councilor Bowring. Adjournment passed 7-0

Motion to return to regular session was made at 10:00 P.M. by Councilor Bowring and seconded by Councilor Hughes. Passed 7-0

Motion to adjourn for the evening was made at 10:04 P.M. by Councilor Bowring and seconded by Councilor Boudreau. Adjournment passed 7-0.

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Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 64 PAGE 130
MAY 12, 2003

Roll Call: Mayor Baxter call the meeting to order at 7:17 P.M. All members were present

H. ACTION ON OLD AND NEW BUSINESS

1. ORDER #152-02/03 - Reconsideration - Award of bid for furnishings for Kaler Elementary School. Passage requires majority vote.

Motion to reconsider was made by Mayor Baxter and was seconded by Councilor Jacobs. An motion to amend the main motion to reconsider and postpone to the May 19th Council meeting was made by Councilor Hughes and seconded by Councilor Bowring. The amendment passed 6-0 (Fickett out of room). The main motion passed as amended 6-0 (Fickett out of room.)

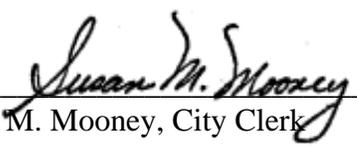
2. ORDER #153-02/03 – Reconsideration - Award of bid for furnishings for Small Elementary School. Passage requires majority vote.

Motion to reconsider and postpone to the May 19th Council meeting was made by Councilor Jacobs and seconded by Councilor Bowring. Passed 6-0 (Fickett out of room)

Motion to adjourn was made at 7:45 P.M. by Councilor Jacobs and seconded by Councilor Hughes. Adjournment passed 5-0 (Bowring and Fickett out of room)

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 131
MAY 19, 2003

Roll Call: Mayor Baxter called the meeting to order at 7:03 P.M. All members were present.

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to accept the minutes from the regular meeting of May 5, 2003, and special meeting of May 12, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items:

- Letter to Mayor Baxter from Maine Department of regarding National Trails Day and the Dedication of the newest span of the Greenbelt Walkway on June 7, 2003.
- Letter from The Gagnon-Larson Family regarding curbside recycling.
- There will be no rubbish collection on Monday, May 26.
- Email from Maine Department of Transportation announcing 511.
- Brochure from USPS on Diversity including the Branch Library.

The Assistant City Clerk addressed the following items:

- Papers are available for the County Charter Commission, they are due back by May 27th.
- Absentee ballots are available for the June 10, 2003 Special Election.
- Garage Sale permits are required, and are available in the City Clerk's office.
- The Portland Press Herald has decided not to publish the list of weekly meetings and residents are urged to call the Press Herald directly if they have an issue with the discontinuance of the postings.

Retired Fire Chief, John True was presented with a plaque from Mayor Baxter. He was congratulated for 35 years of service.

Mayor Baxter stated that the reverse 911 was in operation and hoped it would be utilized. He also stated that the Master Building Committee was ahead of schedule.

C. Petitions and Communications

Planning Board report regarding a zoning map change from the Conditional Broadway Office District CO-1 and the Residential District A to the General Commercial District CG – FWP Realty, LLC, and Frederick W. Pape III - Outer Broadway.

Planning Board report regarding Stanford Street.

Department reports submitted for the month of April, 2003.

**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 132
MAY 19, 2003**

Attendance reports submitted for the month of April, 2003.

D. Appointment Calendar

1. ORDER #155-02/03 – Board of Appeals, District 2, (Maietta), to fill an unexpired term which expires on 07/23/03. Passage requires majority vote.

Motion was made by Councilor Maietta and seconded by Councilor Bowring to postpone this item to the June 2, 2003 meeting. Postponed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Representative Kevin Glynn brought paperwork to the Council meeting regarding an issue with defective Carpenter School Buses.

Kay Loring, Breakwater Drive, presented paintings of Bug Light Park by Marnie Souza, of Cape Elizabeth. They are for sale to raise money for a fence at Bug Light Park. Twenty feet of fence may also be purchased in honor of a loved one.

David Bourke, 26 Henry Street discussed the fact that there should not be any increase in taxes and that the Council needed to cut expenditures, especially within School Administration. He also addressed the issue of the City's Dog Ordinance in regards to voice control. He felt that the ordinance was not enforceable as written.

