IN COUNCIL REGULAR MEETING JULY 6, 1994 VOL. 56 PAGE 1

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Soule and seconded by Councilor Dearborn to accept the minutes of the regular meeting of 6/20/94 and the special meeting of 6/27/94. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Mayor Avery presented a plaque to Marilyn Brado who retired from as the Children's Librarian after 28 years.

City Manager Jerre Bryant read U.S. Senator William Cohen's newsletter in which he praises the South Portland Police Department's "Cop Collectibles" cards.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

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

   Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 7/18/94. Passage 7-0.

   ****

2. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

   Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 7/18/94. Passage 7-0.

   ****

3. ORDER #140 -93/94 - Board of Assessment Review, District 3, (Soule). To fill an unexpired term which expires 3/16/97. Postponed on 6/20/94.

   Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 7/18/94. Passage 7-0.

   ****

4. ORDER #1-94/95 - SPTV Advisory Committee. Term to expire 7/15/97.

   There was no public discussion.

   Motion was made by Councilor Macomber and seconded by Councilor Boudreau to re-appoint Library Director William Alexander to this position. Passage 7-0.

E. CONSENT CALENDAR
F. PUBLIC HEARINGS AND ACTION

5. ORDINANCE #26-93/94 - amendment to Ch. 9, "Garbage and Refuse," Article IV, "Sanitary Landfill," regarding the transfer facility. Amended and given new first reading on 6/20/94.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Bob Blackwood, 16 Bluff Road
Clarence Beckwith, Bonnybriar Road
Jane Eberle, Pilgrim Road

Motion was made by Councilor Fickett and seconded by Councilor Macomber for passage. Motion was made by Councilor Soule and seconded by Councilor Boudreau to amend the ordinance by making the $1.00 fee due annually. Passage 5-2 (Fickett, Glynn).
Passage of ordinance, as amended, 6-1 (Fickett).

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6. Mac's Deli De-Lite, 333 Clark's Pond Parkway, FSE/Pushcart located on the sidewalk adjacent to Home Quarters Warehouse. 7/6/94 to 3/1/95. New City license. Requires variance to operate within 500 feet of other licensed food service establishments. Requires at least five affirmative votes.

There was no public discussion.

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

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7. Roland F. Berthiaume, d/b/a Mr. B's Lunch, 38 Meadow Way, South Portland, FSE/Mobile Food Service, in Millcreek Park during special events only. 7/6/94 to 3/1/95. New City license. Requires a variance to operate within 500 feet of other licensed food service establishments. Requires at least five affirmative votes.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau for passage. Motion was made by Mayor Avery and seconded by Councilor Glynn to amend the license application by deleting participation at Art in the Park and allowing the Parks and Recreation Director to find a suitable location in the park for the mobile unit. Passage 4-3 (Macomber, Soule, Dearborn). Denied 4-3 (Soule, Dearborn, Macomber).

G. ACTION ON OLD AND NEW BUSINESS

8. ORDER #2-94/95 - acceptance of miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn for passage. Passage 7-0.
IN COUNCIL REGULAR MEETING JULY 6, 1994 VOL. 56 PAGE 3


The following people addressed this item:

Shiela McDonough, 124 Fellows Street, School Board Chairman
Jill Blackwood, 16 Bluff Road
Laurie Bowery Michaud, 10 Hudson Road
Jane Eberle, Pilgrim Road
Reginald MacDonald, Superintendent of Schools
Ray Lee, Henry Street
Adam Thompson, 48 Vincent Street
Melissa Picoraro, 237 Walnut Street
Clarence Beckwith, Bonnybriar Road
Don Legere, 149 Walnut Street, School Board Member
Ellen Brazier, 133 Alfred Street
Bernard Faunce, 98 Sawyer Street
Doreen Gay, 155 Anthoine Street, School Board Member
Dick Sawyer, 26 Bower Street
Robert S. Blackwood, Jr., 16 Bluff Road, by letter
Jerry Donahue, 94 Bonnybank Terrace
Lee Akerley, Assistant Superintendent of Schools

Motion was made by Councilor Macomber and seconded by Councilor Soule for passage.

Motion was made by Councilor Soule and seconded by Mayor Avery to amend the resolve by adding $149,697 for mandated positions in the schools. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the amendment by adding $150,000 of surplus as revenue and adding another $99,202 from the Capital Improvement Account to be used to fund the study of the performing arts center and repair the roof at Mahoney Middle School. Failed 3-4 (Avery, Dearborn, Macomber, Soule). Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the amendment by including $50,000 surplus in revenue. Passage 6-1 (Fickett). Passage of amendment, as amended, 4-3 (Fickett, Glynn, Macomber).

