

Index of Meetings

[July 3, 2006](#)

[July 17, 2006 Special](#)

[July 17, 2006](#)

[July 24, 2006 Special](#)

[August 4, 2006 Special](#)

[August 7, 2006 Special](#)

[August 7, 2006](#)

[August 10, 2006 Special](#)

[August 21, 2006 Special](#)

[August 21, 2006](#)

[September 6, 2006](#)

[September 11, 2006 Special](#)

[September 18, 2006](#)

[October 2, 2006](#)

[October 16, 2006](#)

[November 6, 2006](#)

[November 20, 2006](#)

[December 4, 2006 Inauguration](#)

[December 4, 2006 Special Meeting](#)

[December 4, 2006](#)

[December 18, 2006](#)

[January 3, 2007](#)

[January 17, 2007](#)

[February 5, 2007](#)

[February 21, 2007](#)

[March 5, 2007](#)

[March 19, 2007](#)

[March 26, 2007 Special Meeting](#)

[April 2, 2007](#)

[April 9, 2007](#) Special Meeting

[April 18, 2007](#)

[May 7, 2007](#)

[May 14, 2007](#) (Workshop)

[May 21, 2007](#) Special Meeting

[May 21, 2007](#)

[May 30, 2007](#) Special Meeting

[June 4, 2007](#) Special Meeting

[June 4, 2007](#)

[June 11, 2007](#) Special Meeting

[June 18, 2007](#) Special Meeting

[June 18, 2007](#)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 1
JULY 3, 2006

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

A. Acceptance of Minutes

Motion to accept the minutes from the June 19, 2006 Councilor Meeting was made by Councilor Morgan and seconded by Councilor De Angelis. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items:

- Thank you from Bradford, Tennessee for donations toward the flood damage.
- The Viet Nam Wall replica will be at CMCC on August 8, 2006.
- Bus Service ridership is up 12%

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #1-06/07 – Nomination to the Governor for an appointment to the Greater Portland Public Development Commission for a term which expires 8/8/11. Passage requires majority vote.

There was no public discussion.

Motion was made by Mayor Beecher and seconded by Councilor Baxter to reappoint Timothy O'Neil, 81 Adelbert Street. Passed 5-0 (Morgan out of the room)

E. Consent Calendar

2. Street Closing

Cornelia and Colin Carew are requesting the closure of 53 - 71 Ocean View Avenue on Sunday, July 16, 2006 from 4:00 P.M. until 8:00 P.M. for a party. Passage requires majority vote.

Motion was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 5-0 (Morgan out of the room)

F. Citizen Discussion (First Part)

Dick Bernard, Conservation Commission Chair was concerned with critters and the downstairs conference room.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 2
JULY 3, 2006

G. Public Hearings and Actions

3. ORDINANCE #24-05/06 – Amending Chapter 27, “Zoning”, creating a Village Commercial Zoning District for Willard Square. Passed first reading on 06/19/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Motion was made by Councilor Morgan and seconded by Councilor De Angelis to read the Ordinance by title only. Passed 6-0

The following person addressed this item;

Diane Romano, 4 Simonton Street spoke against the amendment.

Motion was made by Councilor Hughes and seconded by Councilor De Angelis for passage.

Tex Haeuser explained the process of notifying abutters.

Motion was made by Councilor Morgan and seconded by Councilor Hughes to amend the Ordinance Sec. 27-550 to read thirteen dwelling units per net residential acre. Amendment passed 6-0. Main motion passed as amended 6-0.

4. ORDINANCE #25-05/06 – Amending Chapter 27, “Zoning”, for a zone map change creating a Village Commercial Zoning District for Willard Square. Passed first reading on 06/19/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Motion was made by Councilor Hughes and seconded by Councilor De Angelis for passage. Motion was made by Councilor Hughes and seconded by Councilor Baxter to amend the Ordinance to add Lot #45 which was omitted due to a clerical error. Amendment passed 6-0. Main motion passed as amended 6-0.

5. ORDINANCE #26-05/06 – Amending Chapter 30, “Control of Noise from New Development”, regarding noise levels. Passed first reading on 6/19/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 3
JULY 3, 2006

6. ORDER #2-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #3-06/07 - Authorizing the Interim City Manager to submit an application to the Maine Department of Conservation for Land and Water Conservation for a grant to be used for the renovation of the Willard School Park located between Pillsbury & Davis Streets and Cottage Road. Passage requires majority vote.

Angela Griffith, Davis Street addressed this item.

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

8. ORDER #4-06/07 – Accepting a Maine Bureau of Highway Safety Grant in the amount of \$5,000 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #5-06/07 - Amending the Traffic Schedule regarding stop signs, speed limits and no parking on Jetport Plaza Road/Westbrook Street and stop signs on Elderberry Drive and Ridgeland Avenue. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #6-06/07 – Authorizing the Interim City Manager to sign a municipal/State Agreement with the Maine Department of Transportation regarding traffic signals at the intersection of Gorham Road and Western Avenue. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 4
JULY 3, 2006

11. ORDINANCE #1-06/07 – Amending Chapter 27, “Zoning,” for a zone map change expanding the Spring Point District (SP). First reading. Passage requires majority vote.

Tex Haeuser gave a brief description of the Ordinance amendment.

The following people addressed this item;

James Ortiz, President of SMCC addressed this item.

Leslie Barteaux, 134 Fort Road read a letter in support of the amendment.

Mayor Beecher read an email from Darrell Cooper, 14 Myrtle Ave. in support of the amendment.

Councilor De Angelis disclosed that she was an adjunct instructor at SMCC, but felt that this would not be a conflict of interest.

Motion was made by Councilor Morgan and seconded by Councilor Hughes for passage of the first reading and postponement to the July 17, 2006 meeting. Passed 6-0.

12. ORDER #7-06/07 - Accepting three deeds from Sears Roebuck & Co., Maine Associates and Julian Cohen related to the widening/relocation of Maine Mall Road and Philbrook Avenue in 1994. Passage requires majority vote.

There was no public discussion.

Tex Haeuser explained that this was a “housekeeping issue” due to a previous oversight.

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

13. ORDER #8-06/07 - Authorizing the Interim City Manager to send a letter to Portland Pipe Line extending the license regarding access to Kaler School. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 5
JULY 3, 2006

Corporation Counsel, May Kahl asked for a motion to reconsider Order #204-05/06 regarding defibrillators for the Police Department, and to postpone to the July 17, 2006 meeting.

Motion was made by Councilor Morgan and seconded by Councilor De Angelis for reconsideration. Passed 6-0.

Motion was made by Councilor De Angelis and seconded by Councilor Morgan to postpone. Postponed 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Morgan discussed his and Councilor Boudreau's involvement with the Cumberland County Regionalization sub-committees.

Councilor Loring stated she was pleased with the efforts of Jim Gailey regarding the clean up of various issues that needed to be addressed.

Councilor De Angelis wished the Public a Happy 4th of July, and announced that Dick Bernard would be reading the Declaration of Independence at Legion Square on July 4th, dressed as Thomas Jefferson.

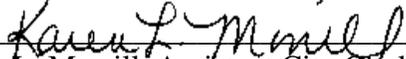
Mayor Beecher wished everyone a safe holiday.

Councilor Hughes discussed the name change of RWS to EcoMaine.

K. Executive Session

Motion was made by Councilor Morgan and seconded by Councilor Loring to adjourn at 9:20 P.M. Passed 6-0.

A TRUE COPY

ATTEST 
Karen L. Morrill, Assistant City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 6
JULY 17, 2006

Roll Call: Mayor Beecher called the meeting to order at 6:30 P.M. Councilor De Angelis and Councilor Hughes arrived after the Council adjourned to executive session.

K. Executive Session

A motion may be made to go into executive session pursuant 36 M.R.S.A. § 841 (6)(F), regarding hardship abatements.

Motion to adjourn to executive session was made by Councilor Loring and seconded by Councilor Boudreau. Passed 5-0

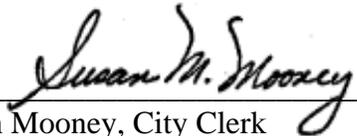
Motion to return from executive session was made at 6:45 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 7-0

Motion to pass Hardship Abatement #1-06/07 for \$2,165.00 plus interest and costs to date was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

Motion to adjourn from executive session was made by Councilor Morgan and seconded by Councilor Boudreau. Adjournment passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 7
JULY 17, 2006**

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

A. Acceptance of Minutes

Motion to accept the minutes from the July 3, 2006 Councilor Meeting was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

Department Reports for the month of June, 2006.

Attendance Reports for the month of June, 2006.

D. Appointment Calendar

1. ORDER #9-06/07 – Board of Appeals, District 1 (Morgan) for a term which expires on 07/23/09. Passage requires majority vote.

The following person addressed this item;

David McHugh, 19 McLean Street – Mr. McCue spoke highly of Thomas Coward and recommended that the Council support this reappointment.

Motion was made by Councilor Morgan and seconded by Councilor Baxter to reappoint Thomas Coward, 17 Woodbury Street for passage. Passed 7-0

2. ORDER #10-06/07 – Board of Appeals, District 2 (Loring) for a term which expires on 07/23/09. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Loring and seconded by Councilor Boudreau for postponement. Postponed 7-0

E. Consent Calendar

3. Sign Permit

The Vietnam Wall Experience Committee is requesting to place signs in various locations to direct people to the exhibit. Passage requires majority vote.

The following person addressed this item;

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 8
JULY 17, 2006

Jeff Temple, Emergency Management Director and liaison to the planning committee, provided information about the arrival of the wall and the program schedule.

Motion was made by Councilor Loring and seconded by Councilor Morgan for passage. Passed 7-0

F. Citizen Discussion (First Part)

Jack Berman, 43 Loveitts Field Road – Mr. Berman spoke about traffic concerns in the East end of the City.

David McHugh, 19 McLean Street – Mr. McHugh voiced concerns about the competency of two members on the Board of Appeals.

David Bourke, 61 Willow Street – Mr. Bourke talked about a traffic survey and concerns about folks not following the leash laws.

Sharon Newman, 130 Fort Road – Ms. Newman said she is looking forward to serving on the SMCC Advisory Committee. She asked that the Council help with traffic concerns in that area.

Meshell Jonka, 8 Alder Street - Mr. Jonka also spoke about traffic concerns.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked for an update on the Broadway sewer/stormwater separation project and inquired as to whether there has been any forward movement to decide about what will be done with the Armory.

G. Public Hearings and Actions

4. ORDINANCE #1-06/07 – Amending Chapter 27, “Zoning,” for a zone map change expanding the Spring Point District (SP). Passed first reading on 07/03/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following people addressed this item;

President James Ortiz, Southern Maine Community College – Mr. Ortiz announced that the Citizen Advisory Committee will be holding their first meeting on July 19th.

Jacob Lemelin, 103 Devereaux Circle – Mr. Lemelin works as a Security Officer at SMCC and spoke in support of the Ordinance.

David Bourke, 61 Willow Street – Mr. Bourke said the zone change makes sense and will make campus life more manageable for students.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 9
JULY 17, 2006

Meshell Jonka, 8 Alder Street – Mr. Jonka commended architects and college staff and felt the project was well planned.

Theresa Wiper, 10 Myrtle Ave. – Ms. Wiper’s only concern was security. She noted that currently security staff leaves by 11:00 P.M., however, students venture down to the beach after those hours. She encouraged round the clock security with jurisdiction extended to the beach area.

The Mayor read a communication from Dean Munson, 75 Beach Street. The communication was in opposition of the zone change.

Councilor Boudreau disclosed that she was on the SMCC Foundation Board. Councilor De Angelis disclosed that she is an adjunct faculty member and Councilors Loring and Morgan will be members of the Advisory Committee. No one had concerns over whether these involvements would create a conflict of interest.

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

H. Action on Old and New Business

5. ORDINANCE #24-05/06 – Reconsideration of Amendment to Chapter 27, “Zoning”, creating a Village Commercial Zoning District for Willard Square. Passed first reading on 6/19/06. Amended and passed on 7/3/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

There was no public discussion.

Motion for reconsideration was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0. Motion to amend the Ordinance to include the following;

Sec. 27-547. Permitted Uses.

Any use permitted in the G Residential District, except that after July 1, 2006, any structure that requires Site Plan Approval by the Planning Board according to Sec. 27-142 of the South Portland Code of Ordinances, and is on a lot in the Village Commercial-Willard zoning district that has frontage on Preble Street, shall not be allowed to have a residential use on the ground floor, unless the residential use includes a home occupation or otherwise combines business work and residential living in the same unit. This requirement for non-residential uses on the ground floor may be waived by the Planning Board upon a demonstration by the applicant that reasonable efforts had been made to attract a business or other non-residential use and that such efforts had not met with success.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 10
JULY 17, 2006

was made by Councilor De Angelis and seconded by Councilor Boudreau. The amendment passed 7-0. The Ordinance passed roll call vote as amended 6-1 (Loring)

6. ORDER #204-05/06 - Reconsideration of authorization of the appropriation of \$15,000 from the National Semiconductor TIF funds for the purchase of AEDs for the Police Department. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Loring and seconded by Councilor Morgan for reconsideration. Passed 7-0. Motion to amend the order to appropriate funds from the Police Department's Asset Forfeiture Account #205065-652500 for the purchase of this equipment was made by Councilor Loring and seconded by Councilor De Angelis. The amendment passed 7-0. The order passed as amended 7-0.

7. ORDER #11-06/07 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDINANCE #2-06/07- Authorizing the appropriation of \$500,000 for capital projects for the fiscal year ending June 30, 2007. First reading. Passage requires majority vote.

Councilor De Angelis motioned and Councilor Loring seconded to have the Ordinance read by title only. There was no public discussion.

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

9. ORDER #12-06/07 – Implementing the FY 2007 Capital Improvement Program. Passage requires majority vote.

The following people addressed this item;

Rommy Brown, 10 E Street – Ms. Brown spoke in support of the Waterman Drive project.

Carolyn Hendry, 75 B Street – Ms. Hendry was also in support of the Waterman Drive project.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 11
JULY 17, 2006

Theresa Wiper, 10 Myrtle Ave. – Ms. Wiper spoke in support of the Willard Square project.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 7-0. Motion to amend the order was made by Councilor Boudreau and seconded by Councilor De Angelis to replace the wording in the project description under the category “General Government”, project titled “General Buildings – South Portland Armory” to “Building Purchase, Building Renovation and Land Acquisition”. The amendment passed 7-0. The order passed as amended 7-0.

10. ORDER #13-06/07 - Authorizing the City Manager to sign a collective bargaining agreement with South Portland Firefighters IAFF Local #1476. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Morgan and seconded by Councilor Loring for passage. Passed 7-0

I. Citizen Discussion (Second Part)

Chief Guimond provided information on two programs, a CDBG grant that allows for the installation of smoke detectors for the elderly. He is looking for electricians who might be available to help with the project. The second project is the sale of fire alarm boxes, which will be offered for \$80.00 each.

J. Councilor’s Round Robin

Mayor Beecher remarked about wonderful updates to the bathhouse at Willard Beach. She recognized Ed Rombalski, Sarah Neuts and Dale Cole for their involvement with this project.

Councilor Boudreau thanked the Recycling Committee with their work with the bus service to promote Rock E. Recycles. She remarked about the wonderful meal she had at Ginger Pad’s grand opening and congratulated the City on the opening of the Jetport Plaza Road.

Councilor Morgan recognized the West End Trail folks. He remarked that he was crystal clear on where funds are going.

Councilor De Angelis reminded folks that there would be no Council Meetings on July 24th, July 31st and August 28th.

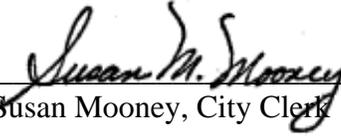
K. Executive Session

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 12
JULY 17, 2006**

Motion to adjourn was made at 10:25 P.M. by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 13
JULY 24, 2006

K. Executive Session

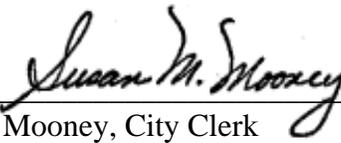
A motion may be made to go into executive session pursuant 1 M.R.S.A. §405(6)(A), discussion of candidates for City Manager position.

Motion to adjourn to executive session was made at 5:00 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

Motion to return from executive session was made at 6:08 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 4-0 (Hughes, Baxter and Loring already left)

Motion to adjourn was made by Councilor Morgan and seconded by Councilor Boudreau. Adjournment passed 7-0

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 14
AUGUST 4, 2006**

K. Executive Session

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

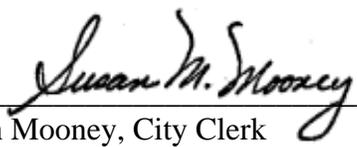
Motion to adjourn to executive session was made at 8:00 A.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 4-0 (Morgan, Loring, and De Angelis arrived within the next five minutes).

Motion to return from executive session was made at 5:25 P.M. by Councilor Morgan and seconded by Councilor Loring. Passed 5-0 (Hughes and Baxter gone).

Motion to adjourn from executive session was made at 5:25 P.M. by Councilor Loring and seconded by Councilor Morgan. Passed 5-0 (Hughes and Baxter gone).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 15
AUGUST 7, 2006

K. Executive Session

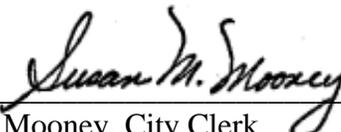
A motion may be made to go into executive session pursuant 1 M.R.S.A. §405(6)(A), discussion of candidates for City Manager position.

Motion to adjourn to executive session was made at 5:32 P.M. by Councilor Hughes and seconded by Councilor Baxter. Passed 7-0

Motion to return from executive session was made at 7:12 P.M. by Councilor Morgan and seconded by Councilor Baxter. Passed 5-0 (Hughes and Loring out of room)

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 16
AUGUST 7, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:12 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from the Special Meetings of July 17th and 24th and the Regular Councilor Meeting of July 17th was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0 (Morgan out of room).

B. Communications from City Manager

The Manager addressed the following items;

- The passing of Bus Driver, Frank Barlow
- Presentation by Councilor Boudreau awarding Michelle Sturgeon with Eco Maine's (formally RWS) Recycling Award. Public Works Supervisor, Dave Gaudet, nominated Michelle.
- Mary Kahl presented information on the Art in the Park Show scheduled for August 12th.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #10-06/07 – Board of Appeals, District 2 (Loring) for a term which expires on 07/23/09. Postponed on 07/17/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Susan Russell, 143 Hillside Ave. was made by Councilor Loring and seconded by Councilor Morgan. Passed 7-0

E. Consent Calendar

2. Street Closing

The Rotary Clubs of South Portland/Cape Elizabeth and Portland are requesting various street closures on August 20, 2006 for the annual Bridge Road Race and Walk. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 17
AUGUST 7, 2006

F. Citizen Discussion (First Part)

There was no discussion at Citizen Discussion Part One.

G. Public Hearings and Actions

3. ORDINANCE #2-06/07- Authorizing the appropriation of \$500,000 for capital projects for the fiscal year ending June 30, 2007. Passed first reading on 07/17/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

4. PROCLAMATION #1-06/07 - Proclaiming August 11th through the 13th as Veterans Recognition Weekend. Passage requires majority vote.

The following person spoke on this item;

Robert Barnes, Chairman – Mr. Barnes said this project has been planned over the last eight months. The Committee is expecting the wall to arrive tomorrow with a motorcade of 400+ motorcycle escorts. Mr. Barnes thanked the City for their cooperation.

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

5. ORDER #14-06/07 – Appealing the denial of a Taxicab Driver’s license. Passage requires majority vote.

The following person addressed this item;

James Murphy, 25 Lawn Ave. – Mr. Murphy read a letter that he compiled asking the Council to appeal the denial.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Councilor Boudreau motioned and Councilor Morgan seconded to the finding of fact presented by Corporation Counsel, which upheld the denial 7-0.