G. Public Hearings and Action

2. Business License

Vinny T's of Boston, 350 Maine Mall Road. New Business requiring FSE/Class A Restaurant with Liquor License. Passage requires majority vote.

Bernie Cohen, Division Vice President of Buca Restaurants 3, Inc. was available for any questions.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 133
MAY 19, 2003

H. Action on Old and New Business

3. ORDER #152-02/03 – Award of bid for furnishings for Kaler Elementary School, amended and passed on 05/05/03, reconsidered and postponed on 05/12/03. Passage requires majority vote.

The following people addressed this item:

Burton Edwards, Chair, Board of Education – Mr. Edwards felt the Committees made the right choice.

Polly Ward, School Business Manager – Ms. Ward stated that she had confidence in what the Committees had decided.

Carl Cook, Owners Representative for the school projects also stood by the Committees' decision.

Dave Brochu, Director of Buildings and Grounds stated there had been some problems with the KI products in the past.

Jim Minott, Principal of Brown School, Member of Master Building and Furniture Committees

Lori Bowring Michaud, 10 Hudson Rd. – Ms Bowring Michaud was upset by the way this was handled.

Mark Reuscher, 490 Preble St. – Mr. Reuscher stated that he felt the fairness and integrity of the bid process were in jeopardy.

Clarence Beckwith, Bonnybriar Rd. – Mr. Beckwith stated that the reconsideration bothered him and felt the furniture from the old schools should be utilized.

Ray Lee, Henry St. – Mr. Lee also felt the old furniture should be used.

Laura Ellis, 111 Mount Vernon St., Master Building Comm. member – Ms. Ellis stated her reasons for picking the VS product.

David Bourke, Henry St. – Mr. Bourke wants the old furniture to be used and felt they should have chosen an American Company.

Bob Simonds, 775 Highland Ave. – Mr. Simonds spoke of the difficulty in meeting specs with lower quality products.

Doug Maynard representative from Kruger International – Mr. Maynard questioned whether this bid process was proprietary.

Walter Spellman, representative of VS – Mr. Spellman addressed why he thought his company's product was superior to the KI product.

Scott Morrison, representative from Kimsco Supply Company felt there was a problem where his company's product met or exceeded the specs.

Motion was made by Councilor Jacobs to amend the Order to change the award to \$71,237.96 to Creative Office Products and \$7,830.77 awarded to Kimsco. Motion to amend failed 3-4 (Hughes, Maietta, Bowring Fickett)

Councilors discussed the process of awarding bids and the issue was raised by Councilor Boudreau that she felt the integrity of the bid process had been challenged.

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Motion was made by Councilor Maietta and seconded by Councilor Bowring to amend the Order to state that the amount for the student desks and chairs would be removed and that portion of the Order would be placed back out to bid. Passed 5-2 (Fickett, Jacobs)

4. ORDER #153-02/03 – Award of bid for furnishings for Kaler School. Passed on 05/05/03, reconsidered and postponed on 05/12/03. Passage requires majority vote.

The following people addressed this item:

Ray Lee, Henry St.
Ed Huggins, School Board member
Lori Bowring Michaud, 10 Hudson Rd
Clarence Beckwith, Bonnybriar Rd.
Laura Ellis, Mt Vernon St.
Burton Edwards, Pennsylvania Ave.
Steven Onos, Jordan Ave.

There was discussion as to where the old desks and chairs were and whether they could be used.

Many were distressed by the way Council had handled this and felt that there should have been more direction from them.

Motion was made by Councilor Hughes and seconded by Councilor Bowring to amend the Order to state that the amount for the Student desks and chairs would be removed and that portion of the Order would be placed back out to bid. Passed 5-2 (Fickett, Jacobs)

Mayor Baxter recessed the meeting for 5 minutes at 10:30 P.M. at which time Councilor Fickett left the meeting.

5. PROCLAMATION #10-02/03 – Proclaiming June 7, 2003 as National Trails Day. Passage requires majority vote.

Jim Gailey from the Planning Department, discussed the events that would take place and passed out T-shirts to all the Councilors. Jim was commended by both Mayor Baxter and City Manager Jordan for all his hard work.

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

6. ORDER #156-02/03 – Award of bid to Turf Products Corp., of Enfield, CT, for the purchase of a fairway mower for the Parks Department. Passage requires majority vote.

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MAY 19, 2003

There was no public discussion.