Motion was made by Councilor Soule and seconded by Mayor Avery to amend the resolve by adding $97,227 in surplus as revenue to cover the cost of the architectural study and the roof repair. Passage 5-2 (Fickett, Macomber).

Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve to include the remaining $100,000 surplus, not currently showing in the budget, as revenue. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to recess for five minutes. Passage 5-2 (Dearborn, Macomber) 10:20 P.M. Amendment failed 2-5 (Avery, Boudreau, Macomber, Dearborn, Soule).

Resolve, as amended, failed 3-4 (Macomber, Dearborn, Glynn, Fickett).

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10. ORDER #3-94/95 - award of bid to M.E. O'Brien and Sons, Inc., of Medfield, MA, for the purchase and installation of two (2) playscapes.

There was no public discussion.
Motion was made by Councilor Soule and seconded by Councilor Glynn for passage. Passage 7-0.

*****

11. ORDER #4-94/95 - award of bid to R. J. Grondin and Sons, of Gorham, ME, for the construction of a stormwater overflow structure at Cash Corner.

Clarence Beckwith, 51 Bonnybriar Road, addressed this item.

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to 7/18. Failed 2-5 (Avery, Soule, Dearborn, Boudreau, Macomber). Passage of order 5-2 (Glynn, Fickett).

*****

12. ORDER #5-94/95 - authorizing the acceptance of $764.00 under the Asset Forfeiture Program.

There was no public discussion.

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

*****


There was no public discussion.

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

*****

Findings of Fact, Item #7.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to accept the findings. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the findings by including the amendment that was made to the application. Passage 4-3 (Dearborn, Soule, Macomber). Findings failed 3-4 (Avery, Dearborn, Glynn, Fickett). Motion was made by Councilor Glynn and seconded by Mayor Avery to reconsider. Passage 6-1 (Fickett). Passage of findings 6-1 (Fickett).

H. CITIZENS DISCUSSION

Melissa Picoraro, 237 Walnut Street, said she is disappointed with the budget vote and that the Council's vote was irresponsible.

Laurie Bowery Michaud, 10 Hudson Road, said the budget vote is a disservice to the City, and the process has to change.
Ray Lee, Henry Street, said that Mr. Dyer's service on the Civil Service Commission is a conflict, since he leases the concession stand from the City. He voiced his anger over the recent car death of a dog in South Portland after his owner was arrested. He said South Portland is a stinky place to do business and the Council should have granted the license earlier in the evening.

Bernard Faunce, 98 Sawyer Street, said the Mayor ignored him when he raised his hand earlier in the evening to raise a point of order. He said he is not anti-education, but choices have to be made.

Clarence Beckwith, 51 Bonnybriar Road, complimented the Councilors who voted against the budget, adding that growth is out of control. He asked about a rumor regarding a conflict between unions.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Passage 6-0 (Boudreau out) 11:56 P.M.

A TRUE COPY.

ATTEST
Linda C. Cohen, City Clerk
ROLL CALL: Mayor Avery called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

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

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant thanked Coast Guard Captain Dresch who just completed his three year command at the South Portland station and welcomed Captain Steven Cornell who is taking over the command.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

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

   Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 8/1/94. Passage 7-0.

   *****

4. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

   Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 8/1/94. Passage 7-0.

   *****

5. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

   Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 8/1/94. Passage 7-0.

   *****

6. ORDER #7-94/95 - Board of Appeals, District 1 (Boudreau). Term to expire 7/23/97.

   There was no public discussion.

   Motion was made by Councilor Boudreau and seconded by Councilor Macomber to re-appoint John Chapin to this position. Passage 7-0.
7. ORDER #8-94/95 - Board of Appeals, District 2 (Avery). Term to expire 7/23/97.

There was no public discussion.

Motion was made by Mayor Avery and seconded by Councilor Boudreau to re-appoint Vincent Maietta to this position. Passage 7-0.

E. CONSENT CALENDAR

COIN-OPERATED DEVICE

8. Richard T. Matthews, d/b/a Clyde's Pub, 173 Ocean Street, one (1) coin-operated device, 7/18/94 to 6/30/95. New City license.