6. ORDER #15-06/07 – Extending the one-year permit period for residents at 87 Winding Way to keep a junked motor vehicle on residential property. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 18
AUGUST 7, 2006

This item was withdrawn.

7. ORDER #16-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #17-06/07 - Accepting a deed from Wallace O. Stone conveying property identified as Assessor's Map 19, Lot 11 to the City. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #18-06/07 - Award of bid #207007 to Dell, of Round Rock, TX; Apple, of Cupertino, CA; EnPointe, of El Segundo, CA; CDW-G, of Chicago, IL; Greenpages, of Kittery, ME; and ACTEM, of Berwick, ME; for the purchase of computer equipment for the School Department. Passage requires majority vote.

There was no public discussion. Andy Wallace, the School IT Director was present and answered questions from the Council.

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

10. ORDER #19-06/07 – Appealing the denial of the Public Works' Director for a curb cut on Hemco Road for Hannaford Distribution Center. Passage requires majority vote.

There was no public discussion.

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

11. ORDER #20-06/07 – Accepting a Small Harbor Improvement Program (SHIP) grant in the amount of \$20,000.00 and authorizing the Interim City Manager to sign a standard agreement with the State of Maine. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 19
AUGUST 7, 2006

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

12. ORDER #21-06/07 - Award of bid #207002 to Planning Decisions, Inc., of South Portland, ME, for Tax Increment Financing (TIF) consulting services. Passage requires majority vote.

There was no public discussion.

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

13. ORDER #22-06/07 - Appropriating \$30,000 from undesignated fund balance and award of bid #207003 to Planning Decisions Inc., of South Portland, ME, for land use regulations consulting services. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #23-06/07 - Authorizing the Interim City Manager to sign a Municipal/State Agreement with the Maine Department of Transportation regarding proposed improvements to Western Avenue from the intersection with Gorham Road to the intersection with Maine Mall Road. Passage requires majority vote.

There was no public discussion.

Motion for passage as amended was made by Councilor Loring and seconded by Councilor Hughes. The original Municipal/State Agreement did not include sewer. Passed 7-0.

I. Citizen Discussion (Second Part)

Margaret Murphy-Mooers, 95 Winding Way – Ms. Murphy-Mooers voiced concerns about the junked vehicle being stored at 87 Winding Way. She hopes this vehicle does not continue to be a problem.

J. Councilor's Round Robin

Councilor Boudreau asked that Code Enforcement stay on top of the junk vehicle situation.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 20
AUGUST 7, 2006

Councilor Morgan indicated that he had accepted an invitation to the Chair of Mark Dion's re-election campaign.

Councilor Loring asked about blackouts on the east end of the City.

Mayor Beecher reminded folks about Art in the Park and the Vietnam Memorial Wall.

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 9:53 P.M. by Councilor Boudreau and seconded by Councilor Loring. Passed 7-0

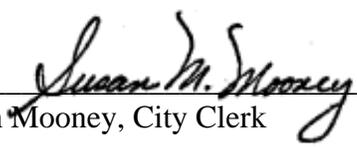
Motion to return from executive session was made at 10:12 P.M. by Councilor Morgan and seconded by Councilor Loring. Passed 4-0 (DeAngelis, Baxter, Hughes out of the room)

Councilor Boudreau moved to deny hardship abatement case #06/07-2, seconded by Claude Morgan, vote 7-0.

Motion to adjourn was made at 10:13 P.M. by Councilor Morgan and seconded by Councilor Baxter. Adjournment passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 21
AUGUST 10, 2006**

K. Executive Session

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

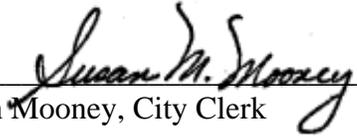
Motion to adjourn to executive session was made at 12:50 P.M. by Councilor Hughes and seconded by Councilor Baxter. Passed 7-0.

Motion to return from executive session was made at 5:25 P.M. by Councilor De Angelis and seconded by Councilor Hughes. Passed 7-0.

Motion to adjourn was made at 5:27 P.M. by Councilor Baxter and seconded by Councilor Morgan. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 22
AUGUST 21, 2006**

K. Executive Session

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

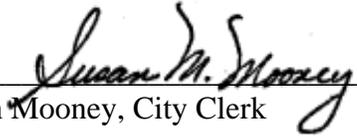
Motion to adjourn to executive session was made at 5:00 P.M. by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0 (Loring had not arrived).

Motion to return from executive session was made at 7:03 P.M. by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0 (Morgan out of room).

Motion to adjourn from Special Meeting was made by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0 (Morgan out of room).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 23
AUGUST 21, 2006

Roll Call: Mayor Beecher called the meeting to order at 7:04 P.M. Councilor Morgan left after the Special Meeting and Councilor Loring was present but not in the Chambers at roll call.

A. Acceptance of Minutes

Due to the late submission of the minutes, a motion to postpone acceptance of the minutes from the Special Meetings of August 7th and the Regular Meeting of August 7th was made by Councilor Boudreau and seconded by Councilor Hughes. Postponed 5-0 (Loring out of the room, Morgan absent)

B. Communications from City Manager

The following items were presented;

- Letter of thanks from Scarborough Fire Department to the South Portland Fire Department for assistance with a hazardous materials incident at New England Motor Freight
- Mayor Beecher presented a plaque and a print of Fickett's Farm Stand to former Councilor Robert Fickett to recognize his years of service to the City of South Portland.

C. Petitions and Communications

Department Reports for the month of July 2006.

Attendance Reports for the month of July 2006

D. Appointment Calendar

1. ORDER #24-06/07 – Harbor Commission, Mayoral appointment, to fill an unexpired term which expires on 06/30/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Beecher and seconded by Councilor Boudreau. Postponed 6-0 (Morgan absent).

E. Consent Calendar

F. Citizen Discussion (First Part)

Christopher Bowring, Elderberry Drive – Mr. Bowring inquired about the process for instituting traffic calming measures in neighborhoods. Chief Googins addressed the inquiry stating that the process is not guided by a written protocol.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 24
AUGUST 21, 2006

The Officer in charge of traffic calming measures works with neighborhood residents directly.

G. Public Hearings and Actions

2. Business License

Capital Pizza Huts, Inc., d/b/a, 390 Gorham Road, for a FE/Class A Restaurant with Liquor license. New applicant. 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 (Morgan absent)

H. Action on Old and New Business

3. ORDER #25-06/07 – Authorizing the Interim City Manager to sign a collective bargaining agreement with the AFSCME LOCAL 481 from July 1, 2006 to June 30, 2009. Passage requires majority vote.

There was no public discussion. Brian Smith, Human Resource Director covered the changes in the contract.

Motion for passage was made by Councilor Hughes and seconded by Councilor Baxter. A motion to amend the agreement to include wording that would allow the Manager to appoint someone to receive a grievance in the absence of the Human Resource Director was made by Councilor Boudreau and seconded by Councilor De Angelis. The amendment is pending acceptance from Union Officials. The amended passed 6-0 and the main motion passed as amended 6-0 (Morgan absent).

4. ORDER #26-06/07 – Authorizing the Interim City Manager to sign a collective bargaining agreement with the South Portland Public Safety Dispatchers IAFF Local #1476 from July 1, 2006 to June 30, 2009. Passage requires majority vote.

There was no public discussion. Brian Smith, Human Resource Director covered the changes in the contract. Chief Googins and Union President, William Collins were present.

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

5. ORDER #27-06/07 – Amending the “Traffic Schedule”, regarding no parking on a portion of Hill St. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 25
AUGUST 21, 2006

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0 (Morgan absent)

6. ORDER #28-06/07 - Accepting 319 and 104 (b)(3) Grants administered by the Maine Department of Environmental Protection to be used for the Long Creek Watershed Based Plan Project. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Baxter. EPA had not signed off on the project yet. Postponed 6-0 (Morgan absent)

7. ORDER #29-06/07 – Award of bid #207010 to Medtronic Physio-Control, Inc., of Redmond, WA, for the purchase of cardiac monitors for the Fire Department. Passage requires majority vote.

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

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 5-0 (Loring out of room, Morgan absent)

8. ORDER #30-06/07 – Award of bid #207005 to Mitchell’s Electric, of Scarborough, ME, for fire alarm maintenance and repair. Passage requires majority vote.

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

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

9. ORDER #31-06/07 – Authorizing the Interim City Manager to sign a Memorandum of Understanding between the Maine Center for Disease Control and Prevention (CDC) and the City of South Portland designating the South Portland Community Center and the Redbank Community Center as public health mass dispensing centers. Passage requires majority vote.

There was no public discussion. Jeff Temple was available to answer questions.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Morgan absent)

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 26
AUGUST 21, 2006**

10. ORDER #32-06/07 - Authorizing the Interim City Manager to sign a Municipal/State Agreement regarding traffic signals at the intersection of Broadway and State Route 703 off-ramp. 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 (Morgan absent)

11. ORDINANCE #3-06/07 – Amending Chapter 27, “Zoning,” regarding Long Creek Development, LLC. First reading. Passage requires majority vote.

The following person addressed this item;

Carol Thorne, 96 Sandy Hill Road – Ms. Thorne inquired about whether the public would have access to the emergency access road on the Department of Corrections property. Richard Berman, President of Long Creek Redevelopment stated that the emergency access road would not be open on a daily basis and that in the event of an emergency, the Fire and Police Chiefs would control access.

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

I. Citizen Discussion (Second Part)

Richard Berman, President of Long Creek Redevelopment indicated that a plaque commemorating Jordan Park was now in place. The park has been named after former City Manager, Jeff Jordan, to recognize his efforts to support the development of Brick Hill.

J. Councilor’s Round Robin

Councilor De Angelis recognized Jeff Temple for his involvement with the Vietnam Memorial Wall. She also mentioned the success of this years Art in the Park Show.

Mayor Beecher indicated that the Land Use Committee would start meeting in September. She noted Councilor Morgan’s participation in the School Departments Maine Readiness Campaign and also the World Harmony Run Dinner in which she met participants from the Beach to Beacon Race.

Councilor Boudreau reminded folks that school would come into session before the next scheduled Council meeting and she asked them to please be alert. She mentioned that she had noticed full recycling bins on the side of

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 27
AUGUST 21, 2006**

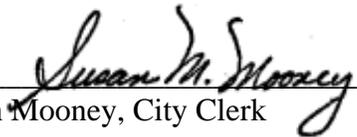
the roadways. She encouraged residents to start a second bin if the first bin fills up. She also passed along that Eco Maine ended the fiscal year with a 1.9 million dollar surplus that will be earmarked for a rate stabilization fund.

K. Executive Session

Motion to adjourn was made at 8:45 P.M. by Councilor De Angelis and seconded by Councilor Loring. Passed 6-0 (Morgan absent).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 28
SEPTEMBER 6, 2006

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

A. Acceptance of Minutes

Motion to accept of the minutes from the Special Meetings of August 7th and the Regular Meeting of August 7th and the Special Meetings of August 10th and 21st and the Regular Meeting of August 21st was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

B. Communications from City Manager

Jim Gailey, Interim City Manager, provided a traffic update regarding issues around the paving of Evans Street and the continuing construction on Broadway.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #24-06/07 – Harbor Commission, Mayoral appointment, to fill an unexpired term which expires on 06/30/08. Postponed on 08/21/06. Passage requires majority vote.

There was no public discussion.

Mayor Beecher requested that a motion to waive Standing Rule 3(e) to allow the Order and application to appoint John Stewart, of 1 Sand Pebble Way to the Harbor Commission. Motion to waive Standing Rule 3(e) and pass Order #24-06/07 was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0

2. ORDER #33-06/07 – Civil Service Commission, At- Large (Boudreau), to fill an unexpired term which expires on 12/31/09. Passage requires majority vote.

There was no public discussion.

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

3. ORDER #34-06/07 – Community Development Advisory Board, At-Large (Baxter) to fill an unexpired term which expires on 01/15/08. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 29
SEPTEMBER 6, 2006

Motion to postpone was made by Councilor Baxter and seconded by Councilor Morgan. Postponed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Richard Hammond, 621 Sawyer Street – Mr. Hammond was very concerned about vehicular speed on Sawyer Street and asked the Council to consider the placement of a stop sign at Marsh Road. The City Manager said he would speak to Lt. Chris Cook and Chief Googins in the morning.

Councilor Loring requested for a list to be produced on a monthly basis to update the Council on traffic mitigation actions.

The Mayor read three communications in support of a moratorium on new construction until the process to update the zoning ordinance has been completed.

Those residents were;

Chris Soule, 615 Sawyer Street

Kim Ayre, 960 Sawyer Street

Ivy Willoughby, 15 Somerset Street

G. Public Hearings and Actions

4. ORDINANCE #3-06/07 – Amending Chapter 27, “Zoning,” regarding Long Creek Development, LLC. Passed first reading 08/21/06. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following person addressed this item;

Carol Thorne, 96 Sandy Hill Road – Ms. Thorne requested that the Council consider an amendment to the ordinance to include that the water line loop be installed. She indicated that having a dead end water line puts residents at risk and this would ensure that the issue would be addressed.

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

(3) ~~All access rights shall be obtained, and all necessary facilities installed, for the emergency access road.~~ An emergency access road must be completed, as depicted on the Conceptual Emergency Access Layout drawing #2 by Gorrill-Palmer Engineers ~~An access road connecting with the Jetport Plaza Rod must be built through the Portland International Jetport property,~~ and the I-295 Exit 3 reconfiguration must be ~~opened for vehicular~~

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 30
SEPTEMBER 6, 2006

~~travel by the public, under construction~~ before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 183 PM peak hour trip ends, as determined by a qualified traffic engineer. The emergency access road is subject to: Corporation Counsel's review and approval of the documents providing access rights; review and approval by the Public Works Director and the Fire and Police Chiefs of the road design; and submission to the City Manager of a performance guarantee in an amount set by the City's Engineering Inspector.

Councilor Beecher seconded the motion for discussion. The amendment failed 1-6 (Morgan, De Angelis, Beecher, Hughes, Boudreau, Baxter)

The ordinance passed roll call vote 6-1 (Loring)

Motion to take Item #9 out of order was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 7-0. See Item #9 for details.

H. Action on Old and New Business

5. ORDER #28-06/07 - Accepting 319 and 104 (b)(3) Grants administered by the Maine Department of Environmental Protection to be used for the Long Creek Watershed Based Plan Project. Postponed on 08/21/06. Passage requires majority vote.

There was no public discussion. Pat Cloutier, Director of the Water Resource Department and Tamara Lee Pinard, Cumberland County Soil & Water Conservation District were present and answered questions.

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

6. ORDER #35-06/07 – Award of bid #206063 to Integrian, of Morrisville, NC, for the purchase of Cruiser Digital Recorders for the Police Department. Passage requires majority vote.

There was no public discussion. Shawn Pennington, IT Director and Chief Googins were present and answered questions.

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

7. ORDER #36-06/07 – Award of bid #207014 to Doucette Auto Sales, of Somerville, MA, for the sale of used police cruisers. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 31
SEPTEMBER 6, 2006**

There was no public discussion.

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

8. ORDER #37-06/07 – Award of bid # 207011 to Walker Chevrolet, of Parsonsfield, ME, for the purchase of a Command utility vehicle for the Fire Department. Passage requires majority vote.

There was no public discussion. Chief Guimond was present and answered questions.

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

9. RESOLVE #1-06/07 – Opposing H.R. 5252. Advanced Telecommunications and Opportunity Reform (ATOR) Act (formerly S. 2686). Passage requires majority vote.

This Item was taken out of order after Item #4.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Motion to amend this item to authorization the Mayor to sign a letter to Senators Collins and Snow to vote against the cloture on H.R. 5252 was made by Councilor Boudreau and seconded by Councilor De Angelis. The amendment passed 7-0. The Resolve also passed 7-0.

10. ORDER #38-06/07 - Waiving the formal bidding process and award of bid to East Coast Tile & Masonry, of South Portland, ME, for stonework at the South Portland Armory Building. Passage requires majority vote.

There was no public discussion.

Councilor Baxter made a motion to postpone this item so that it could be discussed at a workshop. Councilor Boudreau seconded the postponement. The postponement failed 2-5 (Morgan, Loring, De Angelis, Beecher, Hughes)

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. A motion to amend the order to put a condition of passage based on findings by the City Manager that the materials would qualify with the Maine Historical Society. The amendment passed 7-0.

After concerns were raised about whether the work would conform to Maine Historical Society qualifications Councilor Hughes made a motion to reconsider

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 32
SEPTEMBER 6, 2006

the postponement to have this issue go back to a workshop. Councilor De Angelis seconded the reconsideration and it passed 4-3 (Morgan, Loring, Beecher). The postponement passed 4-3 (Morgan, Loring, Beecher).

Councilor Loring said that she could not stay and left the meeting at 9:25 P.M.

I. Citizen Discussion (Second Part)

Councilor De Angelis apologized for the confusion around the postponement of the last item.

Mayor Beecher recognized the importance of the loop water line at Brickhill and said this would be addressed.

Councilor Hughes thanked the Council for support of water conservation in the Long Creek Area.

Councilor Baxter also indicated that the water loop would be addressed.

Councilor Morgan said doggie bags on the Greenbelt are on back order.

J. Councilor's Round Robin

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(C), discussion of the acquisition or disposition of publicly held property.

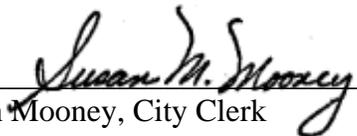
Motion to adjourn to executive session was made at 9:31 P.M. by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Loring gone home).

Motion to return from executive session was made at 10:37 P.M. by Councilor Morgan and seconded by Councilor De Angelis. Passed 4-0 (Hughes, Boudreau out of room and Loring gone home).

Motion to adjourn from Special Meeting was made by Councilor De Angelis and seconded by Councilor Boudreau. Passed 6-0 (Morgan out of room).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 33
SEPTEMBER 11, 2006

K. Executive Session

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

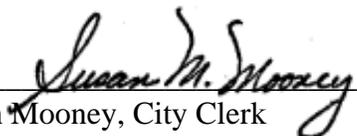
Motion to adjourn to executive session was made after the workshop ended at 7:45 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 5-0 (Loring and Hughes absent).

Motion to return from executive session was made at 8:25 P.M. by Councilor Morgan and seconded by Councilor Baxter. Passed 5-0 (Loring and Hughes absent).

Motion to adjourn from Special Meeting was made by Councilor Boudreau and seconded by Councilor De Angelis. Passed 5-0 (Loring and Hughes absent).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 34
SEPTEMBER 18, 2006**

Roll Call: Mayor Beecher called the meeting to order at 7:02 P.M. All members were present except councilor De Angelis.

A. Acceptance of Minutes

Motion to accept of the minutes from the Regular Meeting of September 4, 2006 was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0 (De Angelis absent)

B. Communications from City Manager

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #33-06/07 – Civil Service Commission, At- Large (Boudreau), to fill an unexpired term which expires on 12/31/09. Postponed on 09/06/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Stephen Johnson, 54 Pennsylvania Avenue was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0. (De Angelis absent)

2. ORDER #34-06/07 – Community Development Advisory Committee, At-Large (Baxter) to fill an unexpired term which expires on 01/15/08. Postponed on 09/06/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Matthew Gilbert was made by Councilor Baxter and seconded by Councilor Hughes. Passed 6-0. (De Angelis absent)

3. ORDER #39-06/07 – Conservation Commission, District 1 (Morgan), to fill an unexpired term which expires 11/30/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0. (De Angelis absent)

4. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 35
SEPTEMBER 18, 2006

Motion to postpone this item was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0. (De Angelis absent)

E. Consent Calendar

5. Street Closing

The resident's of Simmons Road are requesting the closing of their street on October 15, 2006 from 2:00 P.M. until 6:00 P.M. for a neighborhood party. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Morgan. Passed 6-0. (De Angelis absent)

6. Junked Vehicle Permit

Shawn Sellick, 125 High St., is requesting an extension to a junked motor vehicle permit. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Morgan . Postponed 5-1. (Hughes) (De Angelis absent)

F. Citizen Discussion (First Part)

Paul Nixon, Preble Street, spoke regarding educating citizens on both sides of TABOR. Mayor Beecher responded by suggesting that people go to the library to look up both the pros and cons.

