

**IN COUNCIL REGULAR MEETING VOL. 77 PAGE 117**  
**MAY 2, 2016**

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

**A. Acceptance of Minutes**

Smith moved for passage, seconded by Fox. The motion passed 7-0.

**B. Communications from City Manager**

The Transfer Facility will be open on Sundays in May.

The City Manager welcomed new businesses in South Portland.

**C. Petitions and Communications**

Mayor Blake attended a Trail Advisory Group meeting to work on a collaborative project between Portland and South Portland.

Councilor Fox attended a recent jetport noise advisory committee and welcomed citizens to reach out to the committee if they have concerns.

Councilor Morgan spoke on looking forward to the completion of Spring Point Harbor lease negotiations.

**D. Appointment Calendar**

1.ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 7-0.

2.ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

Morgan moved to postpone, seconded by Beecher. The motion passed 7-0.

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3. ORDER #41-15/16 – Arts & Historic Preservation Committee, District Two (Smith), appointing **Liz Salamone** for an unexpired term which expires on 10/20/18. Postponed since 10/19/15. Passage requires majority vote.

There was no public comment.

Smith moved for passage, seconded by Beecher. The motion passed 7-0.

4. ORDER #58-15/16 - Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/18. Postponed since 12/21/15. Passage requires majority vote.

Smith moved to postpone, seconded by Morgan. The motion passed 7-0.

5. ORDER #71-15/16- Library Advisory Board, District One (Morgan), for an unexpired term which expires on 01/01/18. Postponed since 01/04/16. Passage requires majority vote.

Morgan moved to postpone, seconded by Cohen. The motion passed 7-0.

6. ORDER #72-15/16 - Library Advisory Board, District Five (Fox), for an unexpired term which expires on 01/01/18. Postponed since 01/04/16. Passage requires majority vote.

Fox moved to postpone, seconded by Beecher. The motion passed 7-0.

7. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

Smith moved to postpone, seconded by Morgan. The motion passed 7-0.

8. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.

Smith moved to postpone, seconded by Morgan. The motion passed 7-0.

9. ORDER #115-15/16 - Energy & Recycling Committee, District Three (Rose), for an unexpired term which expires on 05/05/16. Postponed since 03/21/16. Passage requires majority vote.

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Rose moved to postpone, seconded by Cohen. The motion passed 7-0.

10. ORDER #127-15/16 - Planning Board, District Two (Smith), for an unexpired term which expires on 04/01/19. Postponed since 04/20/16. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 7-0.

11. ORDER #137-15/16 – Arts & Historic Preservation Committee, District Three (Rose), for an unexpired term which expires on 10/20/18. Passage requires majority vote.

Rose moved to postpone, seconded by Morgan. The motion passed 7-0.

**E. Consent Calendar**

12. ORDER #138-15/16 – Authorizing the temporary closure of Cummings Road between Running Hill Road and Payne Road for a 17-day period during the month of September 2016 in conjunction with the Cummings Road Rehabilitation Project. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.  
Doug Howard, Director of Public Works  
Steve Sawyer, Sebago Technics

Morgan moved for passage, seconded by Cohen. The motion passed 7-0.

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

The following spoke:

Russ Lunt, Brigham St.

**G. Public Hearings and Action**

13. ORDER #126-15/16 - Appealing the Public Works Director's denial for a curb cut on Wermuth Road for Yaz Automotive Repair & Towing. Postponed on 04/04/16. Passage requires majority vote.

Mayor Blake opened the hearing.

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Beecher moved to waive the five minute speaking time limit for Yaz Towing and the Public Works Director, seconded by Morgan. The motion passed 7-0.

The following spoke on this item:

Shawn Frank, Sebago Technics  
Amy Berry, Deputy Chief of Police  
Patricia Whyte, Orchard St.  
Max, Rollins Way  
Jo Rodriguez, Redbank  
Makara Meng, Redbank  
Emilio Rodriguez, Redbank

Morgan moved to affirm the Public Works Director's decision and deny the curb cut appeal. Seconded by Fox. The motion passed 7-0.

Councilor Cohen moved for passage of Order #126-15/16, seconded by Fox.