UTILITY AND/OR POLE PERMIT

9. Portland Water District - installation of a water main in Market Street.

10. Portland Water District - installation of a water main in Fickett Street.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage of the consent calendar. Motion was made by Councilor Boudreau and seconded by Councilor Fickett to table item #8 until after action on item #13. Tabled 7-0. Passage of remaining items 7-0.

F. PUBLIC HEARINGS AND ACTION

11. Wok Inn South Portland Inc., d/b/a Wok Inn, 818 Main Street, FSE/Restaurant with Malt and Vinous. 7/18/94 to 7/18/95. State and City license. New owner of existing business.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Boudreau to grant the license. Passage 7-0.

* * * * *

12. TBR Corp. d/b/a Crickets at the Mall, 150 Philbrook Road, FSE/Class A Restaurant with Liquor. 7/18/94 to 7/18/95. New State and City license.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to grant the license. Passage 7-0.

* * * * *

13. Richard T. Matthews, d/b/a Clyde's Pub, 173 Ocean Street, FSE/Class A Lounge with liquor. 7/18/94 to 7/18/95. New State and City license.
There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to grant the license. Passage 7-0.

*****

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to remove item #8 from the table. Passage 7-0.

COIN-OPERATED DEVICE

8. Richard T. Matthews, d/b/a Clyde's Pub, 173 Ocean Street, one (1) coin-operated device, 7/18/94 to 6/30/95. New City license.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to grant the license. Passage 7-0.

*****

14. Richard T. Matthews, d/b/a Clyde's Pub, 173 Ocean Street, one (1) Pinball/Video machine, 7/18/94 to 6/30/95. New City license. Requires waiver; establishment is within 250 feet of a residential zone.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to grant the license. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

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

There was no discussion.

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

*****

16. ORDER #10-94/95 - award of bid to Quality Design Nor'East Pools, of Nashua, NH, for replacement of the filtration system at the municipal pool and authorizing the expenditure be charged to the FY1994/95 budget, when adopted.

The following people addressed this item:

Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, Bonnybriar Road
Dana Anderson, Parks and Recreation Director
Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Passage 6-1 (Fickett).

* * * * *

17. ORDER #11-94/95 - award of bid to Industrial Roofing Corporation, of Lewiston, ME, for replacement of a roof at Mahoney Middle School and authorizing an appropriation from the School Department's designated fund balance.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by deleting the second paragraph and replacing it with language that would charge the expenditure to the 1994/95 budget, when adopted. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Order passage 5-2 (Fickett, Glynn).

* * * * *

18. ORDER #12-94/95 - authorizing a contract with Portland Design Team, P.A., of Portland, ME, for architectural services at South Portland High School and authorizing an appropriation from the School Department's designated fund balance.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Laurie Bowery Michaud, 10 Hudson Road
Sheila McDonough, 124 Fellows Street, School Board Chairman
Bernard Faunce, 98 Sawyer Street
Bob Blackwood, 16 Bluff Road
Lee Akerley, Assistant Superintendent of Schools

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage. Motion was made by Councilor Dearborn and seconded by Councilor Fickett to postpone this item until after passage of a budget. Passage 4-3 (Avery, Macomber, Boudreau).

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The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Bob Blackwood, 16 Bluff Road
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Passage 7-0.
Motion was made by Councilor Dearborn and seconded by Mayor Avery to reconsider Resolve #1-94/95. Passage 6-1 (Macomber). Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to postpone this item to 8/1/94. Passage 7-0.

H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, said Redbank and Kaler Schools are in poor condition, and the Council should think about the elementary schools as well as the high school. He said he would like to see a gymnasium at Redbank.

Bob Blackwood, 16 Bluff Road, said one of his children recently had property stolen, and it was recovered by the South Portland Police Department. He said he wanted to thank the Department.

Ray Lee, Henry Street, said the change from a lifetime sticker to a yearly sticker was a substantial change, but the Mayor never opened it up to the public. He asked the status of Chick Wilder Day, and said it's poor tribute when the City will pay $40,000 for a performing arts center study, but can't spend the money for a plaque for someone who did a lot for the City. He also asked the status of the public cable deal.

Les Robichaud, 33 Pilgrim Road, thanked the Council for reconsidering the budget, adding that it's the Council's responsibility to make the hard decisions to pass the budget and amend it.

Bernard Faunce, 98 Sawyer Street, said the condition of the sidewalks in Ferry Village is terrible. He said the tar on the road cracks is being picked up and thrown on hot days by car tires. He said grass is knee high at the curbs. He noted that the Fire, Police and Public Works Departments are still not recovered from the layoffs a few years ago. He said the School Department never lays off anyone.