Gary Crosby, Tanner Street, spoke in favor of TABOR and offered to connect the Council with someone who could speak positively since they already heard from someone opposed to it. He also mentioned that he is running for the Legislature and will be on the ballot in November.

G. Public Hearings and Actions

7. Ralph Farris, d/b/a Downeast Classics, 48 Bowdoin Street, for a Used Car Lot license. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 36
SEPTEMBER 18, 2006

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

8. MBS, LLC d/b/a Wild Willy's Burger, 449 Westbrook St. for a Class A Restaurant w/Malt and Vinous license. New state and city license. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan. Passed 6-0. (De Angelis absent)

H. Action on Old and New Business

9. ORDER #38-06/07 - Waiving the formal bidding process and award of bid to East Coast Tile & Masonry, of South Portland, ME, for stonework at the South Portland Armory Building. Postponed on 09/06/06. Passage requires majority vote.

An amendment to the agenda was submitted by the Interim City Manager to remove Item #9 from the agenda.

10. ORDER #41-06/07 – Appointing Thaddeus J. Jankowski, Jr. as City Manager. Passage requires majority vote.

The following people addressed this item:

Gary Crosby, Tanner Street

Paul Nixon, Preble Street

Mayor Beecher read a letter from Councilor De Angelis, who was absent, speaking in favor of Mr. Jankowski and welcoming him to the city.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0. (De Angelis absent)

11. ORDER #42-06/07 – Accepting a \$6,350 grant from Maine Fire Training and Education and award of bid #207012 to DMT, Inc., of Lewiston, ME, for training tower repairs at Central Fire Station. Passage requires majority vote.

The following people addressed this item:

Kevin Guimond, Fire Chief, stated that funding was made possible via donations. He also explained what the actual project entailed which consists mostly of cosmetic repairs.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 37
SEPTEMBER 18, 2006

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

12. ORDER #43-06/07 – Authorizing the City Manager to submit the 2005 Consolidated Annual Performance Evaluation Report to the Department of Housing and Urban Development. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0. (De Angelis absent)

13. ORDINANCE #4-06/07 – Amending Chapter 24, “Subdivisions,” regarding Planning Board application fees and engineering/technical consultants. First reading. Passage requires majority vote.

Motion to read by title only was made by Councilor Hughes and seconded by Councilor Loring. Passed 5-0. (Morgan out of room, De Angelis absent)

There was no public discussion.

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

14. ORDINANCE #5-06/07 – Amending Chapter 27, “Zoning”, regarding Planning Board application fees and engineering/technical consultants. First reading. Passage requires majority vote.

Motion to read by title only was made by Councilor Hughes and seconded by Councilor Loring. Passed 6-0. (De Angelis absent)

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0. (De Angelis absent)

15. ORDINANCE #6-06/07 – Amending Chapter 27, “Zoning”, regarding conformity. First reading. Passage requires majority vote.

Motion to read by title only was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0. (De Angelis absent)

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 38
SEPTEMBER 18, 2006

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0. (De Angelis absent)

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Beecher said that she thinks the citizens of South Portland will enjoy the new City Manager. She and Interim City Manager Jim Gailey have met with the Metro Coalition and will go to workshop regarding what they are working on. The first Land Use meeting was on Wednesday and it was very interesting and well organized. She also reminded everyone about the Land Use forum at the South Portland Library on Wednesday at 6:30 P.M. and she encouraged feedback via e-mail to either Tex Haeuser or Jim Gailey. The Mayor also read a letter from Matthew Beck of 9 Stone Drive regarding the TABOR presentation at the last Council meeting and stated that TABOR is not the answer for South Portland and urged the Council to adopt a resolution stating their opposition to this.

Councilor Hughes mentioned that October 3rd will be the next meeting regarding the Broadway traffic at the South Portland Community Center which will include representatives from MDOT who will be speaking.

Councilor Boudreau questioned if the MDOT meeting would be televised and Jim Gailey said it would be taped for replay.

Councilor Baxter thanked Jennifer Scholz from the City Clerk's office for filling in as Clerk at the meeting. He also thanked Jim for the work he has done filling in as City Manager.

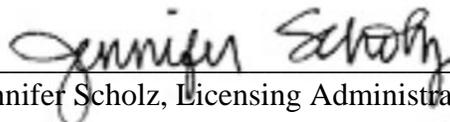
Councilor Morgan also thanked Jim Gailey for doing a great job and affording the Council time to hire a qualified candidate.

Motion to adjourn at 8:25 P.M. was made by Councilor Boudreau and seconded by Councilor Baxter. Motion passed 6-0 (De Angelis absent)

K. Executive Session

A TRUE COPY

ATTEST


Jennifer Scholz, Licensing Administrator

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 39
OCTOBER 2, 2006

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

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of September 11, 2006 was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Thank you letter from Portland Fire Chief LaMontange regarding a joint Tactical Inoperability Communications Plan Exercise with the South Portland Police Department, Fire Department and Dispatch Facility.
- The Manager provided a recap of his first week on the job. His initial focus is to get to know Department Heads and Councilors and learn what the issues are that need to be focused on.
- The Manager reported that bids for sidewalk and sewer force main replacement on Western Ave. came in lower than estimated.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #39-06/07 – Conservation Commission, District 1 (Morgan), to fill an unexpired term which expires 11/30/08. Postponed on 09/18/06. Passage requires majority vote.

There was not public discussion.

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

2. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed on 09/18/06. Passage requires majority vote.

There was not public discussion.

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

3. ORDER #44-06/07 – Appointing Thaddeus J. Jankowski, Jr. to ecomaine Board of Directors. Passage requires majority vote.

There was not public discussion.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 40
OCTOBER 2, 2006**

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

E. Consent Calendar

4. Junked Vehicle Permit

Shawn Sellick, 125 High St., is requesting an extension to a junked motor vehicle permit. Passage requires majority vote. Postponed on 09/18/06.

There was not public discussion.

Motion to withdraw was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0.

F. Citizen Discussion (First Part)

Dave Bourke, 61 Willow Street – Mr. Bourke supported a staffing increase request by the Police Department by five officers. He recommended cutting from the School Department to cover the expenses. He also talked about the Taxpayer Bill of Rights.

Gary Crosby, 2 Tanner Street – Mr. Crosby thanked the Council for lining up a presentation from the supporters of TABOR and read a communication from the Waterville Mayor to MMA.

Jim Soule, 23 Whitworth Drive – Mr. Soule expressed thanks for the support of his interest in the District Three council seat and noted his six step active agenda. He also thanked Tom Blake and the Land Trust for the Trout Brook project that he volunteered at.

G. Public Hearings and Actions

5. New Gen Hospitality, LLC, d/b/a Days Inn, 461 Maine Mall Road for a Lodging Establishment License. New owner of an existing business. Passage requires majority vote.

There was not public discussion.

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

6. ORDINANCE #4-06/07 – Amending Chapter 24, “Subdivisions,” regarding Planning Board application fees and engineering/technical consultants. Passed first reading on 09/18/06. ROLL CALL VOTE. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 41
OCTOBER 2, 2006**

There was not public discussion. Ordinance was read by title only, motion from Councilor Morgan and second by Councilor Loring and a vote of 6-0.

Tex Haeuser, Planning Director, provided background information on the Ordinance amendment. Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed roll call vote 6-0.

7. **ORDINANCE #5-06/07** – Amending Chapter 27, “Zoning”, regarding Planning Board application fees and engineering/technical consultants. Passed first reading on 09/18/06. **ROLL CALL VOTE**. Passage requires five (5) affirmative votes.

There was not public discussion. Ordinance was read by title only, motion from Councilor Morgan and second by Councilor Baxter and a vote of 6-0.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Passed roll call vote 6-0.

8. **ORDINANCE #6-06/07** – Amending Chapter 27, “Zoning”, regarding conformity. Passed first reading on 09/18/06. **ROLL CALL VOTE**. Passage requires five (5) affirmative votes.

There was not public discussion. Ordinance was read by title only, motion from Councilor Morgan and second by Councilor Baxter and a vote of 6-0.

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

H. Action on Old and New Business

9. **ORDER #45-06/07** – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Jim Soule, 23 Whitworth Drive – Mr. Soule voiced his appreciation of benches in Hinkley Park. He recommended that consideration be made to create a swath in areas where encroaching is becoming a problem.

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

10. **RESOLVE #2-06/07** – Endorsing the Regional Metro Coalition. Passage requires majority vote.

There was not public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 42
OCTOBER 2, 2006

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

11. ORDER #46-06/07 – Award of bid #207017 to Pratt & Sons, Inc., of Mechanic Falls, ME, for the Sawyer Street Sidewalk Reconstruction Project. Passage requires majority vote.

There was not public discussion.

Dana Andersons, Public Works/Parks and Recreation Director, provided background information on this item and answered questions from Councilors. Motion for passage was made by Councilor Loring and seconded by Councilor Baxter. Passed 6-0.

12. ORDER #47-06/07 – Award of bid #207009 to Edwards and Kelcey, Inc., of Portland, ME, and DeLuca Hoffman Associates, of South Portland, ME, for Engineering consulting Services. Passage requires majority vote.

There was not public discussion.

Tex Haeuser, Planning Director, provided information about this order. Steve Bradstreet was present, along with two other representatives from Edwards and Kelsey. He talked about their experience in the Portland area. Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

13. ORDER #48-06/07 – Award of bid #207019 to White Bros. Inc., of Westbrook, ME, for the Jetport Plaza Road Wetland Mitigation Project. Passage requires majority vote.

There was not public discussion.

Tex Haeuser, Planning Director, provided information about this order. Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0.

14. ORDER #49-06/07 – Accepting a \$15,000 SHIP grant award of bid #207004 to be used to upgrade the Municipal Boat Ramp. Passage requires majority vote.

There was not public discussion.

Tom Meyers, Transportation and Waterfront Director, provided information on this order. Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 43
OCTOBER 2, 2006**

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Beecher noted that Councilor Hughes not in attendance because of illness. She mentioned that the West End Trails Committee is looking for volunteers.

Councilor Boudreau noted that the complete text of items that were read by title only could be found on the city web site or could be obtained from the City Clerk's Office. She explained that the fish in the parks were part of the Land Trust project at Trout Brook.

Councilor Baxter was reminded by the wetland mitigation project from Item #13 that an east / west connector road out in that general area is something that has been talked about since 1978. He expressed frustration that nothing is being done to follow through with the initiative.

Councilor Morgan wished SMCC a happy 60th birthday and commented on the remarkable relationship that the college has with the city.

Councilor Loring said she took six grandchildren to the Trout Brook Project and had a fun day.

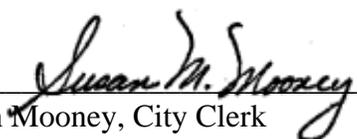
Councilor DeAngelis congratulated folks on the Trout Brook Project. Regarding her campaign to be re-elected to the District Three seat, she said she is committed to work hard.

K. Executive Session

Motion to adjourn was made at 8:50 P.M. by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 44
OCTOBER 16, 2006**

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

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of October 2, 2006 was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Chief Guimond and Tom Blake, Chair of the Public Education Committee gave an update on the annual open house at the Fire Department. They presented plaques to Tom and Mattie Simpson, owners of Shoppers Hardware and also to Lori Bowring Michaud in recognition of their service to the community.
- Roberts Barnes from Jones, Rich and Hutchins Funeral Home, presented a plaque to the City in recognition of support for the Dignity Memorial Vietnam Wall. He announced that their would be a ceremony the Friday before Veteran's Day at which time a bronze memorial plaque would be permanently installed at SMCC where the wall was erected.
- The Annual Employee Recognition Breakfast will be held on Wednesday, October 18th. City Hall will open at 10:00 A.M.
- Leaf pickup will start on October 30th and continue through November 24th
- Hazardous Waste Drop Off will be held October 21st from 9:00 A.M. to 1:00 P.M.
- The winter on street parking ban will begin on November 1st. There will be no parking on city streets between 12:00 to 6:00 A.M.

C. Petitions and Communications

Department Reports for the month of September, 2006.

Attendance Reports for the month of September, 2006.

D. Appointment Calendar

1. ORDER #39-06/07 – Conservation Commission, District 1 (Morgan), to fill an unexpired term which expires 11/30/08. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Hughes. Postponed 6-0 (Loring out of room).

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 45
OCTOBER 16, 2006

2. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Morgan. Postponed 7-0.

3. ORDER #50-06/07 – Ward Clerk Pro-Tem, District One, for the November 7, 2006 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Sally Maxwell, 15 Bluff Road was made by Councilor Morgan and seconded by Councilor Baxter. Passed 7-0.

4. ORDER #51-06/07 –Voter Registration Appeals Board, Chair, to fill a term which expires on 09/29/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Dale, 93 Loviett’s Field Road was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0.

5. ORDER #52-06/07 – Voter Registration Appeals Board, Democratic appointment, for a term which expires on 09/29/2008. Passage requires majority vote.

There was no public discussion.

Motion to appoint Karen Callaghan, 241 Alfred Street was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

6. ORDER #53-06/07 – Voter Registration Appeals Board, Republican appointment, to fill a term which expires on 09/29/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Rose Clark, 19 Sandy Hill Road was made by Councilor Loring and seconded by Councilor Baxter. Passed 7-0.

7. ORDER #54-06/07 – Housing Authority, Council appointment, to fill an unexpired term which expires on 10/10/08. Passage requires majority vote.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 46
OCTOBER 16, 2006**

Motion to appoint Lolita Ball, 1700 Broadway, was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

8. ORDER #55-06/07 – Appointing the Health Officer for a three year term. Passage requires majority vote.

There was no public discussion.

Motion to appoint Peter Stead was made by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0.

E. Consent Calendar

9. Street Closing

The residents of Woodbury Avenue are requesting the closure of their street on October 28, 2006 for a block party. Passage requires majority vote.

There was no public discussion.

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

F. Citizen Discussion (First Part)

John Bernard, Mildred Street – Mr. Bernard commended the Council for opposing the Tax Payer Bill of Rights (TABOR).

Frank Piveronas, 43 Settler Road – Mr. Piveronas spoke in favor of TABOR.

Tom Blake, 195 High Street – Mr. Blake talked about the clean up and creation of a trail around Clark's Pond. He invited folks to attend the 20 year anniversary of the Land Trust on Tuesday night at the Redbank Community Center.

Barbara Piveronas, 43 Settler Road – Mrs. Piveronas spoke in support of TABOR.

Jim Soule, 23 Whitworth Drive – Mr. Soule said the he is running for the District Three Council seat. He invited citizens to attend the debate on Wednesday evening.

G. Public Hearings and Actions

10. ORDER #56-06/07 – Appealing the denial of a Special Amusement Permit for Spring Point Cafe. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 47
OCTOBER 16, 2006**

Councilors Morgan, Boudreau and De Angelis all disclosed having conversations and/or email communications with area residents and all noted that these communications ceased after advisement from the City Attorney. All three Councilors stated that they felt that they could hear the appeal without bias.

Charles Bean, Attorney for the owners of the Tavern did not take issue with the Councilors participating in the appeal.

Paul Nixon, 158 Preble Street, indicated that he supported Councilor Boudreau participating in the discussion.

Councilors Hughes, Loring, Baxter and Mayor Beecher all agreed that Councilors Morgan, Boudreau and De Angelis could hear the appeal without bias.

Charles Bean submitted a petition with the names of 400 patrons that supported the renewal of the license with conditions. He said that acoustical work is under way and a contractor has been assessing what could be done about the noise.

The following people spoke in support of the renewal of the Tavern's Special Amusement Permit;

Paul Nixon, 158 Preble Street
Julie Newcomb, 44 Myrtle Street
Carine Berry, 42 Lower Coffee Pond, Casco
Ron MacDonald, 375 Preble Street
Alec Wall, Saco
Bryan Kyle, 29 Kingston Street
Jeffrey Glidden, 95 Pine Street
Victoria Patterson, 119 Wythburn Road
William Kelly, 348 Broadway
Lorraine Lemont, 30 Randall Street
Erin Squibb, 31 Kelley Street
Matthew Steller, Gorham

The following people spoke against the renewal of the Tavern's Special Amusement Permit;

James Ortiz, President of Southern Maine Community College
Cassandra , 183 Benjamin Pickett Street
Joan Stanton, Surfsite Road
Jean Graves, 113 Fort Road
Richard McGarvey, 139 Fort Road

Motion for passage with conditions was made by Councilor Boudreau and seconded by Councilor De Angelis. The conditions are as follows;

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 48
OCTOBER 16, 2006

1. The license is valid until August 1, 2007.
2. Soundproofing as outlined on the submission by the applicant must be completed by November 16, 2006.
3. All music must stop by 12:00 midnight.
4. Doors and windows must be closed at all times.

The City Council must be informed by staff of any complaints to the South Portland Police Department.

Passed 7-0.

H. Action on Old and New Business

11. ORDER #57-06/07 – Setting the time for opening the polls for the November 7, 2006 General Election. 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.

12. RESOLVE #3-06/07 – Opposing passage of the proposed state law entitled the Taxpayer's Bill of Rights (TABOR). Passage requires majority vote.

The following people addressed this item;

John Bernard, 56 Mildred Street – Mr. Bernard said he was surprised to hear Colorado flourished under TABOR.

Gary Crosby, 2 Tanner Street – Mr. Crosby spoke in support of TABOR.

Artis Bernard, 56 Mildred Street – Mrs. Bernard said if TABOR passes it will effect every community in Maine.

Motion for passage was made by Councilor De Angelis and seconded by Mayor Beecher. After some discussion Councilor De Angelis moved to withdraw her motion for passage. Mayor Beecher seconded.

Councilor Morgan motion to withdraw. Councilor Baxter seconded. The Resolve was withdrawn 7-0.

13. PROCLAMATION #2-06/07 – Proclaiming the week of November 8, 2006 through November 15, 2006 as “**Maine Recycles Week**”. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 49
OCTOBER 16, 2006

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

14. ORDER #58-06/07 – Appropriating \$18,324 from Sewer User Fund surplus and award of bid #207020 to D & C Construction Co., of Rockland, MA, for the Willow Street Sewer Project. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #59-06/07 - Accepting a sanitary sewer line in Willow Street. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #60-06/07 – Accepting a 1997 Ford Explorer, one handgun and \$1,326 or any portion thereof under the State of Maine Asset Forfeiture Program to be used by the Police Department.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby noted that TABOR is not the best written law, but if we wait, it will be too late.

David McHugh, 19 Mclean Street – Mr. McHugh spoke in support of Councilor Beecher for the District Four race.

J. Councilor's Round Robin

Mayor Beecher said that she enjoyed reading to children at one of the schools.

Councilor Hughes showed a quick slide show of the Clark's Pond Cleanup

Councilor Morgan expressed satisfaction with the handling of the TABOR Resolve.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 50
OCTOBER 16, 2006**

Councilor Loring said she was amazed with the West End Project (Clark's Pond).

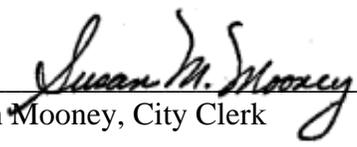
Councilor De Angelis also spoke in support of the project.