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

7. ORDER #157-02/03 – Appealing the Public Work’s Director’s denial for a curb cut at 96 Ocean Street for Tim Higgins. Passage requires majority vote.

The following people addressed this issue:

Janet McLaughlin, McLaughlin Associates representing Tim Higgins.
Mike Drinan , Waterfront Market Association.

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

8. ORDER #158-02/03 – Authorizing that two tax acquired properties on Stanford Street, Map 6, Lots 70 and 71, be put out to public bid. Passage requires majority vote.

Councilor Bowring asked to abstain from voting on this issue. There was a question as to whether a Councilor abstaining needed to state the reason for abstaining. Mary Kahl, Corporation Counsel defined the reasons for abstaining, and Councilor Bowring stated he may receive financial gain from this bid.

The following people addressed this item:

Claire Holman, 56 Jefferson Street
Howard Rutherford, 90 High Street

Motion was made by Councilor Jacobs and seconded by Councilor Baxter to postpone this item to the June 3, 2003 meeting. Postponed 3-2 (Maietta, Boudreau), (Bowring abstaining) and (Fickett out)

9. ORDINANCE #13-02/03 – Amending Chapter 27, “Zoning”, regarding a zoning map change from the Conditional Broadway Office District CO-1 and the Residential District A to the General Commercial District CG – FWP Realty, LLC and Frederick W. Pape III – Outer Broadway. First reading. Passage requires majority vote.

Bob Metcalf, Pape Chevrolet spoke on behalf of the Ordinance change.

Motion was made by Councilor Bowring and seconded by Councilor Maietta for passage of first reading. Passed 6-0 (Fickett out)

10. ORDER #159-02/03 - Authorizing the City Manager to sign a Collective Bargaining Agreement with South Portland Police Patrol Association. Passage requires majority vote.

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MAY 19, 2003**

There was no public discussion.

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

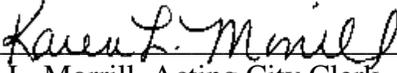
I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

K. Executive Session

Motion was made by Councilor Bowring and seconded by Councilor Maietta for adjournment at 12:05 A.M. Passed 5-0 (Fickett and Boudreau out)

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ATTEST 
Karen L. Morrill, Acting City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 138
JUNE 2, 2003

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

A. Acceptance of Minutes

Motion was made by Councilor Jacobs and seconded by Councilor Bowring to accept the minutes from the regular meeting of May 19, 2003. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- The Manager passed out his newsletter dated June 2nd and reviewed the highlights;
 - Amy Brown promoted to Accountant
 - National Trails Day – June 7th
 - Willard Beach Profiling Project
 - Philosophizing on “Community” with Chris Phillips at the South Portland Library
 - Willard Beach water quality program
 - Governor Baldacci’s “tax reform” package
- The Manager passed out a list of upcoming workshop items

The Mayor announced that there would be a dedication to Rosella Loveitt at Bug Light Park on June 7th at 11:00 and that a park bench was donated in her name.

Councilor Bowring said that Bridget Chase, a fellow alum of the Institute for Civic Leadership was active in getting “The Stage” to present summer theater at SMTC this summer.

Councilor Jacobs said that he has several meetings lined up for next week including one with the Waterfront Alliance to discuss DEP issues and one with Sue Gendron, the State Commissioner of Education.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #155-02/03 – Board of Appeals, District 2, (Maietta), to fill an unexpired term which expires on 07/23/03. Postponed on 05/19/03. Passage requires majority vote.

Motion for postponement was made by Councilor Maietta and seconded by Councilor Bowring. Postponed 7-0

2. ORDER #160-02/03 – Appointing Ward Clerks for Districts 3 and 5 Pro-Tempore for the June 10 Election only. Passage requires majority vote.

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There was no public discussion.

Motion to appoint Pamela Garland as Ward Clerk in District Five and Susan Odencrantz as Ward Clerk in District Three was made by Councilor Bowring and seconded by Councilor Boudreau. Passed 7-0

E. Consent Calendar

3. Sign Permit

Marine Animal Lifeline are requesting permission to place a sign on the Willard Beach snack bar building. Passage requires majority vote.

There was no public discussion.