Clarence Beckwith, Bonnybriar Road, said Mr. Legere was right about the Council coming through at the eleventh hour. He said the only way to control the school budget is for the city side to start spending, and he advised Mr. Bryant to put huge increases into his budget next year.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Mayor Avery to go into executive session to discuss, pursuant to 1 M.R.S.A. §405(6)(D), labor negotiations. Passage 5-2 (Glynn, Fickett) 8:57 P.M. Motion was made by Councilor Macomber and seconded by Councilor Boudreau to return to open session. Passage 4-0 (Soule, Fickett, Glynn absent) 9:34 P.M. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to adjourn. Passage 4-0 9:35 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING AUG. 1, 1994 VOL. 56 PAGE 11

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

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to withdraw item #14. Passage 7-0.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 7/18/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant presented a plaque to Chris Ward, recent widow of 18 year firefighter Clyde Ward.

C. PETITIONS AND COMMUNICATIONS

1. Communication from Councilor Macomber (resignation, effective 12/5/94).

2. Report from the Planning Board regarding Residential Uses in the CCR Zone as Special Exceptions.

D. APPOINTMENT CALENDAR

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

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 8/15/94. Passage 7-0.

* * * * *

4. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 8/15/94. Passage 7-0.

* * * * *

5. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 8/15/94. Passage 7-0.

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IN COUNCIL REGULAR MEETING AUG. 1, 1994 VOL. 56 PAGE 12

E. CONSENT CALENDAR

AMPLIFYING DEVICE

6. April and Eugene Leighton, 16 Kincaid Street, anniversary party. 8/6/94. New City license.

7. Martin Olsen, 73 Cannon Road, family and friends barbecue. 8/13/94 (8/20/94 - rain). New City license.

8. John E. Glynn, 89 Park Avenue, wedding reception. 8/20/94. New City license.

UTILITY AND/OR POLE PERMIT


10. New England Telephone - placement of three (3) poles in Fickett Street.

11. Portland Water District - installation of a water main in Marriner Street.

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

12. Marc Lamontagne, d/b/a The Cue Club, 50 Foden Road, FSE/Class A Restaurant with Liquor and Special Amusement Permit. 8/1/94 to 8/1/95.

There was no public discussion.

Motion was made by Councilor Macomber and seconded by Councilor Fickett to grant the license. Passage 7-0.

* * * * *

13. Roland Berthiaume, d/b/a Mr. B's Lunch, FSE/Vending Unit, Mobile, 8/1/94 to 3/1/95. New City License. Requires a variance to operate within 500 feet of other licensed food service establishments.

Motion was made by Councilor Boudreau and seconded by Mayor Avery to postpone this item until the applicant meets the requirements of the City Clerk's Department. Passage 5-2 (Fickett, Glynn).

G. ACTION ON OLD AND NEW BUSINESS


The following people addressed this item:

Don Rochon, 189 Margaret Street
Motion was made by Councilor Glynn and seconded by Councilor Soule to allow Mr. Rochon to speak twice. Passage 6-1 (Avery).

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

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to reconsider the amendment which added $149,687 to the school allocation. Passage 6-1 (Soule). Motion was made by Councilor Soule and seconded by Councilor Boudreau to allow the Council to discuss the whole package being proposed by Councilor Dearborn. Passage 5-2 (Fickett, Glynn). Amendment failed 2-5 (Dearborn, Boudreau, Macomber, Fickett, Glynn).

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to reconsider the amendment which added $97,227 to the school allocation and expenditures. Passage 6-1 (Soule). Amendment failed, 1-6 (Avery, Dearborn, Soule, Macomber, Fickett, Glynn).

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to amend the resolve by increasing school allocation and revenues by $90,000. Passage 7-0.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to amend the resolve by increasing school revenues by $110,000. Passage 6-1 (Soule).

Passage of resolve, as amended, 6-1 (Soule).

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Motion was made by Councilor Macomber and seconded by Councilor Glynn to recess. Passage 7-0 10:00 P.M.