K. Executive Session

Motion to adjourn was made at 11:12 P.M. by Councilor De Angelis and seconded by Councilor Morgan. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 51
NOVEMBER 6, 2006**

K. Executive Session

Executive session pursuant to 1 M.R.S.A. §405(6)(C), discussion of the disposition of Mary Marsh School; §405(6)(D), labor negotiations with the Police and Fire Departments; and §405(6)(E), consultation with legal counsel regarding legal rights and duties.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 52
NOVEMBER 6, 2006**

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

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of October 16, 2006 was made by Councilor Morgan and seconded by Councilor Hughes. Passed 7-0

B. Communications from City Manager

The City Manager addressed the following items;

- Water Resource Protection report regarding Healthy Beaches
- Economic Conference
- Assessor's Report regarding property values
- Viet Nam War plaque

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #39-06/07 – Conservation Commission, District 1 (Morgan), to fill an unexpired term which expires 11/30/08. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes to appoint Scott Whited. Passed 7-0.

2. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Loring and seconded by Councilor Boudreau. Postponed 7-0.

3. ORDER #61-06/07 – Library Advisory Board, District 5, to fill an unexpired term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan to appoint Shay Bellas. Passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 53
NOVEMBER 6, 2006

4. ORDER #62-06/07 – Conservation Commission, District 3 (De Angelis) for a term which expires on 11/20/09. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor De Angelis and seconded by Councilor Boudreau to appoint Richard Bernard. Passed 7-0.

5. ORDER #63-06/07 – Conservation Commission, District 4 (Beecher), for a term which expires 11/20/09. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following people spoke:

Lynn Bromley, Mitchell Road – read a Land Trust letter and commended the area communities for working on the Clark’s Pond Walkway.

Gary Crosby, Tanner Street – running for State Representative for LD 123, and discussed the fee change amendments that he felt were higher than needed.

James Soule, Whitworth Drive – thanked his opponent and the residents he spoke with throughout the City.

Rosemarie De Angelis, Buttonwood Rd. – stated she was honored and grateful for all the support she has been given throughout her campaign.

G. Public Hearings and Actions

H. Action on Old and New Business

6. ORDER #64-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 54
NOVEMBER 6, 2006

7. RESOLVE #4-06/07 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #65-06/07 – Accepting a city street a portion of Old Bog Road off Highland Avenue. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Morgan. Postponed 7-0.

9. ORDER #66-06/07 – Accepting a change in persons who operate, manage and control Port Harbor Marine under the lease agreement dated May 2, 1980. Passage requires majority vote.

Councilor Loring disclosed that she had a conflict of interest with this issue and recused herself from voting.

Robert Soucy, Sr. thanked the City for their support and introduced his sons, who would be taking over the company.

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

10. ORDER #67-06/07 – Increasing certain fees charged for use of the Municipal Boat Ramp and Portland Street Pier. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 7-0.

11. ORDINANCE #7-06/07 – Amending Chapter 15, “Motor Vehicles and Traffic,” regarding parking fines. First reading. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 55
NOVEMBER 6, 2006

12. ORDINANCE #8-06/07 – Amending Chapter 21, “Police,” regarding burglar alarm system fees. First reading. Passage requires majority vote.

There was no public discussion.

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

13. ORDINANCE #9-06/07 – Amending Chapter 23, “Streets and Sidewalks”, regarding excavator license fees. First reading. Passage requires majority vote.

There was no public discussion.

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

14. ORDINANCE #10-06/07 – Amending, Chapter 17, “Offenses—Miscellaneous Provisions,” regarding time of construction work. First reading. Passage requires majority vote.

Mayor Beecher read a letter from Carol Thorne in favor of this amendment.

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

15. ORDINANCE #11-06/07 – Amending Chapter 14, “Business Licenses” regarding taxicabs and vehicles for hire. First reading. Passage requires majority vote.

Motion was made by Councilor Morgan and seconded by Councilor Hughes to read this item by title only. Passed 7-0.

Chief Googins addressed this item.

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

16. PROCLAMATION #3-06/07 – Regarding Clark’s Pond Walkway. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 56
NOVEMBER 6, 2006

J. Councilor's Round Robin

Councilor Morgan - encouraged everyone to vote, and welcomed City Manager, Ted Jankowski to the neighborhood.

Councilor De Angelis - spoke of the Veteran's Day parade and also encouraged people to vote.

Mayor Beecher - discussed a Biofuel project that she has been involved with and how much energy would be saved by using them. She also welcomed Jarrod Jewelers to the City. She also commended the Public Works Department for their good work, and encouraged all residents to get out and vote.

Councilor Hughes - commended all the candidates and wished them all luck.

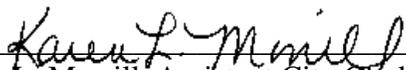
Councilor Boudreau – addressed TIF's and how the City should explore expanding them to other areas of the City. She also spoke of the technological advances in tracking planes and what approach paths they use. She also wished good luck to all the candidates.

K. Executive Session

Motion to adjourn was made at 8:30 P.M. by Councilor Morgan and seconded by Councilor Loring. Passed 7-0.

A TRUE COPY

ATTEST



Karen L. Morrill, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 57
NOVEMBER 20, 2006

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

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of November 6, 2006 was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0

Motion to take Items #12 and #13 out of order was made by Councilor Morgan and seconded by Councilor Hughes. Passed 6-0. See those items for actions taken.

B. Communications from City Manager

The following items were addressed by the City Manager

- Announcement of the Annual South Portland / Cape Elizabeth Chamber Dinner to be held on February 13th.
- Maine Municipal Employees Health Trust – 6.1% insurance increase effective January 1st.
- Report on the County Budget from Peter Crichton, County Manager
- Announcement of “Drug Free Workplace” testing for new employees
- Communication from Mary Sullivan expressing gratitude for recent road work that has been completed.

The Mayor addressed the following two items;

- Communication from Mary Perry regarding the Triad Leave Pickup Program – someone will be along shortly to get the leaves that did not get picked up
- Presentation to Arthur Odlin to recognize his 10 years of service on the Harbor Commission.

C. Petitions and Communications

Department Reports for the month of October, 2006.

Attendance Reports for the month of October, 2006.

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 58
NOVEMBER 20, 2006

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

2. ORDER #63-06/07 – Conservation Commission, District 4 (Beecher), for a term which expires 11/20/09. Postponed on 11/06/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Kathy Dahms, of 54 Huntress Avenue was made by Mayor Beecher and seconded by Councilor Baxter. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Julianne Eberl, 54 Edgewood Road – Ms. Eberl expressed frustration on the lack of movement regarding concerns on Edgewood Road. She raised questions about city liability should an accident occur.

David Sawyer, 10 Charlotte Street – Mr. Sawyer supported Ms. Eberl's concerns and also expressed concerns about safety on Edgewood Road.

Allan Mills, 317 Preble Street – Mr. Mills thanked Councilor De Angelis for her years of service to the citizens and her countless hours of dedication.

Sarah Whitney, 20 Edgewood Road – Ms. Whitney talked about the issues on Edgewood Road dating back to 1992. She said she was also frustrated that this continues to drag on and on.

Richard Legrow, 30 Edgewood Road – Mr. Legrow voiced the same concerns as other residents on Edgewood Road and said he would like to see a speed monitor set up.

Rommy Brown, 10 E Street – Ms. Brown thanked Councilor De Angelis for her service to the community.

Dick Bernard, 5 E Street – Mr. Bernard gave Councilor De Angelis incredibly high marks for dedication and commitment. He also noted satisfaction with the execution of the Election.

Harris Hinckley, 25 Phillips Road – Mr. Hinckley said there has been an increase in traffic on Phillips Road. He said his daughter was almost hit by a car on Edgewood Road.

Kathy Bernard, 5 E Street – Mrs. Bernard recognized Councilor De Angelis and thanked her for working tirelessly and attending meetings.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 59
NOVEMBER 20, 2006

Gary Roberts, 25 Edgewood Road – Mr. Roberts said he was concerned about traffic and asked the Council to please act on this issue.

Councilor De Angelis, 30 Buttonwood Street – Councilor De Angelis spoke about community and commitment. She expressed gratitude to the citizens for allowing her to serve them.

G. Public Hearings and Actions

3. Vinnie T's, Maine Mall, new corporate officers of an existing business. Passage requires majority vote.

There was no public discussion.

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

4. Mexico Lindo, Main Street. Application for an FE/Class A Restaurant with Liquor license. New License. Passage requires majority vote.

There was no public discussion.

Adam Gonzalas, Esq. for Philippee Morino, owner of Mexico Lindo was present to answer any questions from the Council.

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

5. Pizza Hut, Gorham Road. Application for a Coin-Op license. New license. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0

6. ORDINANCE #7-06/07 – Amending Chapter 15, “Motor Vehicles and Traffic,” regarding parking fines. Passed first reading on 11-06-06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed roll call vote 6-0

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 60
NOVEMBER 20, 2006

7. ORDINANCE #8-06/07 – Amending Chapter 21, “Police,” regarding burglar alarm system fees. Passed first reading on 11/06/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed roll call vote 6-0

8. ORDINANCE #9-06/07 – Amending Chapter 23, “Streets and Sidewalks”, regarding excavator license fees. Passed first reading on 11/06/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Baxter. Passed roll call vote 6-0

9. ORDINANCE #10-06/07 – Amending, Chapter 17, “Offenses—Miscellaneous Provisions,” regarding time of construction work. Passed first reading on 11/06/06. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed roll call vote 5-1 (De Angelis)

10. ORDINANCE #11-06/07 – Amending Chapter 14, “Business Licenses” regarding taxicabs and vehicles for hire. Passed first reading on 11/06/06. ROLL CALL VOTE. Passage requires majority vote.

Motion to have the Ordinance read by title only was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0.

There was no public discussion.

Corporation Counsel recommended the following change to the definition; *Medical transportation vehicle*: The term “medical transportation vehicle” shall mean any motor vehicle for hire that is designed and operated to provide non-emergency transportation to passengers who are wheelchair-bound or otherwise restricted in mobility due to physical incapacity, injury, sickness or other medical, vision, or age-related reason. For purposes of this article, medical transportation vehicles are taxicabs, except that any motor vehicle utilized by a regional or nationally affiliated transportation agency that is registered and in good standing as a Maine non-profit corporation, ~~that has been issued a Medicare/Medicaid number from the State of Maine,~~ and that performs a background check on its

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 61
NOVEMBER 20, 2006

drivers that is substantially comparable to or more stringent than this article, shall be excluded from this definition and the provisions of this article. Any person or business who is unlicensed and claims to qualify for this exception bears the burden of proof to demonstrate that the exception is applicable.

Motion for passage was made by Councilor Loring and seconded by Councilor Baxter. Motion for amendment was made by Councilor Morgan and seconded by Councilor Loring. A friendly amendment was passed to include the word "local," before "regional or nationally affiliated" in the second sentence. The amendment passed 5-1 (Loring). The amended motion passed roll call vote 5-1 (Loring)

H. Action on Old and New Business

11. ORDER #65-06/07 – Accepting a city street a portion of Old Bog Road off Highland Avenue. Postponed on 11/06/06. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Loring and seconded by Councilor Morgan. Passed 5-0 (De Angelis out of the room)

12. PROCLAMATION #4-06/07 – Recognizing the South Portland Big Red Junior Varsity Football Team. Passage requires majority vote.

There was no public discussion.

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

13. PROCLAMATION #5-06/07 – Recognizing the South Portland Strikers Under 12 girls soccer team. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #68-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 62
NOVEMBER 20, 2006

15. ORDER #69-06/07 - Authorizing the City Manager to sign contracts with Dearborn Bros. Construction, of Buxton, ME; Commercial Paving & Recycling, of Scarborough, ME; and Rampart Bituminous, LLC of Turner, ME to provide snowplowing operations for FY 2007 for the Public Works Department. Passage requires majority vote.

Motion to read the order by title only was made by Councilor Hughes and seconded by Councilor De Angelis. Passed 6-0.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Morgan. Passed 6-0

16. ORDER #70-06/07 - Accepting equipment from the Department of Homeland Security under the Buffer Zone Protection Plan/Vulnerability Reduction Purchase Program. Passage requires majority vote.

There was no public discussion. Office Frank Clark answered questions.

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

17. ORDER #71-06/07 - Award of bid #207016 to Concentric Security Resources, LLC, of Manchester, NH, for access control upgrades at South Portland High School. Passage requires majority vote.

There was no public discussion. Jeff Temple answered questions from the Council.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Beecher acknowledged the adults and children that helped with the Triad Leave Pickup program. She thanked Councilor De Angelis for a job well done and said thanks to the Election staff.

Councilor Hughes said the meeting on the previous Saturday went well and that it was a good mix of residents and business folks. He also thanked Councilor De Angelis for her service.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 63
NOVEMBER 20, 2006

Councilor Baxter thanked Councilor De Angelis and said she always worries about the average guy. He said she tires him out from all her hard work. He also commented on the fact that all the Eberle and Merrill campaign signs were all put on private property.

Councilor De Angelis thanked Fairchild for providing space for the Saturday meeting. She also thanked Tex Haeuser and said it was a great group of people to work with.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. (6) (C) to discuss the acquisition of real property.

Motion to adjourn to executive session was made at 9:01 P.M. by Councilor De Angelis and seconded by Councilor Baxter. Passed 6-0

Motion to return from executive session was made at 9:45 P.M. by Councilor Morgan and seconded by Councilor Baxter. Passed 4-0 (De Angelis gone home, Boudreau absent, Loring out of the room)

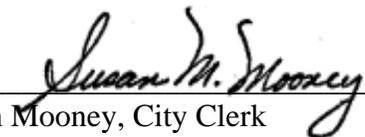
Motion to recess to caucus for Mayor was made by Councilor Loring and seconded by Councilor Hughes. Passed 5-0 (De Angelis gone home, Boudreau absent)

Motion to return from recess was made at 9:54 P.M. by Councilor Loring and seconded by Councilor Hughes. Passed 5-0 (De Angelis gone home, Boudreau absent)

Motion to adjourn was made by Councilor Baxter and seconded by Councilor Loring. Passed 5-0 (De Angelis gone home, Boudreau absent)

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL INAUGURAL MEETING VOL. 68 PAGE 64
DECEMBER 4, 2006**

Mayor Beecher called the meeting to order at 4:00 P.M. Councilor De Angelis was absent.

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

City Clerk Mooney declared Councilors Beecher and Soule duly qualified Councilors.

Mayor Beecher invited Reverend Birger Johnson to offer the invocation.

Councilor Loring nominated Councilor Morgan for Mayor for year 2006/2007. Councilor Hughes seconded the motion.

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

Mayor Beecher called for the vote.

Councilor Beecher announced Councilor Morgan as Mayor for 2006/2007 by unanimous vote.

Mayor Morgan presented Councilor Beecher with her official gavel and portrait.

Mayor Morgan then presented the Inaugural Address.

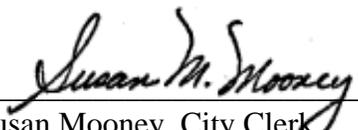
Councilor Soule moved that the Inaugural Address be spread on the records. Councilor Baxter seconded the motion. Mayor Morgan took the vote and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #5-06/07 establishing time and place of meetings. Councilor Beecher moved for passage. Councilor Hughes seconded the motion. Mayor Morgan took the vote and declared the Resolve duly passed.

Councilor Boudreau moved to adjourn. Councilor Soule seconded the motion. Mayor Morgan took the vote and declared the Council will return for a Special Meeting at 6:45 P.M. and then the Regular Council Meeting at 7:00 P.M.

A TRUE COPY

ATTEST _____


Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 65
DECEMBER 4, 2006

K. Executive Session

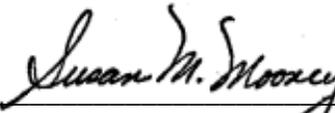
A motion may be made to go into executive session pursuant to 1 M.R.S.A §405(6)(D), labor negotiations.

Motion to adjourn to Executive Session was made at 6:45 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Loring had not arrived yet)

Motion to return from Executive Session and adjourn the Special Meeting was made at 7:02 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 66
DECEMBER 4, 2006**

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

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of November 20, 2006 was made by Councilor Morgan and seconded by Councilor Loring. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Donation of wreaths for City Hall from the Rotary Club of South Portland/Cape Elizabeth
- Media release indicating that the incident on Elm Street involving a shooting in which Officer Connors was shot, was determined to have been handled totally within departmental guidelines.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

David Bourke, 61 Willow Street – Mr. Bourke asked that there be a better process put in place to inform citizens about changes to the dog ordinance. He also has requested signs for the Willard Beach area to inform non-residents about South Portland dog ordinances.

G. Public Hearings and Actions

2. Benjamin Wrecking Co., 41 Jackson St. for an Automobile Graveyard/Automobile Business and/or Junkyard Permit renewal. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 67
DECEMBER 4, 2006**

There was no public discussion.

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

3. Sodexho Operations, LLC, 1 Fort Rd. (SMCC) for a State Liquor license. Passage requires majority vote.

The following people addressed this item;

Chuck Cerney, owner of CVC Catering – Mr. Cerney raised concerns that other catering companies would be jeopardized if Sodexho were granted this license.

Jeffrey Carter, General Manager of Sodexho – Mr. Sodexho stated that the application for this liquor license would only provide Sodexho with the same opportunity to compete for private catering jobs just the same as other caterers.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Motion to postpone this item to the next Council Meeting so that more information could be gathered at the December 11th workshop was made by Councilor Loring and seconded by Councilor Soule. Postponed 7-0..

H. Action on Old and New Business

4. ORDER #65-06/07 – Accepting a city street a portion of Old Bog Road off Highland Avenue. Postponed since 11/06/06. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #72-06/07 - Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #73-06/07 - Award of bid #207022 to Greenpages, Inc, of Kittery, ME; and Enpointe Technologies, of El Segundo, CA, for the purchase of computer workstations for the Public Safety Department. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 68
DECEMBER 4, 2006

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

7. ORDER #74-06/07 - Award of bid #207023 to ASAP, of Buffalo Grove, IL, for the purchase of Microsoft Licensing. Passage requires majority vote.

There was no public discussion. Shawn Pennington, IT Director, was present and answered questions from the Council.

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

8. ORDER #75-06/07 - Amending Order #34-01/02- regarding wetland services for Jetport Plaza Road. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #76-06/07 – Providing notice of intent to amend Order #85-00/01 discontinuing a portion of Edgewood Road. Passage requires majority vote.

The following people addressed this item;

Sarah Whitney, 20 Edgewood Road – Ms. Whitney inquired about who would have liability should an accident occur in the easement area. Corporation Counsel said the driver of the vehicle would be liable.

Julianne Eberl, 54 Edgewood Road – Ms. Eberl inquired as to whether eminent domain would be cleaner than eliminating the rights of vehicular and pedestrian access reserved for 59 Edgewood Road and 60 Edgewood Road in Cape Elizabeth. Corporation Counsel indicated that it would be the same for either process.

Daniel McGuire, 59 Edgewood Road – Mr. McGuire indicated that this was a neighborhood issue and described how this process had effected Debra Sampson, the property owner of 59 Edgewood Road.

Jane Boulos, 60 Edgewood Road – Ms. Boulos said that traffic concerns have been exaggerated and encouraged the Council to order a traffic study.

Debra Sampson – 59 Edgewood Road – Ms. Sampson said she had conducted a traffic study on her own and noted that only 2 cars came through the area of concern between 4:30 P.M. and 5:30 P.M.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 69
DECEMBER 4, 2006

Bruce McGlouflin, Attorney representing Sampson, Boulos and McGuire – Mr. McGlouflin said this drastic measure intends to take away private property rights. He asked that Cape Elizabeth Officials be given a chance to address this.

Philip McGouldrick, Cape Elizabeth's Fire Chief – Mr. McGouldrick recalled an incident when an accident occurred in which the injured party would not have lived had they not had access through the Edgewood Road section in dispute. He focused on safety consequences by the closing of this section.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Motion to amend the order to set the Public Hearing date to January 3, 2007 was made by Councilor Boudreau and seconded by Councilor Beecher in order to have an adequate amount of time for the Council to schedule an Executive Session should they deem it necessary to do so. The amendment passed 4-3 (Baxter, Hughes, Soule). The main motion passed as amended 7-0.