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

4. Street Closing

Kathleen M. Bernard is requesting the closing of E Street from the roundabout to Mill Cove on June 15, from 3:00 P.M. until 8:00 P.M. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Ray Lee, 28 Henry Street - Mr. Lee questioned why there would not be enough furniture for the new schools. He said the ballot did not say anything about furniture. He also said the budget should not be passed tonight because a lot of people are unhappy with it.

G. Public Hearings and Action

5. ORDINANCE #13-02/03 – Amending Chapter 27, “Zoning,” regarding a zoning map change from the Conditional Broadway Office District CO-1 and the Residential District A to the General Commercial District CG – FWP Realty, LLC, and Frederick W. Pape III - Outer Broadway. Passed first reading 05/19/03. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following person addressed this item;

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Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said this was great. It will get more taxable property generating revenue.

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

H. Action on Old and New Business

6. ORDER #158-02/03 – Authorizing that two tax acquired properties on Stanford Street, Map 6, Lots 70 and 71, be put out to public bid. Postponed on 05/19/03. Passage requires majority vote.

The following person addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith asked if this was a buildable lot. Corporation Council, Mary Kahl, said that the combined lot would allow a new home to be constructed on the lot. Without the combination of the smaller lot, the existing home would only be able to be renovated because of the size of the lot.

Claire Holman, 56 Jefferson Street – Ms. Holman said she feels she has a unique interest in the vacant lot. She has maintained the lot and has invested in plantings on the property. She would like to have the property offered to the abutting owners first.

Ray Lee, 28 Henry Street - Mr. Lee said he does not think the lots should be combined. He said the proceeds from the home should be turned over to the Barron Center.

Councilor Bowring asked to abstain from this item due to a potential conflict of interest. Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed 5-0 (Fickett) (Bowring abstaining)

7. ORDER #161-02/03 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDINANCE #14-02/03 – Amending Chapter 9, “Garbage and Refuse regarding commercial waste. First reading. Passage requires majority vote.

The following people addressed this item;

Filomena Troiano, Troiano Waste Services - Ms. Troiano said this ordinance will force small businesses out and national companies will take over. She said the options being laid out are not fair.

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JUNE 2, 2003

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said this ordinance will force all local people out of the business.

T.J. Troiano, Troiano Waste Services – Mr. Troiano said that RWS is hauling waste out of the facility at night because they can not handle all the waste that they have.

Ray Lee, 28 Henry Street - Mr. Lee said that the Troiano's have done a good job and questioned why the Council would support this.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Jacobs. Passed first reading 4-3 (Maietta, Bowring, Fickett)

9. ORDER #162-02/03 - Award of bid to Pike Industries, of Lewiston, ME, for paving services for the 2003 season. Passage requires majority vote.

The following person addressed this item;

Ray Lee, 28 Henry Street - Mr. Lee asked how many streets were on the list to be paved and wanted to know if they absolutely needed to be repaved now. He said the money should be used to lower taxes.

Steve Johnson, Public Works Director was present and answered questions. Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 7-0

10. RESOLVE #8-02/03 - Approving the Appropriation Resolve for the Fiscal Year 2004. Passage requires majority vote.

The following people addressed this item;

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said we still have not cut the base budget and they it has grown too large over the last few years. He said the bus service is a luxury that we can not afford.

Ray Lee, 28 Henry Street - Mr. Lee said a lot of things in the school budget were wants, not needs. He said we should privatize the bus and cut back the employer coverage on health insurance expenses for employees.

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

11. ORDER #163-02/03 – Setting the sewer user fees for Fiscal Year 2004. Passage requires majority vote.

There was no public discussion.

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JUNE 2, 2003

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

12. ORDER #164-02/03 – Setting the time for opening the polls for the June 10, 2003 Special Election. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #165-02/03 – Settlement and Re-Commitment of taxes. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Glen Foshay, 159 Walnut Street – Mr. Foshay asked when the Council would be addressing the dog issue at Willard Beach. He referred to a letter dated January 30, 2003.

J. Councilor's Round Robin

Councilor Maietta met Eric McCue on Friday and thanked him. He stated that the traffic lights at Red's Dairy needed attention.

Mayor Baxter raised the issue of basketball hoops on public sidewalks. He said the city has an ordinance banning them from streets and sidewalks.

Councilor Bowring thanked all the people that acknowledged the passing of his father in law.

Councilor Boudreau said to keep up the recycling and that South Portland continues to improve in this area.