*****

The following people addressed this item:

Bob Blackwood, 16 Bluff Road
Reginald MacDonald, Superintendent of Schools
Don Rochon, 189 Margaret Street
Ray Lee, Henry Street
Ellen Brazier, 133 Alfred Street
Jan Greco, 108 School Street
Mavourneen Thompson, 48 Vincent Street
Clarence Beckwith, Bonnybriar Road
Otis Thompson, 48 Vincent Street
Laurie Bowery Michaud, 10 Hudson Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order so that the two projects would come back to Council as separate bond items. Failed 1-6 (Glynn). Passage of order 5-2 (Glynn, Fickett).

17. ORDER #14-94/95 - acceptance of miscellaneous donations.

There was no public discussion.

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

18. ORDINANCE #1-94/95 - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," §14-29, "Hours of operation of poolrooms, billiard halls, bowling alleys, shooting galleries, etc." First reading.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the motion by deleting §14-29 in its entirety and bringing forward hours in the residential zoning districts for all businesses. Failed 1-6 (Glynn). 1st reading passage 6-1 (Glynn).

19. ORDINANCE #2-94/95 - amendment to Ch. 22, "Sewers and Drains," establishing a Highland Avenue Service Area Assessment Ordinance. First reading.

Clarence Beckwith, Bonnybriar Road, addressed this item.
Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage of the first reading. Passage 7-0.

*****

20. ORDER #15-94/95 - endorsing the South Portland Housing Authority's application under the Section 8 Program.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Raphael DePrez, Director S.P.H.A.

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

*****


Motion was made by Councilor Macomber and seconded by Councilor Boudreau to postpone this item to 8/15/94. Passage 4-3 (Glynn, Soule, Fickett).

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, asked why the City Hall dumpster is hauled by a private concern. He said he can't see a problem with Councilors using Council stationery and that it's appropriate to do so. He said that Don Legere had a conflict of interest because he would have insured Gotta Dance, had the Board of Appeals approved the use. He cited an article in the morning paper in which City Clerk Linda Cohen was quoted as saying that appointed clerks are less political. He said there is no one more political than she is because she spends time writing laws and trying to pass laws in Augusta. He said elected clerks are accountable to the public whereas appointed clerks do the will of the Council. He said he has always supported having an elected clerk in South Portland, and he hopes it happens.

Bernard Faunce, 98 Sawyer Street, said the grass and the sidewalks still have not been taken care of in Ferry Village. He asked why a new sidewalk is being put in by Highland Avenue Cemetery. He asked the City Clerk how Councilor Macomber's seat would be filled.

Clarence Beckwith, Bonnybriar Road, said it's a waste of money to have a police officer at the Council meetings. He said he found it amusing that the newspaper advocated the adoption of a budget and the spending of more money by the Council while demanding a rebate on its taxes.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to adjourn. Passage 6-1 (Soule) 11:54 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING AUG. 15, 1994 VOL. 56 PAGE 16

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Glynn to accept the minutes of the 8/1/94 meeting. Passage 6-0.

City Clerk Linda Cohen announced that nomination papers for the November municipal election will be available on Wednesday, August 17, 1994 and noted the seats available on the City Council and School Board.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced that stickers to use the transfer facility are now available in the City Clerk’s office.

Mr. Bryant thanked the volunteers behind the 15th Annual Art in the Park event which took place on Saturday with larger than ever attendance.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of July.

2. Attendance Reports for the month of July.

3. Report from the Finance Director regarding tax abatements.

3a. Report from the Planning Board regarding site plan review for stationary vending units.

D. APPOINTMENT CALENDAR

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

   Motion was made by Councilor Glynn and seconded by Councilor Macomber to postpone this item to 9/7/94. Passage 6-0.

   * * * * *

5. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

   Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 9/7/94. Passage 6-0.

   * * * * *

6. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

   Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 9/7/94. Passage 6-0.
E. **CONSENT CALENDAR**

**AMPLIFYING DEVICE**


**UTILITY AND/OR POLE PERMIT**

8. Northern Utilities - installation of a gas main in Orlando Street.


Robert Graff, 614 Sawyer Street, addressed this item.

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

F. **PUBLIC HEARINGS AND ACTION**

10. **ORDINANCE #1-94/95** - amendment to Ch. 14, "Licenses, Permits and Business Regulations Generally," §14-29, "Hours of operation of poolrooms, billiard halls, bowling alleys, shooting galleries, etc." Given first reading on 8/1/94.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

11. **ORDINANCE #2-94/95** - amendment to Ch. 22, "Sewers and Drains," establishing a Highland Avenue Service Area Assessment Ordinance. Given first reading on 8/1/94.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to postpone this item to 9/7/94. Passage 6-0.