10. ORDER #77-06/07 - Accepting a \$22,500 grant from the Maine Department of Conservation for the Willard School Park Renovation Project. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Loring said she had a good feeling about the new Council

Councilor Soule thanking voters for electing him and said he is looking forward to serving.

Councilor Beecher said she attending the change of command at the American Legion Post on Sunday. She also attended the Engine 6 annual dinner. She thanked all the South Portland citizens who voted her back into office.

Councilor Hughes offered congratulations to Mayor Morgan and Councilor Soule.

Councilor Boudreau said Mayor Morgan did a great job and also congratulated Councilors Soule and Beecher. She announced that she and Mayor Morgan recently had an opportunity to experience "smart board technology" at one of the elementary schools. She also noted that ecomaine recently received the second "Shape Certificate" awarded from the Maine Department of Labor.

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 70
DECEMBER 4, 2006**

Councilor Baxter welcomed the new Councilor and Mayor.

Mayor Morgan said he also has a good feeling about the coming year and felt that great work would be accomplished.

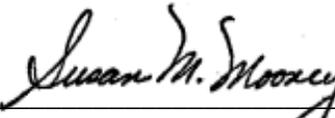
City Manager Jankowski displayed a 3 Season Jacket that would be given to the Council that has served over the last year, the City Clerk, Asst. City Manager, Corporation Counsel and himself. This gesture is keeping in the tradition of the last few years to recognize the significant amount of hours spent outside of regularly scheduled meetings and the regular work week.

K. Executive Session

Motion to adjourn was made at 9:15 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 71
DECEMBER 18, 2006**

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

A. Acceptance of Minutes

Motion to accept of the minutes from the Inauguration, a Special Meeting and the regular meeting of December 4th, 2006 was made by Councilor Beecher and seconded by Councilor Soule. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Holiday trash pickup schedule
- Legislative initiatives
- Longcreek Compensation Fee Plan
- Holiday Tree Lighting – Green Energy

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Baxter. Postponed 7-0.

2. ORDER #78-06/07 – Library Advisory Board, District 1 (Morgan) for a term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Morgan and seconded by Councilor Boudreau. Postponed 7-0.

3. ORDER #79-06/07 – Library Advisory Board, District 5 (Hughes), to fill a term which expires on 12/31/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Shay Bellas, 104 Hall Street, was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

E. Consent Calendar

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 72
DECEMBER 18, 2006**

F. Citizen Discussion (First Part)

Debra Sampson, 59 Edgewood Road – Ms. Sampson requested that the Council postpone the closure of Edgewood Road.

The following people spoke in support of having a “Relay for Life” project in June on the South Portland High School Track;

Jon Wojciechowski, 31 Haven Road, S.P.

Shiloh Hagerman, Portland

David Langley, Westbrook (one of two that I couldn't confirm)

Hilary Rapkin, Wright Express

Allan Rowe, Skowhegan

Kevin Battle, Sandyhill Road, S.P.

Michele Danois, 32 North Richland Street, S.P.

Jeff Poulin, Scarborough (two of two that I couldn't confirm)

Tracy Najarian, Scarborough

Gary Crosby, 2 Tanner Street, S.P.

John Najarian, Scarborough

Maria Lundy-Kapise, 249 Alfred Street

Eric Sawyer, 10 Charlotte Street, S.P.

Clayton Eames, 18 Ocean Street, S.P.

Jeff Ball, 19 Lawn Ave., S.P.

Susan Lelansky, Hamilton Street, S.P.

Rosemarie De Angelis, Buttonwood Street, S.P.

G. Public Hearings and Actions

At the recommendation of Corporation Counsel, Mary Kahl, a motion was made by Councilor Boudreau to **reconsider Order #65-06/07, Old Bog Road Acceptance**. Councilor Beecher seconded the motion. The reconsideration was made because the City had not yet received the performance guarantee. The reconsideration passed 7-0.

Motion to **postpone Order #65-06/07** to the January 3rd Council Meeting was made by Councilor Boudreau and seconded by Councilor Hughes.

Passed 7-0

4. Sodexho Operations, LLC, 1 Fort Rd. (SMCC) for a State Liquor license. Postponed on 12/04/06. Passage requires majority vote.

The following people addressed this item;

Meshell Jonka, 8 Alder Street – Mr. Jonka said he felt that Sodexho Operations were accountable and responsible.

Councilor Loring felt she had a conflict and recused herself from this item.

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

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 73
DECEMBER 18, 2006**

H. Action on Old and New Business

5. ORDER #80-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #81-06/07 – Accepting a \$1,959.00 Safety Grant from the Maine Municipal Association to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #82-06/07 – Authorizing the City Manager to execute an amendment to the lease agreement with Portland Pipeline Company for property at Bug Light Park. Passage requires majority vote.

The following people addressed this item;

Dave Cyr and Chris Gillis were present from Portland Pipeline and encouraged the Council to support the addition of an additional 2 acres of land in the lease agreement.

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

8. ORDER #83-06/07 – Award of bid #207024 to Rampart Bituminous, LLC, of Turner, ME, for rehabilitation of the Greenbelt Walkway from Waterman Drive to Pearl Street. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Mayor Morgan read a communication from David Bourke regarding spending guidance for the 2007-2008 budget year.

J. Councilor's Round Robin

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 74
DECEMBER 18, 2006**

Councilor Soule announced that he would be a member of the TIF Committee along with Councilor Hughes and also a member of the Armory Committee with Councilor Loring. He said great things are happening in South Portland.

Councilor Beecher said there would be an Exit 3 meeting tomorrow night at 7:00 P.M. at the West End Fire Station. She said she was surprised to learn that the State could make the decision to conduct night work without the need for Council approval. She also announced a Land Use meeting at the Community Center on the 20th.

Councilor Hughes attended a concert at the High School. He said the students conduct "Chorals for Cash" for a fund raising effort.

Councilor Boudreau said the Rotary still had trees available for sale.

Councilor Baxter inquired about the Chairs of the Armory Committee and was told that Councilor Loring and Councilor Soule will co-chair that committee.

Mayor Morgan attended the Engine 1 dinner earlier in the evening. He said that the majority of the staff are paramedic certified and that there are lots of young volunteers.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A, §405(6)(E), discussions with corporation counsel about the City Council's legal rights and duties regarding Edgewood Road.

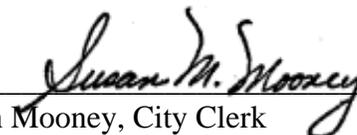
Motion to adjourn to Executive Session was made at 8:31 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

Motion to return from Executive Session was made at 9:25 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 75
JANUARY 3, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:01 P.M. Councilor Hughes arrived at 7:04 P.M.

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of December 13, 2006 was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0 (Hughes had not arrived yet)

B. Communications from City Manager

The Manager addressed the following items;

- Christmas tree pickup schedule
- Dedication information for the Wallingford Bench Memorial
- Time Warner Cable increase
- Recognition of South Portland from the EPA for its Water Resource Policies

Councilor Loring requested that Item #8 be taken out of order. Councilor Soule seconded the motion and it was agreed that Item #8 would be addressed after Citizen Discussion Part 1. Passed 7-0. See Item #8 for details.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/07. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #78-06/07 – Library Advisory Board, District 1 (Morgan) for a term which expires on 12/31/09. Postponed on 12/18/06. Passage requires majority vote.

There was no public discussion.

Motion to appoint Irene Stapleford, 58 Pillsbury Street, was made by Mayor Morgan and seconded by Councilor Boudreau. Passed 7-0.

E. Consent Calendar

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 76
JANUARY 3, 2007**

F. Citizen Discussion (First Part)

Meshell Jonka, 8 Alder Street – Mr. Jonka presented information to enter a contest to select the “North American City of the Future”. He also called attention to an ad for volunteer coaches.

G. Public Hearings and Actions

3. ORDER #85-06/07 – Discontinuing a portion of Edgewood Road. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item to the February 5th Council meeting was made by Councilor Boudreau and seconded by Councilor Beecher. Postponed 7-0

H. Action on Old and New Business

4. ORDER #84-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #86-06/07 - Granting permission to National Semiconductor to place monitoring wells in the right-of-way of Darling Avenue.

There was no public discussion. Chief Guimond was present and answered questions from the Council.

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

6. ORDINANCE #8- 06/07 - Amending Chapter 8, “Fire Protection and Prevention”, regarding the “NFPA No. 101 Life Safety Code 2003” and the “NFPA 1, 2006 Edition”. First reading, Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 77
JANUARY 3, 2007

7. ORDER #87-06/07 – Reconsidering Order #65-06/07 regarding Old Bog Road off Highland Avenue. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #88-06/07 – Authorizing the City Manager to execute a Letter of Intent with Larry Lydon and Paul Vose and take other actions regarding the Sawyer Marsh property. Passage requires majority vote.

The following people addressed this item;

Meshell Jonka, 8 Alder Street – Mr. Jonka recognized the efforts from Jim Gaily on this project.

Michelle Benington, 597 Sawyer Street – Ms. Benington said this was a brilliant solution and that she supports the continued protection on this piece of property.

Gradette Hatala, 35 Florence Street – Ms. Hatala is a member of the Land Trust. She noted the support of the Land Trust on this project and said it was a “smart growth” move.

Birger Johnson, 27 Rhode Island Ave. – Mr. Johnson thanked Jim Gailey for his work and also thanked the Council for their support of this project.

Nancy Dipretoro, 11 Somerset Street – Ms. Dipretoro said she agreed with the previous positive comments on this project.

Richard Rottkoff, 14 Woodbury Street – Mr. Rottkoff read through comments from Jamie Schwartz. He also was in favor of the project and asked the Council to support this item.

Bette Roberts, 2 Beaufort Street – Ms. Roberts commented on the birds and wildlife in this area.

Darrin Sacre, 90 Florence Street – Mr. Sacre inquired about the negotiations between Maietta and Vose on the land behind Mr. Maietta’s property.

Rita Swidrowski, 8 Florence Street – Ms. Swidrowski commented on the hard work and energy that has been invested in this project.

Steve Onos, 114 Jordan Ave. – Mr. Onos said he was in favor of preserving the Sawyer Marsh but not in favor of this project. He felt this was a good deal for the

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 78
JANUARY 3, 2007

developer but not so for the City, noting that the three dry lots were far more valuable than the four wet lots.

Anton Hoecker, 183 Marriner Street – Mr. Hoecker was in favor of the project.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Councilor Boudreau motioned to add the following paragraph to the bottom of the Order;

“Be it further ordered that no property rights in any portion of Providence Avenue, built or unbuilt, that was not discontinued by Council Order #123-01/02, are intended to be or shall be conveyed pursuant to this Order or that attached Letter of Intent.”

Councilor Beecher seconded the amendment and it passed 7-0. The main motion passed as amended 7-0.

I. Citizen Discussion (Second Part)

Julianne Eberl, 54 Edgewood Road – Ms. Eberl quoted, “There are no problems, only solutions”. She said there was never a problem with an easement to allow resident access on Edgewood Road and that she is pleased that the City of Cape Elizabeth and South Portland are discussing this issue.

Dick Bernard, 5 E Street – Mr. Bernard commented on the powerpoint presentation that would be presented at the next City Council Workshop.

J. Councilor’s Round Robin

Councilor Baxter commented on the upcoming workshop on the East/West corridor.

Mayor Morgan said he has been locked out of his email account and that he has not intentionally be neglecting communications. He wished everyone a Happy New Year.

Councilor Soule voiced concern over misinformation that has been communicated regarding the Edgewood Road situation. He also noted that an anonymous resident has donated \$5,000 to cover any damages, which could occur during the Relay for Life in June. If no damages occur, the money will be donated to the Relay for Life event. He also made note of a meeting with the Commissioner of Education and said the local delegation should be invited to attend.

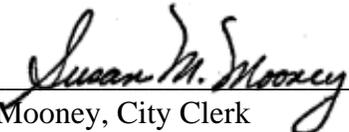
**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 79
JANUARY 3, 2007**

Councilor Beecher asked for a schedule of workshop items that would be coming up in the near future. Councilor Beecher also wished everyone a Happy New Year.

K. Executive Session

Motion to adjourn was made at 9:21 P.M. by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 80
JANUARY 17, 2007**

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. Councilor Loring arrived a few minutes late.

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of January 3rd, 2007 was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Beecher had not arrived yet).

B. Communications from City Manager

The Manager addressed the following items;

- Recognition from Mayor Morgan of two Police Officers on their retirement. Officer Everett Moulton is retiring in February after serving on the City's Police Force since March of 1984 and Sergeant David Smith retired early in January after serving on the City's Police Force since April of 1976.
- Overview of services provided from Maine Municipal Associate during 2006.
- Thank you to Gary Crosby for committing to raise \$5,000.00 from the private sector to create a fund to cover any damage that may occur in the Relay for Life in June. The money will be donated to the Relay for Life should there be no damage from the event.
- The City closed on the Sawyer Marsh property today
- The announcement of the members on the Mayor's Committee on Police Staffing and Retention. The following people have been appointed to serve on this committee;

Mayor Claude Morgan
Councilor Linda Boudreau
John Geddis, General Manager of the Maine Mall
Ed Palmer, General Manager of the Marriott Hotel
David Niklaus, Interim Dean of Admin. & Finance, SMCC
Wayne Ross, Former President, SMCC
City Manager Thaddeus Jankowski
Robert Schwartz, Chair of the Civil Service Commission
Police Chief Ed Googins
Kenneth Cronin, President of the Police Patrol Association

C. Petitions and Communications

Department Reports for the month of December, 2006.

Attendance Reports for the month of December, 2006.

D. Appointment Calendar

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 81
JANUARY 17, 2007

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/10. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Boudreau. Postponed 7-0.

2. ORDER #89-06/07 – Community Development Advisory Committee, District 3 (Soule) for a term which expires on 01/15/10. Passage requires majority vote.

There was no public discussion.

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

3. ORDER #90-06/07 – Community Development Advisory Committee, District 4 (Beecher) for a term which expires on 01/15/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Forest Johnson, 35 Crossmeadow Road was made by Councilor Beecher and seconded by Councilor Soule. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Linda Eastman, 100 Chapel Street – Mrs. Eastman, President of the South Portland Historical Association, invited members of the Council and the public to attend a program and fund raising event at the Community Center on Saturday.

Gary Crosby, 2 Tanner Street – Mr. Crosby said he appreciates the City's support for the Cancer Walk and requested that if there were any folks that were interested in supporting the fund raising activity that he has committed to, he could be reached at 799-0055.

South Portland Police Chief, Ed Googins – Chief Googins thanked the Council's recognition of the two retiring Police Officers and said that a retirement party is being planned for February 17th. Officer Fahey could provide details for anyone interested in attending.

David Bourke, 61 Willow Street – Mr. Bourke voiced concerns about renovations to the High School and said that State funding should be applied for before any consideration be made for issuing bonds. He indicated that it was imprudent to build a structure to support 1,200 students when there are less than 1,000

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 82
JANUARY 17, 2007

currently attending South Portland High School. He encouraged the Council to instruct the building committee to reduce the project to accommodate 1,000 students, to apply to the State for funding and not support a bond issue, and also to file for funding from the State for a Middle School consolidation immediately.

Michael Eastman, 100 Chapel Street – Mr. Eastman was upset with Mr. Bourke’s statement. He said that student enrollment was 999 as of last week and that a large amount of students in South Portland go on to college. He said our students deserve our support on this project.

G. Public Hearings and Actions

4. Business License

The Dine Right Company, Inc. d/b/a David’s 388, 388 Cottage Road for an FE/Class A Restaurant with Liquor license and Special Amusement Permit. New owner of an existing business. Passage requires majority vote.

There following person addressed this item;

Meshell Jonka, 8 Alder Street – Mr. Jonka raised concerns about handicapped accessibility at this location.

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

5. ORDINANCE #8- 06/07 - Amending Chapter 8, “Fire Protection and Prevention”, regarding the “NFPA No. 101 Life Safety Code 2003” and the “NFPA 1, 2006 Edition”. Passed first reading on 01-03-07. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion. Chief Guimond answered questions from the Council.

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

H. Action on Old and New Business

6. ORDER #91-06/07 – Award of bid #207038 to Liberty Chevrolet, of Wakefield, ME, for the purchase of a one ton dump truck for the Public Works Department. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 83
JANUARY 17, 2007

Motion to postpone so that additional information could be gathered was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 7-0

7. ORDER #92-06/07 – Award of bid #207033 to Rowe Ford Sales, Inc., of Westbrook, ME, for the purchase of a one ton dump truck for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion to postpone so that additional information could be gathered was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 7-0

8. ORDER #93-06/07 – Award of bid #207035 to O'Connor GMC, of Augusta, ME, for the purchase of a sport utility vehicle for the Water Resource Protection Department. Passage requires majority vote.

There was no public discussion.

Motion to postpone so that additional information could be gathered was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 7-0

9. ORDER #94-06/07 – Appropriating \$68,905 from the Sewer User Fund Undesignated Fund Balance and award of bid to Leavitt Earthworks Co., Inc., of Standish, ME, for replacement of the Gambler's Arm culvert. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby was concerned about the range from the low bid to the highest bid and questioned the probability of problems by awarding to the low bidder.

City Engineer, Dave Pineo responded to Mr. Crosby's concerns and noted that while there was a significant range from the low bid to the high bid, the majority of bidders were much closer to the lowest bid amount than the highest bid amount. There was confidence that Leavitt Earthworks Co., Inc. would be able to accomplish this project within the bid estimate.

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

10. ORDER #95-06/07 - Authorizing the City Manager to sign an agreement with the Town of Cape Elizabeth to provide dispatching services. Passage requires majority vote.

The following people addressed this item;

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 84
JANUARY 17, 2007**

Meshell Jonka, 8 Alder Street – Mr. Jonka spoke in support of the two communities working together.

Gary Crosby, 2 Tanner Street – Mr. Crosby was also in support of this agreement and thinks this is great.

Fire Chief Kevin Guimond answered questions from the Council and noted that this agreement covered 911 calls only.

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

I. Citizen Discussion (Second Part)

Meshell Jonka, 8 Alder Street – Mr. Jonka voice additional concerns about accessibility to “Davids 388” and hopes that they ensure access. He also indicated that people in the community have made him feel welcome. He hopes to be a property owner by the end of the year.

William Shafter, 88 Goudy Street – Mr. Shafter spoke about the winter parking ban and the fact that it has been in place since 1966. He feels it should be changed.

J. Councilor’s Round Robin

Councilor Baxter voiced concerns about statements made about the School Building Committee, in particular that there were no experts on the committee. He noted that a deputy commissioner of education was serving on the committee. He raised concerns about building costs rising each year this project is postponed and he also cautioned that the more State assistance that occurs with these projects, the more control they have.

Councilor Soule thanked Gary Crosby. He also cautioned folks about the cold weather and the damage that can occur from frozen pipes. He encouraged residents to bring their pets inside and to check on elderly neighbors.

Councilor Beecher welcomed Paul Driskol, who was sitting in for Mary Kahl this evening.

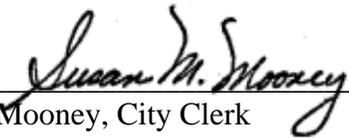
Councilor Boudreau also recognized Paul Driskol and noted that just a couple of weeks ago people were walking on the beach and kids were running around barefoot.

K. Executive Session

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 85
JANUARY 17, 2007**

Motion to adjourn was made at 8:17 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 7-0.

A TRUE COPY

ATTEST 
Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 86
FEBRUARY 5, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. Councilor Hughes arrived a few minutes late.

A. Acceptance of Minutes

Motion to accept of the minutes from the regular meeting of January 17rd, 2007 was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0 (Hughes had not arrived yet).

B. Communications from City Manager

Councilor Beecher motioned to take Items # 8 and #9 out of order. See those items for details.