Councilor Morgan moved to amend Order #126-15/16 as read and recommended by Corporation Counsel. Seconded by Cohen. The motion passed 7-0.

The motion for passage of Order #126-15/16, as amended, carried 7-0.

14. ORDER #139-15/16 – Soap Bar, 33 A Street, for a Food Establishment/Restaurant with Liquor License. Passage requires majority vote.

There was no public comment.

Cohen moved for passage, seconded by Beecher. The motion passed 7-0.

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

15. ORDER #140-15/16 - Authorizing the City Manager to accept delivery of drainage easement deeds granting the City drainage rights in certain easement areas located at 2 Kenneth Road, 4 Kenneth Road, 6 Kenneth Road, 8 Kenneth Road, and on a portion of Jamestown Court Owners Association's property on the southerly side of Broadway. Passage requires majority vote.

There was no public comment.

Beecher moved for passage, seconded by Fox. The motion passed 7-0.

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16.ORDER #141-15/16 – Appropriating \$95,000 from Unassigned Fund Balance and award of Bid #28-16 to Great Falls Construction, of Gorham, ME, for the construction of the South Portland Municipal Facility. Passage requires majority vote.

The following spoke on this item:

Owens McCullough, Sebago Technics

Beecher moved for passage, seconded by Smith. The motion passed 7-0.

17.ORDER #142-15/16 - Authorizing the Police Chief to execute an agreement between the City and Cumberland County relating to the terms and conditions under which certain police officers may be appointed as Cumberland County sheriff's deputies. Passage requires majority vote. Passage requires majority vote.

The following spoke on this item:

Frank Clark, South Portland Police Department

Morgan moved for passage, seconded by Cohen. The motion passed 7-0.

18.ORDER #143-15/16 – Implementing the 2017 Capital Improvement Program. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

19.ORDER #144-15/16 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public comment.

Smith moved for passage, seconded by Fox. The motion passed 6-0 (Beecher out).

*Councilor Beecher was absent for the rest of the meeting.*

20.ORDER #145-15/16 – Authorizing the Code Enforcement Officer to execute a consent agreement between Alison N. Eckert and the City relating to a side setback encroachment at 29 Channel Road (Map 1, Lot 27). Passage requires majority vote.

The following spoke on this item:

Patricia Doucette, Code Enforcement Director

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Cohen moved for passage, seconded by Morgan.

Cohen moved to amend Order #145-15/16 to waive the \$500.00 fine, seconded by Morgan. The motion passed 6-0 (Beecher out).

The motion for passage of Order #145-15/16, as amended, carried 6-0 (Beecher out).

21.PROCLAMATION #1-15/16 – Proclaiming the week of May 9, 2016 as Women’s Lung Health Week in the City of South Portland. Passage requires majority vote.

The following spoke on this item:  
Patricia Whyte, Orchard St.

Morgan moved for passage, seconded by Rose. The motion passed 6-0. (Beecher out).

22.PROCLAMATION #2-15/16 - Proclaiming the week of May 15, 2016 as Arbor Week in the City of South Portland. Passage requires majority vote.

The following spoke on this item:  
Patricia Whyte, Orchard St.  
Russ Lunt, Brigham St.

Morgan moved for passage, seconded by Fox. The motion passed 6-0 (Beecher out).

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

The following spoke:  
Patricia Whyte, Orchard St.

**J. Councilor’s Round Robin**

Smith shared details of a plant sale located at the American Legion Hall on May 21. Doors open at 8:00 AM to Land Trust members; 9:00am for the general public. The plant sale ends at 1:00pm.

Cohen wished the City Clerk and the Clerk’s office a happy Municipal Clerk’s week.

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**K. Executive Session**

A motion may be made to go into Executive Session pursuant to 1 M. R. S. A. §405 (6) (A), City Manager's Contract.

Morgan motioned to go into executive session at 9:55pm, seconded by Cohen. The motion passed 6-0.

Cohen motioned to come out of executive session at 10:07pm, seconded by Morgan.

Cohen motioned to adjourn at 10:08pm, seconded by Morgan. The motion passed 6-0 (Beecher out).

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ATTEST   
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Emily F. Carrington