12. Thirty-plus Inc., d/b/a Thatcher's Restaurant, Maine Mall, FSE/Class A Restaurant with Liquor. 8/15/94 to 8/15/95. New State and City license.

Bernard Faunce, 98 Sawyer Street, addressed this item.

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

13. Richard T. Matthews, d/b/a Clyde's Pub, 173 Ocean Street, Special Amusement Permit. 8/15/94 to 7/18/95. New City license.

Richard Matthews, 46 Osborne Avenue, addressed this item.
G. ACTION ON OLD AND NEW BUSINESS

14. ORDER #117-93/94 - awarding a contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system. Postponed on 8/1/94.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item to 9/7/94. Passage 5-1 (Glynn).

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15. ORDER #16-94/95 - accepting a Community Development Block Grant-Quality Main Street Grant and award of bid for the Knightville/Mill Creek Market Study and Development.

There was no public discussion.

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

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16. ORDER #17-94/95 - authorizing the purchase of three (3) transit buses for the South Portland Bus Service through a joint purchase with the Maine Department of Transportation.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Bob Blackwood, 16 Bluff Road
Leroy Beaver, Bus Service Director

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

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17. ORDER #18-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

*****

18. ORDER #19-94/95 - authorizing an agreement for the acceptance of the Meadow Glen sewer pumping station and related public improvements.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item to 9/7/94. Passage 6-0.
19. ORDER #20-94/95 - authorizing a land swap at 4 Fisherman's Lane.

There was no public discussion.

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

* * * *

20. ORDER # 21-94/95 - authorizing the acceptance of $225.00 under the Asset Forfeiture Program.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, asked if there would be heavy rubbish collection this fall. He said he cleaned up the City property in front of his house. He complained about an unregistered vehicle in the street by his house, adding that the Police Department has been there.

Bob Blackwood, 16 Bluff Road, said the Council made a big mistake in not funding the heavy trash collection in the budget.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Macomber to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, applications(s) for abatement of property taxes on account of infirmity or poverty and, pursuant to 1 M.R.S.A. §405 (6)(E), consultation with public agency's attorney concerning the legal rights and duties of the agency. Passage 6-0, 8:20 P.M.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to resume open session. Passage 6-0, 8:56 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to deny abatement request 94/95-01. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to deny abatement request 94/95-02. Passage 6-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 6-0, 8:57 P.M.

A TRUE COPY.

ATTEST Linda C. Cohen

Linda C. Cohen, City Clerk
ROLL CALL: Mayor Avery called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to accept the minutes of the 8/15/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that a ceremony will be held on September 10 at 2:00 P.M. dedicating the Willard Bath House to Grant "Chick" Wilder.

Mr. Bryant introduced new Police Chief Edward J. Googins who will assume his duties on 9/28/94.

Mr. Bryant noted he had just marked his eighth year as City Manager.

Councilor Glynn noted that his new address, since his marriage, is 109 Huntress Avenue.

C. PETITIONS AND COMMUNICATIONS

None.

D. APPOINTMENT CALENDAR

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

Motion was made by Councilor Soule and seconded by Councilor Glynn to postpone this item to 9/19/94. Passage 7-0.

2. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 9/19/94. Passage 7-0.

3. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 9/19/94. Passage 7-0.

E. CONSENT CALENDAR

None.
IN COUNCIL REGULAR MEETING SEPT. 7, 1994 VOL. 56 PAGE 21

F. PUBLIC HEARINGS AND ACTION

4. ORDINANCE #2-94/95 - amendment to Ch. 22, "Sewers and Drains," establishing a Highland Avenue Service Area Assessment Ordinance. Given first reading on 8/1/94. Postponed on 8/15/94.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend the ordinance by changing the connection fee to $3,000. Passage 7-0. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend the ordinance by changing the length of the agreement to 20 years. Passage 7-0. Motion was made by Councilor Boudreau and seconded by Councilor Macomber that this serve as a new first reading. Passage 7-0.

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5. TBR Corporation, d/b/a Crickets at the Mall, 150 Philbrook Avenue. Special Amusement. 7/18/94 to 7/18/95. New City license.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to grant the license. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #117-93/94 - awarding a contract to Honeywell, Inc., of Portland, ME, for energy conservation improvements throughout the school system. Postponed since 8/1/94.

The following people addressed this item:

Doreen Gay, School Board Member
Larry Landry, Honeywell
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Soule to reject all bids. Passage 5-2 (Avery, Boudreau).