The Manager addressed the following items;

- Letter of recognition for employee support to United Way. Special thank you to Mary Morrissey for her efforts as the Employee Campaign Manager.
- Chamber of Commerce dinner for local officials, February 13th.
- ecomaine Board appointment letter

C. Petitions and Communications

George Hackett, 157 Stanford Street – Mr. Hackett talked about the Council Of Governments and felt the City should be a member.

Dave Bourke, 61 Willow Street – Mr. Bourke inquired about when and where recommendations from the School Building Committee would be presented to the Council.

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/10. Postponed since 09/18/06. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Baxter. Postponed 7-0.

2. ORDER #89-06/07 – Community Development Advisory Committee, District 3 (Soule) for a term which expires on 01/15/10. Postponed on 01/17/06. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 87
FEBRUARY 5, 2007

Motion to reappoint Linda Eastman, 100 Chapel Street was made by Councilor Soule and seconded by Councilor Boudreau. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Actions

3. ORDER #85-06/07 – Discontinuing a portion of Edgewood Road. Postponed on 01/03/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Hughes. The City Manager will continue to negotiate a resolution on this issue. Postponed 7-0

H. Action on Old and New Business

4. ORDER #91-06/07 – Award of bid #207038 to Liberty Chevrolet, of Wakefield, MA, for the purchase of a one ton dump truck for the Public Works Department. Postponed on 01/17/07. Passage requires majority vote.

There was no public discussion. David Gaudet, Public Works Operations Manager, answered questions from the Council.

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

5. ORDER #92-06/07 – Award of bid #207033 to Rowe Ford Sales, Inc., of Westbrook, ME, for the purchase of a one ton dump truck for the Water Resource Protection Department. Postponed on 01/17/07. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #93-06/07 – Award of bid #207035 to O'Connor GMC, of Augusta, ME, for the purchase of a sport utility vehicle for the Water Resource Protection Department. Postponed on 01/17/07. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 88
FEBRUARY 5, 2007

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

7. ORDER #96-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

8. PROCLAMATION #6-06/07 – Proclaiming Steven Connors as Officer of the year. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #97-06/07 – Authorizing the City Manager to sign a side letter to the South Portland Police Patrol Association’s bargaining agreement dated July 1, 2005 to June 30, 2007. Passage requires majority vote.

There was no public discussion.

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

10. ORDER #98-06/07 – Adopting an economic development plan as contained in “An Economic Development Strategy for South Portland”. Passage requires majority vote.

The following people addressed this item;

Bob O’Brien, Committee Member, provided an analogy between a TIF and familiar retirement plans.

Kathy Bernard, 5 E Street – Mrs. Bernard hoped that the Council supports the plan.

Rommy Brown 10 E Street – Ms. Brown encouraged the Council to vote in favor of the plan.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Councilor Loring motioned and Councilor Beecher seconded an

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 89
FEBRUARY 5, 2007

amendment Map 2 to extend the tiff line to include the corner of Westbrook Street and Gorham Road as outlined by City Planning Director, Tex Haeuser and reviewed by Council. The amendment also called for an update of the Sector information in the top right hand corner of the map. The amendment passed 7-0. The main motion passed as amended 7-0.

11. ORDER #99-06/07 – Award of bid #207039 to ePlus Technology, Inc. of Canton, MA, for the purchase of a data back-up system for the School Department. Passage requires majority vote.

There was no public discussion. Andy Wallace, Director of Technology in the School Department, answered questions from the Council.

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

12. ORDER #100-06/07 – Authorizing the purchase of two school buses from W.C. Cressey & Son, Inc. Kennebunk, ME, for the School Department under the State of Maine School Bus Purchasing Program Bid. Passage requires majority vote.

There was no public discussion. Polly Ward, the School Business Manager, answered questions from the Council.

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

13. ORDER #101-06/07 – Accepting a \$3,500 grant from the Cumberland County Underage Drinking Task Force to be used by the Police Department. Passage requires majority vote.

There was no public discussion. Police Chief, Ed Googins, answered questions from the Council.

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

14. ORDER #102-06/07 – Approving the 2007 Spring Point Marina fees. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Councilor Loring abstained from this item. Passed 6-0 (Loring abstaining)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 90
FEBRUARY 5, 2007

15. ORDER #103-06/07 – Amending Orders #136-03/04, #141-04/05 and #133-05/06 regarding appointments to the South Portland Housing Authority. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Morgan noted the success of sewer work in the Willow Street area, noting cellars in resident homes which used to be flooded.

Councilor Loring remarked about the decrease in noise from planes overhead since the new flight plan into the airport.

Councilor Soule commented on the difference between Portland and South Portland streets after a recent snow fall.

Councilor Hughes thanked the City Manager for his recent attempts to negotiate a resolution for the Edgewood Road residents.

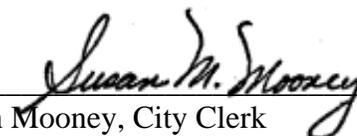
Councilor Boudreau expressed dismay about a recent visit by the Governor to South Portland. No one was made aware of the workshop. She also noted disappointment in the process of school district consolidation and felt that stakeholders were not included in the decisions.

K. Executive Session

Motion to adjourn was made at 8:43 P.M. by Councilor Baxter and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 91
FEBRUARY 21, 2007**

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

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of February 5, 2007 was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Memo from the Harbor Commission regarding new rules.
- Letter from Jeff Hargrave commending the Bus Service.
- Memo from the Coast Guard regarding dredging and blasting near Bug light.
- Agenda of the Metro Regional Coalition Meeting.

C. Petitions and Communications

Departmental Reports for the month of January, 2007.

Attendance Reports for the month of January, 2007.

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/10. Postponed since 09/18/06. Passage requires majority vote.

There was no Public discussion.

Motion was made by Councilor Loring and seconded by Councilor Boudreau to postpone. Postponed 7-0.

2. ORDER #104-06/07 – Civil Service Commission, District 4, (Beecher) to fill a term which expires on 03/01/12. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Soule to reappoint Robert Mullen, 53 Crestview Drive, to this position. Passed 7-0.

3. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 92
FEBRUARY 21, 2007

There was no public discussion.

Motion was made by Councilor Hughes and seconded by Councilor Baxter for postponement. Postponed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

David Bourke, 61 Willow Street, was concerned with the new High School proposal and addressed how the redistricting would affect the renovations financing, if approved by the State.

G. Public Hearings and Actions

4. ORDER #85-06/07 – Discontinuing a portion of Edgewood Road. Postponed since 01/03/07. Passage requires majority vote.

The following people spoke in opposition to this item:

- Jane Boulos, 60 Edgewood Road
- Chris Boulos, 60 Edgewood Road
- Chris McLaughlin, of Petrucelli & Martin, representing the Boulos's and Sampsons'
- Edward Seymourian, 136 Mitchell Road

The following people spoke in favor of this item:

- Sue Ellen Roberts, 25 Edwards Road
- Gary Roberts, 25 Edwards Road
- Jane Smith, 31 Goudy Street
- Julianne Eberl, 54 Edgewood Road
- David Sawyer, 10 Charlotte Street

Motion was made by Councilor Beecher and seconded by Councilor Boudreau for passage. Passed 5-2 (Loring, Soule)

5. Business License

Kwon, Inc. d/b/a Nara Restaurant, 50 Maine Mall Road. FE/Class A Restaurant with Liquor License. New owner of an existing business. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 93
FEBRUARY 21, 2007

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

H. Action on Old and New Business

6. ORDER #106-06/07- Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #107-06/07 – Establishing the South Portland Downtown, Hannaford Bros., Inc. and Jared Jewelry Tax Increment Financing Districts. Passage requires majority vote.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to read by title owner. Passed 7-0

Tex Haeuser, Planning Director was available for questions.

There was no public discussion.

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

8. ORDER #108-06/07 - Award of bid to #207045 to Gosline & Reitman of Litchfield, ME., for Long Creek Watershed Management Plan Facilitation Services. Passage requires majority vote.

Pat Cloutier, Director of Water Resource Protection was available for questions.

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

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to amend the order to change \$240 per hour – dual principal to read \$220 per hour – dual principal. Passed 7-0

Main motion passed as amended 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 94
FEBRUARY 21, 2007

Mayor Morgan thanked the Council and citizens for their decorum regarding the Edgewood Road issue. He also congratulated Councilor Soule on his daughter's breaking the school's record in track and field at the regionals.

Councilor Soule wanted to remind citizens that the Robotic team will be competing in Manchester on March 3rd.

Councilor Beecher commended Dana Anderson and Public Works for their hard work during the storm.

Councilor Boudreau stated that she had been away and would get back to people that had contacted her as soon as she could.

Councilor Baxter thanked City Manager Jankowski and Planning Director Haeuser for all their efforts regarding the Edgewood Road issue.

K. Executive Session

A motion may be made to go into executive session pursuant 36 M.R.S.A. § 841 regarding application for abatement of taxes due to hardship or poverty.

Motion to adjourn to Executive session was made by Councilor Boudreau and seconded by Councilor Hughes at 9:05 P.M. Passed 7-0

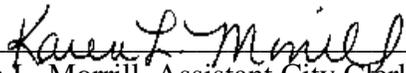
Motion was made Councilor Boudreau and seconded by Councilor Beecher to return to regular session. Passed 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to deny the hardship abatement. Denied 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to adjourn at 9:18 P.M. Passed 7-0

A TRUE COPY

ATTEST



Karen L. Morrill, Assistant City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 95
MARCH 5, 2007

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

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of February 21, 2007 was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- The Mayor and City Manager's recent trip to Washington to solicit support for an Exit 4 engineering study
- CSO Abatement schedule modification

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #40-06/07 – Board of Assessment Review, District 2 (Loring), to fill an unexpired term which expires 03/16/10. Postponed since 09/18/06. Passage requires majority vote.

There was no Public discussion.

Motion was made by Councilor Loring and seconded by Councilor Baxter to appoint Maureen Hasson of, 237 High Street, to this position. Passed 7-0.

2. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed on 02/21/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Hughes and seconded by Councilor Beecher for postponement. Postponed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

There was no Citizen Discussion

G. Public Hearings and Actions

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 96
MARCH 5, 2007

H. Action on Old and New Business

3. PROCLAMATION #7-06/07 – Proclaiming the week of March 12 – 16, 2007 as Media Week. Passage requires majority vote.

There was no public discussion.

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

4. ORDER #109-06/07 – Amending Order #91-06/07 regarding award of bid to Liberty Chevrolet, of Wakefield, MA, for the purchase of a one ton dump truck for the Public Works Department. Passage requires majority vote.

Dana Anderson, the Director of Parks, Recreation and Public Works was present and answered questions from the Council.

There was no public discussion.

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

5. ORDER #110-06/07 – Award of bid # 207043 to C.B. Kenworth/International, Inc., of South Portland, ME, for the purchase of three (3) dump trucks with plows for the Public Works Department. Passage requires majority vote.

Dana Anderson, the Director of Parks, Recreation and Public Works was present and answered questions from the Council.

The following person addressed this item;

Greg Leupold, Whited Truck Center – Mr. Leupold indicated that Whited Truck was low bidder, however, they did not meet bid specifications due to an over site they made.

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

6. ORDER #111-06/07 – Award of bid #207044 to C.B. Kenworth/International, Inc., of South Portland, ME, for the purchase of one (1) dump truck with plow and sander body for the Public Works Department. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 97
MARCH 5, 2007

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

7. RESOLVE #6-06/07 - Pursuant to §612 of the City Charter determining details of issue of \$500,000 principal amount of bonds authorized by bond ordinance finally passed and enacted August 1, 2005. Passage requires majority vote.

Motion to read by title only was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

Rob Coombs, the City Finance Director, was available and answered questions from the Council.

There was no public discussion.

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

8. RESOLVE #7-06/07 - Authorizing Redemption of the City's 1996 General Obligation Bonds and the Issuance of Refunding Bonds to Effect Such Redemption. Passage requires majority vote.

Motion to read by title only was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 7-0

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Greg Leupold, Whited Truck Center – Mr. Leupold said that he was not trying to compromise the bid process.

Dan Burgess, C.B. Kenworth – Mr. Burgess thanked the Council for upholding the bid process.

J. Councilor's Round Robin

Councilor Beecher thanked the gentleman who had called her during the day regarding the bid. An Armory Committee member also called to commend Councilor Loring for a job well done and said that Jim Soule backs her up.

Councilor Baxter said it is always good to hear from citizens.

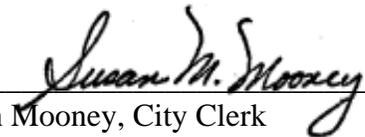
**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 98
MARCH 5, 2007**

Mayor Morgan advised that he would be away for a week and the Councilor Beecher would be filling in for him in his absence.

K. Executive Session

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 99
MARCH 19, 2007

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

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of March 5, 2007 was made by Councilor Soule and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- He gave the City's condolences to the Rosa family who lost their son/husband, Angel Rosa, who was killed in the Iraq war. There was a moment of silence observed for him.
- He addressed the Budget message.
- He announced that there would be an open house for Clarence Beckwith at the Black Point Congregational Church in Scarborough on March 24th from 1:00 – 4:00 P.M.
- He stated that there would be a School Board presentation at the next workshop.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no Public discussion.

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

2. ORDER #112-06/07 – Housing Authority, District 5 (Hughes) to fill a term which expires on 03/25/12. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Hughes and seconded by Councilor Beecher to reappoint Elizabeth Ross to this position. Passed 7-0

3. ORDER #113-06/07 – Planning Board, District 1 (Morgan) to fill a term which expires on 04/01/10. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 100
MARCH 19, 2007

There was no public discussion.

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

4. ORDER #114-06/07 – Planning Board, District 2 (Loring) for a term which expires on 04/01/10. Passage requires majority vote.

There was no public discussion.

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

5. ORDER #115-06/07 – Planning Board At Large (Boudreau) for a term which expires 04/01/10. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to appoint Mark Gandolfo to this position. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Dolores Broberg, Bellevue Avenue, presented the Council with a check for \$72.00 for the Tree Fund.

David Bourke, Willow Street –

- He stated that zero based budgeting needs to go forward and that the City needs to identify needs and get rid of any extra spending.
- He also gave kudos to the City's website stating that it was an excellent source of information.
- He felt that the \$25.00 late fee should be raised.
- He was pleased that the City Council/School Board workshop would be aired on SPCTV.
- He read an article he read in the Forecaster that stated Councilors were not to speak with staff, that they were directed to go through the City Manager. He stated that he felt that was wrong. He stated that open door policy should be the procedure.
- He felt the evaluation of the City Manager should be confidential.
- He was concerned with the debt that is still owed now and the added debt once the High School renovation is done.

City Manger, Ted Jankowski replied he did not control who talks to whom, and any City Councilor is welcome to talk to any Councilor.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 101
MARCH 19, 2007

Councilor Loring stated that she wanted it on record that the City Manager told her she was not to contact Department heads directly, that she should go through the manager.

Me Shell Jonka, Alder St. –

- Commended Tom Meyers for his good work keeping the Bus Service running.
- He also felt the Greenbelt Walkway should be cleaned up after storms sooner than has been done.
- He also complimented the Tree Fund.

Gary Crosby, Tanner St.

- Questioned whether people from other districts can be appointed to a different district for a City Board or Committee.
- Addressed the fact that the City Charter states the Councilors may not direct Department heads but are not prohibited from communicating with them.

G. Public Hearings and Actions

H. Action on Old and New Business

6. ORDER #116-06/07 – Award of bid #207042 to Glidden Excavating and Paving, Inc., of Gorham, ME, for the Westbrook Street-Gorham Road Sidewalk Project. Passage requires majority vote.

Dave Pineo, Water Resource Protection was available for questions.

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

7. ORDER #117-06/07 - Authorizing the City Manager to submit the FY 2007 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

James Gailey, Assistant City Manager gave an overview of the CDBG's action plan.

Gary Crosby, Tanner St. questioned where the money for this program comes from.

Jim Gailey stated that the money is allocated from HUD to Cumberland County and then to the City.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 102
MARCH 19, 2007

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

8. ORDER #118-06/07 – Setting April 4, 2007, as the date for Public Hearing in City Council Chambers for the Proposed FY 2008 Municipal Budget. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #119-06/07 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

I. Citizen Discussion (Second Part)

Frank Swatnick of Biddeford gave an overview of an Auto Transportation show he would like to hold at Buglight Park. He stated that there would be vendors and it would be like a festival. He was seeking permission and said that they would leave the park as they had found it.

Councilor Loring said she would not support this event.

J. Councilor's Round Robin

Councilor Beecher offered to her condolences to the Rosa family for the loss of Angel Rosa, she stated it felt different when it was one of our own citizens. She also stated that she felt the Dana Anderson had dealt well with the storm on Friday.

Councilor Boudreau thanked the Assistant City Clerk for standing in for Sue Mooney.

She also stated that there is a National Bike Registry that can be accessed through the internet and bikes can be registered before or after the bike has been lost or stolen. She also warned citizens who ride bikes to be careful of all the sand on the sides of the road.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 103
MARCH 19, 2007

She also reminded people to keep recycling. She received a report from ecomaine stating that the City's regular waste amount was up and the recycling amount had decreased.

Councilor Baxter addressed the fact that not everyone agreed with the Budget presented at the workshop. He thanked the Manager for all the work done on the budget.

Mayor Morgan announced he will be going on a "Meals on Wheels" ride and stated what a great service this is for the elderly.

Councilor Loring thanked Councilor Boudreau for reminding citizens about being careful on bicycles with the sand on the roads.

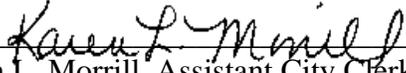
Councilor Soule said his prayers and condolences were with the Rosa family.

K. Executive Session

Motion was made by Councilor Boudreau and seconded by Councilor Hughes to adjourn at 8:40 P.M. Passed 7-0

A TRUE COPY

ATTEST



Karen L. Morrill, Assistant City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 104
MARCH 26, 2007

Roll Call: Mayor Morgan called the Special Meeting to order at 8:55 P.M. immediately following the regular workshop. Councilor Soule was absent.

H. Action on Old and New Business

Motion to add Resolve #8-06/07 to the agenda was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Soule absent)

Motion to take Resolve #8-06/07 out of order was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (Soule absent)

2. RESOLVE #8-06/07 – Permitting yellow ribbons to be displayed from March 27th through April 27th in recognition of the sacrifices of Jason Swiger and Angel Rosa. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Councilor Loring motioned for an amendment to change the last paragraph of the Resolution to read; “BE IT FURTHER RESOLVED that the City Council authorizes the placement of yellow ribbons and flags on the ~~South Portland Armory~~ all City property as long as the placement does not interfere with public health and safety, from Tuesday, March 27th through Friday, April 27th, 2007.” Councilor Boudreau seconded the amendment. The amendment passed 6-0 (Soule absent). The resolve passed as amended 6-0 (Councilor Soule absent).

1. ORDER #120-06/07 – Pursuant to Code of Ordinances Sec. 2-5, that the Mayor, acting on behalf of the City Council be authorized to consult with the law firm of Bernstein, Shur, Sawyer & Nelson, of Portland, Maine, regarding a personnel issue. Passage requires majority vote.

Corporation Counsel, Mary Kahl made a request to the Mayor to publicly disclose whether this consultation was in regard to matters concerning Corporation Counsel. The Mayor disclosed that the personnel issue did pertain to her.

The following citizens addressed this item;

Paul Nixon, 158 Preble Street – Mr. Nixon wanted to know why we are spending money for outside counsel.

Dick Ingalls, 301 Front Street – Mr. Ingalls opposed this order and spoke in support of Mary Kahl. He encouraged the Council to wait until the review of the Manager was complete before they take this on.

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 105
MARCH 26, 2007

Mike Eastman, 100 Chapel Street – Mr. Eastman said he was appalled at what he has read in the paper. He also said the Council should deal with issues, not personalities.