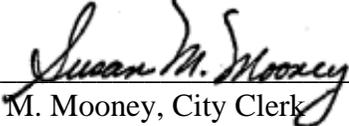
K. Executive Session

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Motion to adjourn was made at 10:20 P.M. by Councilor Bowring and seconded by Councilor Jacobs. Passed 7-0

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ATTEST _____


Susan M. Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 64 PAGE 144
JUNE 16, 2003

ROLL CALL: Mayor Baxter called the meeting to order at 6:32 P.M. Councilors Jacobs and Boudreau arrived late. Councilor Bowring was absent.

K. Executive Session

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

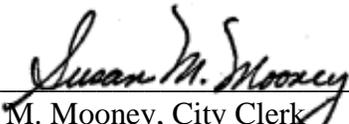
Motion to adjourn to executive session was made at 6:32 P.M. by Councilor Hughes and seconded by Councilor Maietta. Passed 4-0

Motion to return from executive session was made at 6:57 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0

Motion to postpone Poverty Abatement #03-02/03 was made by Councilor Boudreau and seconded by Councilor Hughes. Postponed 6-0

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ATTEST



Susan M. Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 145
JUNE 16, 2003

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

A. Acceptance of Minutes

Motion was made by Councilor Boudreau and seconded by Councilor Jacobs to accept the minutes from the regular meeting of June 2, 2003 and the special meeting of June 2, 2003. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Dedication of Pleasantdale Walkway on June 7th. The Manager introduced Jim Gailey from the Planning Department. Jim coordinated the event which was attended by about 100 people. He ran a 4 minute film footage of the event. The Manager also submitted a letters of congratulations in regards to the project from TEC Associates and the Maine Chapter of the American Public Works Association.
- Letter of understanding from Baker Newman & Noyes which outlined the services to be provided for the June 30, 2003 year end audit.
- Letter of approval from Maine Municipal Association for a Safety Enhancement Grant Program for the Police Department
- Letter from Kevin Trytek, the Chief Engineer at RWS which outlined the maintenance actives that caused the planned shut down that began on May 11th
- A strategic review to examine the business practices of RWS
- Letter of notification from Arthur Cleaves, Director of the Maine Emergency Management Agency advising that grant funding for the purchase of Terrorism Mitigation Equipment is now available for the South Portland Decontamination Strike Team 7.

Mayor Baxter said he enjoyed working with Jim Gailey on the Pleasantdale Walkway dedication but was sorry that he had to miss the dedication of a park bench at Spring Point to Rosella Leavitt.

Councilor Boudreau said about there were about 75 representatives present at the dedication to celebrate Rosella Loveitt.

C. Petitions and Communications

Department Reports submitted for the month of May, 2003.

Attendance Reports submitted for the month of May, 2003.

D. Appointment Calendar

IN COUNCIL REGULAR MEETING VOL. 64 PAGE 146
JUNE 16, 2003

1. ORDER #155-02/03 – Board of Appeals, District 2, (Maietta), to fill an unexpired term which expires on 07/23/03; and to fill a term which expires on 07/23/06. Postponed since 05/19/03. Passage requires majority vote.

There was no public discussion.

Motion to appoint John Brady, of 2 Anchorage Place was made by Councilor Maietta and seconded by Councilor Boudreau. Passed 6-0

2. ORDER #166-02/03 – Harbor Commission, Mayoral appointment. Term to expire 06/30/06. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Richard Ingalls, of 301 Front Street was made by Mayor Baxter and seconded by Councilor Boudreau. Passed 6-0

D. Consent Calendar

E. Citizen Discussion (First Part)

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith referred to a commentary in the Sentry that suggested that he did not know what it was like to be poor. He said there were many times in his life where he lived at poverty level.

Ray Lee, 28 Henry Street - Mr. Lee said we should not be in the bus service, it should be privatized. He also did not agree that the Pleasantdale Walkway was a trail system because it is hot-topped.

G. Public Hearings and Action

3. ORDINANCE #14-02/03 – Amending Chapter 9, “Garbage and Refuse”, regarding commercial waste. Passed first reading on 06/02/03. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item.

Clarence Beckwith, 51 Bonnybriar Road – Mr. Beckwith said that when Central Maine Power bought out Merk, they also wanted to purchase RWS.

Ray Lee, 28 Henry Street - Mr. Lee referred to the rumor about RWS stacking and hauling waste.

Filomena Troiano, Troiano Waste Services – Ms. Troiano thanked the City Manager for including most of her recommendations into the agreement plan.