*****

7. ORDER #19-94/95 - authorizing an agreement for the acceptance of the Meadow Glen sewer pumping station and related public improvements. Postponed on 8/15/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 9/19/94. Passage 7-0.

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8. ORDER #22-94/95 - award of bid to Terrence J. DeWan & Associates, of Yarmouth, ME, for Knightville/Mill Creek Design Study and Plan.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Tex Haeuser, Planning Director
Ray Lee, Henry Street

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

* * * * *

9. ORDER #23-94/95 - award of bid to Northeast Mechanical Corp., of South Portland, ME, for three (3) fuel storage tanks for the School Department.

There was no public discussion.

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

* * * * *

10. ORDER #24-94/95 - award of bid to M.B. Mechanical Contractors, of Portland, ME, for a replacement boiler at Redbank Elementary School.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Lee Akerley, Assistant School Superintendent

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

* * * * *

11. ORDER #25-94/95 - authorizing the purchase of computer equipment for the school department through the Maine Computer Consortium.

Ray Lee, Henry Street, addressed this item.

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

* * * * *

12. ORDER #26-94/95 - award of bid to Otis Elevator Company, of Westbrook, ME, for elevator improvements at the Main Library.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage.
13. ORDER #27-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *

14. ORDINANCE #3-94/95 - authorizing the appropriation of $7,750,000 for capital projects for the fiscal year ending June 30, 1995. First reading.

The following people addressed this item:

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

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of the first reading. Passage 5-2 (Fickett, Glynn).

* * * * *

15. ORDINANCE #4-94/95 - amendment to Ch. 27, "Zoning," regarding Site Plan Review for stationary vending units. First reading.

The following people addressed this item:

Roland Berthiaume, 38 Meadow Way
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Soule for passage of the first reading. Passage 5-2 (Fickett, Glynn).

* * * * *

16. ORDINANCE #5-94/95 - enacting Ch. 29, "Sewer Pre-treatment and Permits." First reading.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to waive the reading of the ordinance in its entirety and to have the Manager summarize the lengthy ordinance. Motion was made by Councilor Glynn and seconded by Councilor Fickett to provide free copies of the ordinance to the public. Failed 3-4 (Avery, Soule, Dearborn, Macomber). Reading waived 5-2 (Glynn, Fickett).

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn for passage of the first reading. Passage 7-0.
17. ORDINANCE #6-94/95 - amendment to Ch. 22, "Sewers and Drains," regarding pre-treatment and enforcement. First reading.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to waive the reading of the ordinance in its entirety and to have the Manager summarize the lengthy ordinance. Passage 6-1 (Glynn).

Ray Lee, Henry Street, addressed this item.

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

18. RESOLVE #2-94/95 - qualifying the lease/purchase of school buses and pool filtration system for tax exempt status.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he spoke with a woman who works at the branch library, and she doesn't want to move; she wants the library to occupy both floors of the current building. She would put a children's room on the first floor and the adult room upstairs. He said the old Sawyer School is an excellent place for SPTV and the Historical Society. He invited interested citizens to attend a meeting of the Maine Taxpayers' Action Network on September 11 at 6:00 P.M. at the Gorham Burger King to discuss the 1% tax cap.

Clarence Beckwith, Bonnybriar Road, said the library should not be moved to Sawyer School. He said the Parks and Recreation Director can lay people off if he has so many that they are falling over each other. He said the bid process is very important. He said he hopes the voters will think carefully before passing the bond for the High School expansion.

Bernard Faunce, 98 Sawyer Street, said the Planning Board came up with improvements for Ferry Village and Knightville and both places are worse now than they were before. He asked about the cost of site plan review and asked why the City charges extra for it if the work is done by City staff already being paid.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement or property taxes on account of infirmity or poverty. Passage 7-0, 10:29 P.M. Motion was made by Councilor Macomber and seconded by Mayor Avery to return to open session. Passage 7-0 10:45 P.M.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to deny abatement request #94/95-3. Passage 4-3 (Macomber, Fickett, Glynn).
Motion was made by Councilor Glynn and seconded by Councilor Macomber to adjourn. Passage 7-0, 10:46 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk

CITY OF SOUTH PORTLAND

MAINE

1898
IN COUNCIL REGULAR MEETING SEPT. 19, 1994 VOL. 56 PAGE 26

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to accept the minutes of the 9/7/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

None.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

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

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 10/3/94. Passage 7-0.