Linda Eastman, 100 Chapel Street – Mrs. Eastman said this is ridiculous and embarrassing and asked that people treat each other respectfully.

Susan Lutton, 16 Fairlawn Ave. – Ms. Lutton opposed the request for outside counsel and noted that no other attorney in the State was more knowledgeable in municipal law than the City Corporation Counsel. She said it was inappropriate for the Council to second guess her.

Chris Bowring, 151 Elderberry Drive – Mr. Bowring raised concerns about the fiscal note and the lack of a set spending limit for the order. He said this proceeding has no place in the public forum and that the Council should deal with their three employees directly.

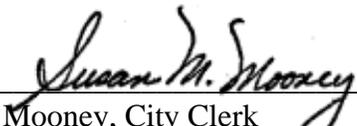
Don Russell, 143 Hillside Ave – Mr. Russell asked that everyone visit their own space in shared accountability to see what they could have done to address this.

Councilor Hughes motioned and Councilor Beecher seconded to pass this order. Councilor Boudreau motioned to table this item indefinitely and Councilor Loring seconded. The motion failed 2-4 (Baxter, Hughes, Beecher, Morgan) (Soule absent). The order passed 4-2 (Boudreau, Loring) (Soule absent).

Motion to adjourn was made at 9:44 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 6-0 (Soule absent)

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 106
APRIL 2, 2007

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

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of March 19, 2007 was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no Public discussion.

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

2. ORDER #113-06/07 – Planning Board, District 1 (Morgan) to fill a term which expires on 04/01/10. Postponed on 03/19/07. Passage requires majority vote.

The following person addressed this item;

Carol Thorne, 96 Sandy Hill Road – Ms. Thorne thanked the Council for reappointing Mr. Schreiber to the Planning Board.

Motion was made by Mayor Morgan and seconded by Councilor Beecher to reappoint William (Rob) Schreiber, 209 Stanford Street to this position. Passed 7-0

3. ORDER #114-06/07 – Planning Board, District 2 (Loring) for a term which expires on 04/01/10. Postponed on 03/19/07. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Loring and seconded by Councilor Hughes to appoint Don Russell, 143 Hillside Ave., to this position. Passed 7-0

4. ORDER #121-06/07 – Housing Authority, District 2 (Loring) to fill an unexpired term which expires 03/25/09. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 107
APRIL 2, 2007

The following person addressed this item;

Michael Eastman, 100 Chapel Street – Mr. Eastman inquired about whether district residency requirements were mandatory for this Board.

Motion was made by Councilor Loring and seconded by Councilor Hughes to appoint Kevin Glynn, 109 Huntress Ave., to this position. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Shawn Lure, Ashborne Court – Mr. Lure inquired about the Council's understanding of the original intent of constitutional property rights, taxation and free enterprise. He voiced concern about a trend to embrace socialism and communism.

Gary Crosby, 2 Tanner Street – Mr. Crosby noted the passing of Ralph Kilgore and Jason Swiger. He indicated the Council has a responsibility to review the City Manager after six months and noted that his few dealings with the new Manager were positive. He asked for a review of section 2-11 of the Charter regarding whether citizens are able to confer with Councilors during Citizen Discussion.

Meshell Jonka, 100 Skillings Street – Mr. Jonka supported Mr. Lure's knowledge of the constitution. He voiced concern over losing young men at war. He submitted several publications to the Clerk for the file.

Michael Eastman, 100 Chapel Street – Mr. Eastman raised concerns over the short notice of the last Special Meeting on March 26th and that it gives the perception of not playing above board.

David Bourke, 61 Willow Street – Mr. Bourke said it is very important to evaluate and do personnel reviews. He is dismayed about the emails that have been posted in the public domain. He read through a communication submitted to the Council regarding the High School project and submitted a copy for the record.

Mary Strnad, 91 Pilgrim Road – Mrs. Strnad praised Library Director, Marian Peterson, and spoke about the tremendous loss to the City with the submission of her resignation. She spoke in support of the Corporation Counsel and voiced concerns over what she has read in the paper. She questioned whether Councilors have spoken with Mary Kahl.

Carol Thorne, 96 Sandy Hill Road – Ms. Thorne also spoke in support of Mary Kahl and the value of her guidance on Planning Board issues. She voiced dismay

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 108
APRIL 2, 2007

and disappointment and indicated that it is absurd to have an outside attorney scrutinize our City Attorney.

Dick Ingalls, 301 Front Street – Mr. Ingalls said he has had conversations with each Councilor in support of Mary Kahl. He asked for consideration from one of the Councilors who supported the passage of the order to hire an outside law firm to make a motion for reconsideration. He urged the Council to review the three Council hires and to interview those who have left employment of the City.

Lou Strnad, 91 Pilgrim Road – Mr. Strnad said though he has not had direct dealings with Mary Kahl, he has watched Council meetings and feels she has done a fine job. He placed an official request for a complete list of the Managers expense account.

G. Public Hearings and Action

H. Action on Old and New Business

5. PROCLAMATION #8-06/07 – Proclaiming Alcohol Awareness month. Passage requires majority vote.

There was no public discussion. A copy of the proclamation was presented to Officer Scarpelli.

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

6. PROCLAMATION #9-06/07 – Proclaiming National Public Safety Telecommunicators Week. Passage requires majority vote.

The following people addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby noted that his sister is a dispatcher in another community and he spoke in support of the commitment they make. He expressed his thanks to all dispatchers.

Deputy Chief Amy Berry – Deputy Berry thanked the Council for their support of this proclamation. She oversees this division and said spoke in support of the staff.

Meshell Jonka, 100 Skillings Street – Mr. Jonka also spoke in support of the proclamation.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. A copy of the proclamation was presented to Deputy Berry. Passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 109

APRIL 2, 2007

7. ORDER #122-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Meshell Jonka, 100 Skillings Street – Mr. Jonka noted that he banks with Bangor Savings and thanked them for their donation.

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

8. ORDER #123-06/07 – Setting the Street Opening Permit fees effective April 3, 2007. Passage requires majority vote.

The following people addressed this item;

Meshell Jonka, 100 Skillings Street – Mr. Jonka complimented Planning Director, Tex Haeuser for this proposal.

Gary Crosby, 2 Tanner Street – Mr. Crosby indicated that while he doesn't like tax or fee increases, this proposal did make sense.

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

9. ORDER #124-06/07 – Authorizing Norman, Hanson and DeTroy to provide legal services regarding a Freedom of Access Act request. Passage requires majority vote.

The following people addressed this item;

Meshell Jonka, 100 Skillings Street

Gary Crosby, 2 Tanner Street – Mr. Crosby asked if this was something the Council should be taking care of. He questioned the number of hours it would take.

Paul Nixon, 158 Preble Street – Mr. Nixon said he hopes a consideration comes forward and he also hopes that Councilor Loring and Councilor Soule are up to date of what is going on.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Councilor Beecher motioned to amend the Order to append “and follow cost recoupment provisions of the Freedom of Access Act” to the last sentence. Councilor Hughes seconded and the amendment passed 7-0. The main motion passed as amended 7-0.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 110
APRIL 2, 2007

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A 405 (6) (c) - regarding Mary Marsh School.

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405(6)(E), pending litigation, City of South Portland v. Maine Municipal Association.

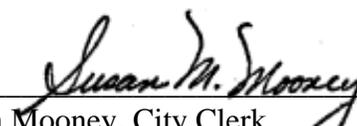
Motion to adjourn to executive session was made at 9:08 by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

Motion to return from executive session was made at 10:12 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 7-0

Motion to adjourn was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 111
APRIL 9, 2007

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. Section 405 6 (E) to consult with counsel concerning the legal rights and duties of the City Council with respect to oversight of the City's Legal Department

Mayor Morgan called the meeting to order at 6:00 P.M.

Motion to adjourn to executive session was made by Councilor Baxter and seconded by Councilor Hughes. The motion, needing a 3/5 vote, failed 4-3 (Soule, Loring, Boudreau)

Discussion with Linda McGill regarding Council's rights in hiring outside Counsel was held in public session.

Linda McGill advised that the City Charter calls for a Legal Department and a Corporation Counsel that serves at the pleasure of the Council. To "serve at the pleasure" means that an employee can be terminated without just cause. A majority vote of the Council would be all that is needed. The Council does not have the right to abolish either the Legal Department or Corporation Counsel.

The Charter does not address when Council can get outside legal advice. There is a standing order in place to use outside legal counsel, however, the Council must act by Order, Ordinance or Resolve at a public meeting for authorization to obtain outside legal counsel when necessary. An individual Councilor does not have the authority to obtain outside legal counsel on a city matter without authorization from a Council Order.

The Special Meeting ended at 6:55 P.M.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A, §405(6)(E), discussions with corporation counsel about the City Council's legal rights and duties regarding Edgewood Road.

At 9:34 P.M., immediately following the Council Workshop, Councilor Beecher motioned to adjourn to executive session. Councilor Hughes seconded. The vote failed 4-3 (Soule, Loring, Boudreau)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 112
APRIL 18, 2007

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

A. Acceptance of Minutes

Motion to accept the minutes from the special meeting of March 26, 2007 and the regular meeting of April 2, 2007 was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Anti Graffiti Committee – the Manager noted members
- Special Message from the City Manager regarding performance review

C. Petitions and Communications

Department Reports for the month of March 2007

Attendance Reports for the month of March 2007

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #125-06/07 – School Board, At-Large to fill an unexpired term which expires 12/01/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Burton Edwards, 138 Pennsylvania Ave. was made by Councilor Baxter and seconded by Councilor Boudreau. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 113
APRIL 18, 2007

Steve Hasson, 148 Breakwater Drive – Mr. Hasson said Mary Kahl has served the city well for 16 years. He respectfully requested that the Council reconsider any actions planned.

Gary Crosby, 2 Tanner Street – Mr. Crosby requested that the Council review the policy of not allowing interactive discussion between the public and Councilors during Citizens Discussion.

Roger Hare, 30 Curtis Street – Mr. Hare reviewed information he found regarding State Statutes addressing probation periods and reasons allowed for executive sessions.

Boyce Sanborn, 228 South Richland Street – Mr. Sanborn spoke in support of Mary Kahl and asked the Council to support personnel.

Dick Ingalls, 301 Front Street – Mr. Ingalls talked about the review system and encouraged it be used immediately.

Lou Strnad, 91 Pilgram Road – Mr. Strnad discussed the Manager's expense account and wanted to know who reviews it. He also questioned why a trip to Washington was necessary when local representatives could have been met with.

G. Public Hearings and Action

3. Business License

Pepper Dining, Inc., d/b/a Chili's Grill & Bar, 465 Maine Mall Road for a FE/Class A Restaurant with Liquor license. New corporate owners of an existing business. Passage requires majority vote.

There was no public discussion.

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

H. Action on Old and New Business

4. ORDER #126-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 114
APRIL 18, 2007

5. RESOLVE #9-06/07 - Regarding the bonding of annual expenditures.
Passage requires majority vote

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Baxter. Failed 2-5 (Hughes, Boudreau, Beecher, Morgan, Loring).

6. ORDINANCE#12-06/07 – Amending Chapter 17 “Offences – Miscellaneous Provisions” regarding graffiti. Passage requires majority vote.

The following people addressed this item;

Lou Maietta, Elderberry Drive – Mr. Maietta commended Officer Caldwell on his efforts with the graffiti problem in South Portland. He encouraged support of the ordinance but strongly supported removing the process of going after property owners.

Gary Crosby, 2 Tanner Street – Mr. Crosby also spoke in support of the ordinance and asked that the section to summons property owners be removed.

Mark Dennison, Barnstable Road – Mr. Dennison talked about how the section of the Greenbelt Walkway behind his business at 699 Broadway was out of control. He has experienced eleven vandalism events at this location. He was also in support of removing liability on property owners and said the kids should be made to clean up the graffiti.

Dick Ingalls, 301 Front Street – Mr. Ingalls spoke in favor of the ordinance and against placing liability on property owners.

Sam Kelly, resident of Scarborough but owns property on Industry Road – Mr. Kelly has trailers that are constant targets for graffiti. He is also against property owners being fined.

Max Brown, 15 E Street – Mr. Brown questioned how people could be expected to removed graffiti in the middle of the winter.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Councilor Hughes motioned to amend the ordinance to remove section 17-55 and 17-56(c). Councilor Soule seconded and the amendment passed 6-1 (Boudreau). The motion passed as amended 7-0.

I. Citizen Discussion (Second Part)

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 115
APRIL 18, 2007

Louis Maietta, Elderberry Drive – Mr. Maietta noted his respect for Mary Kahl and spoke in support of standardizing the evaluation process for the Council appointed employees. He spoke against city employees being required to put their name on an evaluation sheets being filled out on the three Council employees.

J. Councilor's Round Robin

Councilor Beecher expressed appreciation to the Emergency Management Team during the last storm. She inquired about the pickup of damaged limbs from the storm and was advised that the city is picking them up at no cost.

Councilor Hughes also thanked the EMT.

Councilor Boudreau stated that the Council has met twice for four hour budget reviews and would be meeting again on the 28th from 8:00 A.M. to 12:00.

Councilor Baxter recognized the contribution from Bill Harris to the School Board and the City.

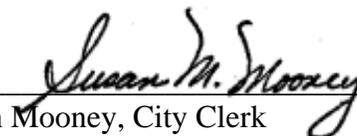
Mayor Morgan spoke about people that were still without power and encouraged folks to invite them in. He also thanked Bill Harris.

K. Executive Session

Motion to adjourn to a Special Workshop was made at 9:33 P.M. by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 116
MAY 7, 2007**

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

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of April 18, 2007 was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Jeff Temple – provided information on reporting storm damage
- Jen DeRice was named “Young Professional of the Year” by Maine Recreation and Parks Association
- Overview of Essential Programs & Services
- MMA call for service on the MMA Executive Committee
- Work by Water Resource Department in Loveitt’s Field area over the next few weeks
- On-line Community Newsletter

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no Public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Meshell Jonka, 100 Skillings Street – Mr. Jonka gave the Mayor a t-shirt that he had devised in recognition of “Commute Another Way Week”.

David Bourke, 61 Willow Street – Mr. Bourke read through a statement that he had prepared and previously emailed to the Council regarding the High School renovation project. He submitted a copy of the communication for the record.

Zoo Kane, Willard Street – Mr. Kane suggested that the City Manager and the Mayor resign from their positions.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 117
MAY 7, 2007

Gary Crosby, 2 Tanner Street – Mr. Crosby said he was pleased to see the evaluation process moving forward.

G. Public Hearings and Action

2. Business License - Bugaboo Creek Acquisitions, LLC d/b/a Bugaboo Creek Steak House, 24 Gorham Rd. for a FE/Class A Restaurant with Liquor license. New corporate owners of an existing business. Passage requires majority vote.

The following person addressed this item;

Mike Sullivan, the General Manager, noted that the business is actually located at 264 Gorham Road.

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

3. Business License – Lodging Establishment Renewals. Passage requires majority vote.

There was no public discussion.

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

4. ORDINANCE #12-06/07 – Amending Chapter 17 “Offenses – Miscellaneous Provisions” regarding graffiti. Amended and passed first reading on 04/18/07. ROLL CALL VOTE. Passage requires majority vote.

Motion to have item read by title only was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby supported this ordinance and inquired about public outreach to get information out on this amendment.

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

Motion was made by Councilor Soule and seconded by Councilor Boudreau to waive Council Standing Rules to place Item 16 - Order #134 on the agenda. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 118
MAY 7, 2007

Motion was made by Councilor Soule and seconded by Councilor Boudreau to take Item #16 out of order. The motion passed 7-0.

16. ORDER #134-06/07 – that the City Manager be and hereby is authorized and directed to expend up to \$10,000 for the purchase of surveillance equipment, cameras or the retrofit of existing surveillance cameras to be used for the purpose of filming persons in the act of violating the Graffiti Ordinance in order to facilitate enforcement of that ordinance. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby supported this item and said it was a good investment.

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

H. Action on Old and New Business

5. ORDER #127-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

6. ORDER #128-06/07 – Authorizing the transfer of \$178,010 from prior years' School Department Capital Improvement Plan funds to finance various projects. Passage requires majority vote.

There was no public discussion.

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

7. ORDINANCE #13-06/07 - Appropriating \$56,000,000 (*) for additions to and renovations of South Portland High School and to authorize \$56,000,000 (*) principal amount of bonds to finance such appropriations. First reading. Passage requires majority vote.

The following people addressed this item;

Jake Viola, Brindle Circle – Mr. Viola was pleased to see this item brought forward.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 119
MAY 7, 2007

Dan Cecil, Harriman Associates, provided information to the Council.

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

8. PROCLAMATION #10-06/07 – Proclaiming May 14th through May 18th 2007 as “Commute Another Way Week” and May 15th as “Transit Tuesday.” Passage requires majority vote.

The following person addressed this item.

Meshell Jonka, 100 Skillings Street – Mr. Jonka spoke in support of the proclamation and noted that he had walked to the meeting.

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

9. PROCLAMATION #11-06/07 – Proclaiming May 20 through May 26, 2007 as Public Works Week. Passage requires majority vote.

There was no public discussion.

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

10. RESOLVE #10-06/07 – Regarding a westerly access road study by the Maine Turnpike Authority. Passage requires majority vote.

There was no public discussion. Motion to have item read by title only was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

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

11. ORDER #129-06/07 – Award of bid #207056 to R. J. Enterprises, Inc., of Brunswick, ME, for asbestos abatement at the former Mary Marsh School. Passage requires majority vote.

There was no public discussion.

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

12. ORDER #130-06/07 – Award of bid to M. E. O’Brien & Sons Incorporated, of Medfield, MA, for the purchase and installation of a playscape in Willard School Park. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 120
MAY 7, 2007

There was no public discussion.

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

13. ORDER #131-06/07 – Award of bid to Poirier Guidelines, of Athol, MA, to provide line striping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #132-06/07 – Award of bid #207053 to Hall Implement Co., of Windham, ME for the purchase of two tractors for the Parks Division. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #133-06/07 – Award of bid #207060 to Dayton Sand & Gravel, of Dayton, ME; and Pike Industries of Portland, ME, to provide paving services for the Public Works Department for the 2007 season. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

None of the Council members had news or information to impart.

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.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 121
MAY 7, 2007

Motion to go into executive session was made at 9:24 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

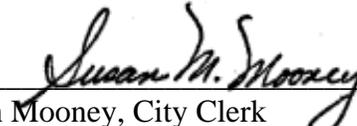
Motion to return from executive session was made at 9:35 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to grant case #06/07-04 for \$2,575.46 for fiscal year 06/07, plus interest and costs to date. Passed 7-0.

Motion to adjourn was made at 9:36 P.M. by Councilor Hughes and seconded by Councilor Soule. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL WORKSHOP MEETING VOL. 68 PAGE 122
MAY 14, 2007

The City Council convened at the Workshop of May 14th at 5:00 P.M. at the South Portland Community Center. Councilor Loring arrived after the Council went into executive session.

1. Executive Session

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

Motion to go into executive session to evaluate the Corporation Counsel was made at 5:08 P.M. by Councilor Hughes and seconded by Councilor Baxter. Passed 6-0 (Loring had not arrived yet).

Motion to return from executive session was made at 6:40 P.M. by Councilor Baxter and seconded by Councilor Soule. Passed 7-0.

Motion to go into executive session to evaluate the City Clerk was made at 6:40 P.M. by Councilor Boudreau and seconded by Councilor Loring. Passed 7-0.

Motion to return from executive session was made at 7:05 by Councilor Boudreau and seconded by Councilor Loring. Passed 7-0.

The City Council worked through the regular workshop agenda.

At the completion of the workshop Councilor Boudreau motioned to go into executive session at 9:04 P.M. to evaluate the City Manager. Councilor Loring seconded the motion. Passed 7-0.