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John Papi, 2056 Broadway – Mr. Papi said this was flow control and that it is unconstitutional. He does not agree with the ordinance.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Motion to amend the order to provide a Sunset Provision, Section 9-40 was made by Councilor Hughes and seconded by Councilor Jacobs. Amendment passed 4-2 (Boudreau, Fickett) The main motion passed as amended on a roll call vote 5-1 (Fickett).

H. Action on Old and New Business

4. ORDER #167-02/03 – Award of bid to Creative Office Pavilion, of Portland, ME, for furnishings for Kaler School. Passage requires majority vote.

The following people addressed this item;

Scott Morrison, Kimsco Supply
Louis Koukos, 21 Simmons Road
Ray Lee, 28 Henry Street
Clarence Beckwith, 51 Bonnybriar Road
Laura Ellis, Mt. Vernon Street
Virginia Brady, Anchorage Place

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

5. ORDER #168-02/03 – Award of bid to Creative Office Pavilion, of Portland, ME, for furnishings for Small School. Passage requires majority vote.

The following people addressed this item;

Louis Koukos, 21 Simmons Road
Ray Lee, 28 Henry Street
Virginia Brady, Anchorage Place

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

6. ORDER #169-02/03 - Authorizing the appropriation of \$106,000 for the repair of Memorial Middle School roof and purchase of four (4) servers for the School Department Technology Department and transfer of \$68,000 from the FY 2001 CIP for various projects. Passage requires majority vote.

The following people addressed this item;

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Ray Lee, 28 Henry Street
Clarence Beckwith, 51 Bonnybriar Road
Virginia Brady, Anchorage Place

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

7. ORDINANCE #15-02/03 – Amending Chapter 15, “Wreckers and Vehicle Towing” regarding rates for services. First reading. Passage requires majority vote.

The following people addressed this item;

Vincent Maietta, Vice President of Maietta Towing
Ray Lee, 28 Henry Street
Louis Koukos, 21 Simmons Road
Amy Berry, Deputy Police Chief

Councilor Maietta asked to abstain from this item. Councilor Boudreau motioned to have the ordinance read by title only. Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 5-0 (Maietta abstained)

8. ORDER #170-02/03 - Award of bid to Grinold-O'Brien Sales Company, Inc. of Sharon, MA, for the purchase of a mobile lifting system. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street

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

9. ORDER #171-02/03 - Authorizing a three percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

The following people addressed this item;

Ray Lee, 28 Henry Street
Virginia Brady, Anchorage Place
Clarence Beckwith, 51 Bonnybriar Road

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

10. ORDER #172-02/03 - Authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 2003 to June 30, 2004. Passage requires majority vote.

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JUNE 16, 2003

There was not public discussion.

Motion for passage was made by Councilor Jacobs and seconded by Councilor Maietta.
Passed 5-0 (Baxter out of the room)

11. ORDER #173-02/03 – Authorizing the Finance Director to release City interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Jacobs.
Passed 5-0 (Baxter out of the room)

12. ORDER #174-02/03 - Authorizing contractors for the Maine Department of Transportation to transport heavy construction equipment over city streets. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #175-02/03 – Authorizing the City Manager to sign Municipal/State Agreements regarding operation and maintenance of flashing beacons at twenty-one locations. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Mayor Baxter said many people have justified concerns. They should call Councilors or come to Council Meetings to have their concerns addressed.

Councilor Boudreau referred to the Homestead Exemption changing in October. People that have not followed the legislation are going to be surprised. The exemption will be tied to the value of homes.

Councilor Jacobs thanked city staff that worked on the Greenbelt Walkway Dedication. He said it was nice to have Tom Allen there. He regretted not being able to attend Rosella Loveitt’s dedication. He remarked that she has been such an asset to the city and had been nominated for the “Great Person Award” the year that Ge Erskine won it.

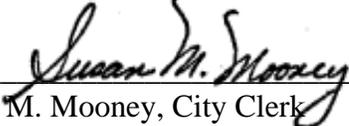
**IN COUNCIL REGULAR MEETING VOL. 64 PAGE 150
JUNE 16, 2003**

K. Executive Session

Motion to adjourn was made at 10:30 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Adjournment passed 6-0.

A TRUE COPY

ATTEST



Susan M. Mooney, City Clerk