Motion to return from executive session was made at 10:20 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

A TRUE COPY

ATTEST _____


Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 123
MAY 21, 2007

The City Council held a Special Meeting on May 21st at 3:00 P.M. in South Portland City Hall. Councilor Boudreau arrived after the Council went into executive session.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. Section 405 6 (A) regarding Personnel matters.

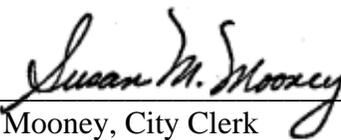
Motion to go into executive session was made at 3:01 P.M. by Councilor Soule and seconded by Councilor Beecher. Passed 6-0 (Boudreau had not arrived yet)

Motion to return from executive session was made at 4:37 P.M. by Councilor Beecher and seconded by Councilor Loring. Passed 7-0

Motion to adjourn was made at 4:38 P.M. by Councilor Baxter and seconded by Councilor Hughes. Passed 7-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 124
MAY 21, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. All Councilors were present. Assistance City Manager, Jim Gailey sat in for the City Manager.

A. Acceptance of Minutes

Motion to accept the minutes from the regular meeting of May 7, 2007 made by Councilor Baxter and seconded by Councilor Beecher. Passed 7-0

B. Communications from City Manager

The Assistant Manager addressed the following items;

- Honor our Heroes Day, June 30th – hosted by the Rock Church
- Moody's Aa1 rating for the City of South Portland
- Email from Robert Bowker regarding his satisfaction with a Greenbelt upgrade
- FEMA assistance at the Central Fire Station to assist with Patriot's Day Storm filings for damage
- Blood Drive at SPHS in honor of Jason Swiger and Angel Rosa
- National Kidney Foundation health screening at the Church of the Nazarene

C. Petitions and Communications

Department Reports for the Month of April, 2007

Attendance Reports for the month of April, 2007

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

David Bourke, 61 Willow Street – Mr. Bourke read through a statement that he had prepared and previously emailed to the Council regarding the High School renovation project. He submitted a copy of the communication for the record.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 125
MAY 21, 2007

Dave Canarie, Sawyer Street – Mr. Canarie asked the Council to repeal the recently passed ordinance regarding graffiti saying it was vague and unfair. He presented the Council with a 7 page statement.

Elizabeth Canarie, Sawyer Street – Ms. Canarie also spoke in opposition with the ordinance.

Dara Jarrendt, 19 Vivian Street – Mr. Jarrendt agreed with the previous presenters noting the ordinance is anti-child.

Dick Bernard, 5 E Street – Mr. Bernard said he would be appearing again this year as Thomas Jefferson on the Fourth of July to recite the Declaration of Independence. The event will occur at 11:00 A.M.

Paul Vose, Developer from the Sawyer Street land swap – Mr. Vose presented information regarding two small slips of land that he asked the Council to consider swapping between Mr. Maietta and the City. He provided the Council with maps.

Gary Crosby, 2 Tanner Street – Mr. Crosby inquired about the timeframe for paving Broadway and asked if it is scheduled for 2009/2010, is there anything the public can do to push the date closer.

The Mayor read two email submissions opposing the High School Renovation project. The first was from Devon Gray, 26 Beach Street and the second was from Roxanna Kennedy, 176 South Kelsey Street.

G. Public Hearings and Action

2. Business License

Abundance, Inc. d/b/a fresh!, 171A Ocean St. for a FE/Class A Restaurant w/ Malt and Vinous. Applicant currently holds a Food license and is looking to upgrade. Passage requires majority vote.

The following person addressed this item;

Meshell Jonka, 100 Skillings Street

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

3. ORDINANCE #13-06/07 - Appropriating \$56,000,000 (*) for additions to and renovations of South Portland High School and to authorize \$56,000,000 (*) principal amount of bonds to finance such appropriations. Passed first reading on 05/07/07. ROLL CALL VOTE. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 126
MAY 21, 2007

The following people addressed this item;

Carrie Hall-Indorf, 112 Mt. Vernon Street – Ms. Hall-Indorf is a member of the school building committee. She noted that the golf course was not considered for the High School. She asked that the public be allowed to decide this issue.

Meshell Jonka, 100 Skillings Street

Dan Cecil, Architect – Mr. Cecil indicated that Mahoney did not have enough land space to accommodate the High School. He also indicated that the golf course was valuable open space and said it didn't make sense to give it up. He also noted that new construction is more expensive than renovation.

Gary Crosby, 2 Tanner Street – Mr. Crosby asked if the bond did not pass roll call vote, would it just die. He said it was best for citizens to make the decision.

Motion for passage was made by Councilor Soule and seconded by Councilor Hughes for passage. Motion to amend the ordinance to insert between numbered items two and three; "The principal of such bonds shall be paid in approximately equal annual installments over a period not to exceed 20 years" was made by Councilor Soule and seconded by Councilor Boudreau. The amendment passed 6-1 (Loring). The ordinance passed as amended 5-2 (Loring, Boudreau).

H. Action on Old and New Business

4. ORDER #134-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Meshell Jonka, 100 Skillings Street

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

5. PROCLAMATION #12-06/07 – Proclaiming that May 25th as Arbor Day in the City of South Portland. Passage requires majority vote.

The following person addressed this item;

Meshell Jonka, 100 Skillings Street

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 127
MAY 21, 2007

6. ORDINANCE #14-06/07 – Amending Chapter 27, “Zoning”, regarding the Knightville Design District. First reading. Passage requires majority vote.

The following people spoke in support to this ordinance amendment;

John Ely, Waterfront Market Association
Dick Ingalls, 301 Front Street
Aaron Anker, Owner of 2 unit apartment on A Street
Paul Oshea, 121 Harbor Place
Bob O’Brien, Business owner at 170 Ocean Street
Paul Vose, Local developer

The following people spoke in opposition to this ordinance amendment;

Rommy Brown, 10 E Street
Cathleen Eastman, 47 C Street
Erik Lippmann, 72 B Street
Norris Eastman, 47 C Street
Pat Webber, 200 Stillman Street
Caroline Hendry, 75 B Street
Judy Clough, 96 Ocean Street
Leah Muliero, 72 B Street
Susan Raye, 71 D Street
Nick Burnett, 3 D Street
Sarah Kirn, 58 D Street
Kathy Bernard, 5 E Street
Dick Bernard, 5 E Street
Rosemarie DeAngelis, 30 Buttonwood Street
Meshell Jonka, 100 Skillings Street

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

7. ORDER #135-06/07 – Award of bid #207049 to Wright-Pierce Engineers, of Topsham, ME, to update the Combined Sewer Overflow Facilities Plan. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #136-06/07 – Award of bid #207055 to Cimino Construction Co., of Scarborough, ME for the construction of a Sewer Maintenance Office Building. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 128
MAY 21, 2007

There was no public discussion.

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

9. ORDER #137-06/07 – Award of bid #207059 to R. J. Enterprises Inc., of Brunswick, ME, for the demolition of Mary Marsh School. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher for passage. Motion to amend the order to include “And be it further ordered that upon sale of the property the cost of demolition and asbestos removal will be returned to the Municipal Building Reserve Account” was made by Councilor Boudreau and seconded by Councilor Soule. The amendment passed 7-0. The main motion passed as amended 7-0.

10. ORDER #138-06/07– Setting the time for opening the polls for the June 12, 2007 Special Election. Passage requires majority vote.

There was no public discussion.

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

11. PROCLAMATION #13-06/07 - regarding Memorial Day, and directing that flags be placed on the graves of veterans. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

Meshell Jonka, 100 Skillings Street – Mr. Jonka wanted to honor the kingdom of South Portland because of the people who live here.

J. Councilor’s Round Robin

There was no discussion.

K. Executive Session

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 129
MAY 21, 2007**

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 go into executive session was made at 11:03 P.M. by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

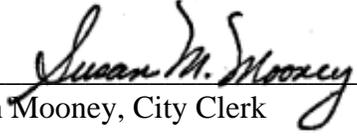
Motion to return from executive session was made at 11:13 P.M. by Councilor Baxter and seconded by Councilor Loring. Passed 7-0

Motion to grant hardship abatement #06/07-4 for \$2,094.69 plus interest and costs to date was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

Motion to adjourn was made at 11:14 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST


Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 130
MAY 30, 2007**

Roll Call: Mayor Morgan called the meeting to order at 5:06 P.M. All Councilors were present.

H. Action on Old and new Business

1. ORDER #139-06/07 – Accepting the resignation of Thaddeus Jankowski, Jr. and authorizing a severance package. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Motion to amend the order to include where the funding for the severance package would be paid from was made by Councilor Hughes and seconded by Councilor Boudreau. The amendment passed 7-0. The main motion passed as amended 7-0.

2. ORDER #140-06/07 - Appointing James Gailey as Acting City Manager effective May 31, 2007. Passage requires majority vote.

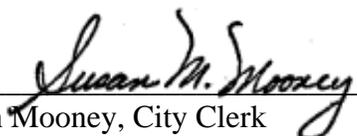
There was no public discussion

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

Motion to adjourn was made at 5:19 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 131
JUNE 4, 2007

Roll Call: The Mayor called the Special Meeting to order at 6:03 P.M.
Councilor Loring arrived at 6:06 and all other Council members were present.

K. Executive Session

A motion may be made to go into Executive Session Pursuant to 1 M.R.S.A. §405(6)(E) - regarding the Acting City Manager's compensation package and duties.

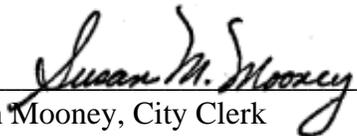
Motion to adjourn to Executive Session was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 5-1 (Councilor Soule out of the room and Councilor Loring had not yet arrived)

Motion to return from Executive Session was made at 7:01 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-1 (Councilor Soule out of the room).

Motion to adjourn the Special Meeting was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 132
JUNE 4, 2007

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

A. Acceptance of Minutes

Motion to accept the minutes from the Special Meetings of May 21st and 30th and the Regular Meeting of May 21st made by Councilor Hughes and seconded by Councilor Boudreau. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- HUD monitoring review of the CDBG Grant
- Remembrance of Clarence Beckwith
- Award from the Cumberland County Soil and Water Conservation District

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

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

2. ORDER #141-06/07 – Harbor Commission, Mayoral appointment to fill an unexpired term which expires on 06/30/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint William VanVoorhis of, 52 Tamarak Drive was made by Mayor Morgan and seconded by Councilor Boudreau for passage. Passed 7-0

3. ORDER #142-06/07 Appointing James Gailey to the ecomaine Board of Directors. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 133
JUNE 4, 2007

E. Consent Calendar

4. Street Closing

The residents of Providence Avenue are requesting the closing of the street between #'s70 - #81 on 06/16/07 for a graduation party. Passage requires majority vote.

There was no public discussion.

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

Motion to waive Council Standing Rules and add item #19 to the agenda was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0. See Item #19 for details.

F. Citizen Discussion (First Part)

Dave Canarie, Sawyer Street – Mr. Canarie asked the Council to rework the graffiti ordinance.

Zoo Kane, Willard Beach – Mr. Kane read through two communications regarding the departure of the City Manager that he had intended to send as editorials.

Meshell Jonka, 100 Skillings Street – Mr. Jonka announced plans for a car show at Bug Light Park.

Joan Uraneck, 82 Willow Street – Ms. Uraneck asked the Council to support an amendment to the ordinance to allow for pet chickens.

Rosemarie De Angelis, Buttonwood Street – Ms. De Angelis praised Tony Vigue and Maurice Amaral and thanked them for their assistance in the taping a program of her students.

G. Public Hearings and Action

5. ORDINANCE #14-06/07 – Amending Chapter 27, “Zoning”, regarding the Knightville Design District. Passed first reading on 05/17/07. ROLL CALL VOTE. Passage requires five affirmative votes.

Andrew Ingalls, Frank Reed, John Ryan and David Lloyd provided information to the Council regarding the proposed design of the four story building which would require the ordinance amendment. Planning Director, Tex Haeuser suggested that

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 134
JUNE 4, 2007

the Council consider an amendment proposed by Planning Board member, Rob Schreiber, which would require the builder to obtain LEED Certification on this project. Mr. Schreiber explained the details of his recommendation.

The following people spoke in support of this project;

Paul Leddy, developer of the Mill Cove Landing Project
Peter Houser, Marriner Street
Paul Oshea, 121 Harbor Place

The following people opposed the ordinance amendment;

Alan Johnson, 96 Ocean Street
Susan Raye, 71 D Street
Rommy Brown, 10 E Street
Susan Henderson, 9 E Street
Norris Eastman, 47 C Street
Sarah Kirn, 58 D Street
Erik Lippman, 72 B Street
Leah Muliero, 72 B Street
Rosemarie De Angelis, Pleasandale

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring for passage. Passed 5-2 (Hughes, Baxter)

H. Action on Old and New Business

6. ORDER #143-06/07 - Award of bid #207054 to Airtemp, Inc., of South Portland, ME, for a main heating furnace for the Parks Department building. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #144-06/07 - Award of bid #207064 to Wilson's Commercial Sweeping Inc., of Windham, ME, for street sweeping services for the Public Works Department. Passage requires majority vote.

There was no public discussion.

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

8. RESOLVE #11-06/07 - Approving the Appropriation Resolve for FY 2008. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 135
JUNE 4, 2007

The following person addressed this item;

John Grabler, Engine One Call Company – Mr. Grabler asked the Council to consider adding Engine One Call Company back into the budget.

The Mayor read a communication from Tom Blake that also supported keeping Engine One open.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes for passage. Councilor Boudreau motioned for an amendment to the resolve to add \$5,100 to put the Ferry Village Call Co. back into the budget. Councilor Soule seconded the motion. The amendment passed 6-1 (Hughes). The main motion passed as amended 4-3 (Soule, Baxter, Loring)

9. RESOLVE #12-06/07 - Approving the FY 2008 Appropriation Resolve for the School Department. Passage requires majority vote.

There was no public discussion.

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

10. RESOLVE #13-06/07 - Approving the contribution to the total cost of funding public education from kindergarten through grade 12. Passage requires majority vote.

There was no public discussion.

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

11. RESOLVE #14-06/07 - Approving State non-funded debt service for the School Department. Passage requires majority vote.

There was no public discussion.

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

12. RESOLVE #15-06/07 - Approving additional local appropriation for the School Department. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 136

JUNE 4, 2007

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

13. ORDER #145-06/07 – Authorizing the Acting City Manager to sign two license agreements with Portland Pipe Line Corporation extending the term for property used for the Greenbelt Walkway; one near Benjamin W. Pickett Street, and one behind the Bonnybanks area. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #146-06/07 - Setting the sewer user fees for FY 2008. Passage requires majority vote.

There was no public discussion.

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

15. ORDER #147-06/07 - Authorizing a three percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

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

16. ORDER #148-06/07 - Authorizing the Finance Director to accept prepayment of FY 2008 property taxes. Passage requires majority vote.

There was no public discussion.

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

17. ORDER #149-06/07 - 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 Baxter and seconded by Councilor Hughes for passage. Passed 7-0

IN COUNCIL REGULAR MEETING VOL. 68 PAGE 137
JUNE 4, 2007

18. ORDER #150-06/07 - Setting the compensation package for the Acting City Manager. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Hughes for passage. Councilor Soule motioned to amend the order to have "\$1,865.38 per week plus a vehicle allowance of \$125.00 per week" inserted into the fiscal note. Councilor Hughes seconded. The amendment passed 7-0. The Order passed as amended 7-0.

19. Street Closing

The residents of Colony are requesting the closing of the street on 06/16/07 for a block party from 4:00 P.M. to 10:00 P.M.. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Hughes apologized to Councilor Soule for his irritation earlier in the meeting. Councilor Soule accepted his apology.

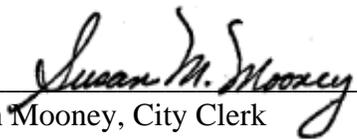
K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

Motion to adjourn was made at 11:15 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 138
JUNE 11, 2007**

K. Executive Session

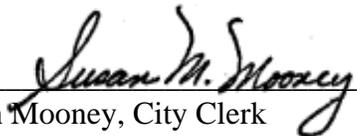
A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

The motion to go into executive session was made at 8:30 P.M. by Jim Hughes, seconded by Maxine Beecher. Passed 7-0.

Motion to return from executive session was made at 9:31 P.M. by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 68 PAGE 139
JUNE 18, 2007

Roll Call: The Mayor called the Special Meeting to order at 6:35 P.M.

K. Executive Session

A motion may be made to go into executive session pursuant 36 M.R.S.A. § 841 (6)(F), regarding hardship abatements.

Motion to adjourn to Executive Session was made by Councilor Baxter and seconded by Councilor Boudreau. Passed 5-0 (Soule, Hughes absent)

Motion to return from Executive Session was made at 6:50 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Hughes absent)

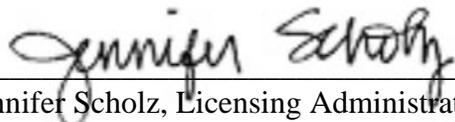
Motion to approve hardship abatement #6-06/07 for \$562.59 plus interest and costs was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Hughes absent)

Motion to approve hardship abatement #07-06/07 for \$3,070.01 plus interest and costs was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Hughes absent)

Motion to adjourn the Special Meeting was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0. (Hughes absent)

A TRUE COPY

ATTEST



Jennifer Scholz, Licensing Administrator

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 140
JUNE 18, 2007**

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

A. Acceptance of Minutes

B. Communications from City Manager

C. Petitions and Communications

Department Reports for the month of May, 2007.

Attendance Reports for the month of May, 2007.

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Rosemarie De Angelis, Buttonwood Street – Ms. De Angelis expressed her disdain for the way certain councilors treated the citizens that came to speak on the Knightville development project at the last council meeting.

G. Public Hearings and Action

H. Action on Old and New Business

2. ORDER #151-06/07 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 141
JUNE 18, 2007**

3. ORDER #152-06/07 – Award of bid to Cousineaus, of Wilton, ME, to provide leaf and brush grinding services to the Public Works Department. Passage requires majority vote.

Dave Gaudet from the Public Works Dept. was available for questions.

Councilor Soule asked Mr. Gaudet if this bid was in line with others that we have had in the past, and he was told it was actually less. Councilor Beecher asked if the brush from the recent storm was included in the debris that is to be ground up. Mr. Gaudet said that it is included and added that the brush is actually being ground for free as the company will just turn around and resell that.

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

4. ORDINANCE #15-06/07 – Amending Chapter 7 “Electricity” regarding permit fees. First reading. Passage requires majority vote.

Pat Doucette, Code Enforcement Director was available to answer any questions.

Motion to read by title only was made by Councilor Baxter and seconded by Councilor Loring. Passed 6-0 (Hughes absent)

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

5. ORDER #154-06/07 – Award of bid to Air Temp of South Portland for the air-conditioning system in Council Chambers. Passage requires majority vote.

There was no public discussion.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Boudreau mentioned that she has received calls about dogs on the beach and people need to be careful now that school is out. Dogs are not allowed on the beach during the day.

Councilor Soule attended the Relay for Life event and said it was a great thing to have happen in South Portland. He ran with his daughter and joined the couple hundred others that participated. He noted how moving it was

**IN COUNCIL REGULAR MEETING VOL. 68 PAGE 142
JUNE 18, 2007**

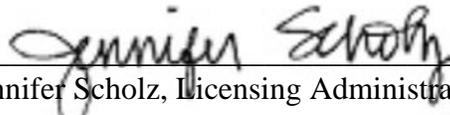
when the lights were turned off in the evening and only luminaries lit the way. He also attended South Portland's high school graduation ceremony and was happy to report that over 85% of the graduating class is attending a 2 or 4 year college.

Mayor Morgan said that he accepted the plaque from the Relay for Life people and said that it was a spectacular event. Approximately \$250,000 was raised between the events held in South Portland and Falmouth.

K. Executive Session

A TRUE COPY

ATTEST



Jennifer Scholz, Licensing Administrator