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4. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 10/3/94. Passage 7-0.

*****

5. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 10/3/94. Passage 7-0.

E. CONSENT CALENDAR

POLE AND/OR UTILITY PERMITS

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

7. Roland Berthiaume, d/b/a Mr. B's Lunch, FSE/Vending Unit, Mobile, 9/19/94 to 3/1/95. New City License. Postponed on 8/1/94. Requires a variance to operate within 500 feet of other licensed food service establishments. Granting of variance requires five (5) affirmative votes.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Fickett to grant the license. Passage 6-1 (Macomber).

* * * * *

8. ORDINANCE #2-94/95 - amendment to Ch. 22, "Sewers and Drains," establishing a Highland Avenue Service Area Assessment Ordinance. Given first reading 8/15/94. Amended and given new first reading on 9/7/94.

Louis Maietta, Jr., 134 Walnut Street, addressed this item.

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

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Motion was made by Councilor Soule and seconded by Councilor Dearborn to take Item 13 out of order. Passage 7-0.

13. ORDER #19-94/95 - authorizing an agreement for the acceptance of the Meadow Glen sewer pumping station and related public improvements. Postponed since 8/15/94.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett for passage. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to amend the order by changing the fiscal note to $6,500 per year. Passage 7-0. Passage, as amended, 7-0.

* * * * *

9. ORDINANCE #3-94/95 - authorizing the appropriation of $7,750,000 for capital projects for the fiscal year ending June 30, 1995. Given first reading on 9/7/94.

The following people addressed this item:
Robert Marston, 712 Westbrook Street
David Swanson, 44 Clinton Street
Tom Brown, 101 Wainwright Circle West (petition for Redbank gym)
Sheila McDonough, School Board Chairman
Kate Kennedy, 48 Cloyster Road
Steve Martin, 33 Tamarack Drive
Clarence Beckwith, Bonnybriar Road
Adam Thompson, 48 Vincent Street
Patricia Dow, Wainwright Circle
Nicole Sirois, 196 Pilgrim Road
Larry Albert, MacArthur Circle West
Audrey Delafield, 32 Ship Channel Road
Bob Blackwood, 16 Bluff Road
Trina Gagne, 79 Arbutus Avenue
Ian Gleason, 1129 Broadway
Chris Roberts, 25 Edgewood Road
Molly Dolflax, 46 Clinton Street
Dara Jarrendt, 19 Vivian Street
Jessica Zelinski, Alfred Street
Paul Queior, 191 Stanford Street
Jennifer Lord, 12 Barstow Street
Julie Martin, 33 Tamarack Drive
Jill Ganley, 62 Plymouth Road
Pat Kennedy, 50 Ridgeland Avenue
Craig Skeffington, High School Band Leader
Richard Lee, 28 Henry Street
Jennifer Fisher, 58 Coach Road
J. P. Guimond, 30 Briarwood Road
Andrew Johnston, Highland Avenue
Laurie Moran, 6 Briarwood Road
Miss Hardison, Northeast Lane
Jessica, 263 Evans Street
Jill Blackwood, Bluff Road
Jason Zelinski, Alfred Street
Dan Queior, 191 Stanford Street
Melissa Rosenberg, 15 Bulkeley Road
Jessica Campbell, 808 Broadway
Tim Arnold, 154 Mussey Street
Janice Campbell, 63 Parrot Street
Dan Rhodes, 65 Fickett Street
Elizabeth Austin
Clara Lee Swanson, 44 Clinton Street
Cory Fectau, 35 Kelley Street
Jennifer Munson, 217 Mussey Street
Karen Galvany, SPHS Senior
Bernard Faunce, 98 Sawyer Street
Ryan Gay, 155 Anthoine Street
Jane Sylvester, 82 Elsmere Avenue
Al Huntley, 107 Pilgrim Road
Maria Broy, 17 Carignan Avenue
Rachel Carr, 17 Edgewood Road
Jim Brewster, 1545 Broadway
Mavourneen Thompson, 48 Vincent Street
Laurel Munson, 217 Mussey Street
Meghan Cleveland, 30 Mitchell Road
Christina Burbank, 512 Highland Avenue
Sue Ganley, 62 Plymouth Road
Madelyn Curran, 40 Miller Street
IN COUNCIL REGULAR MEETING SEPT. 19, 1994 VOL. 56 PAGE 29

Lee Angell, 439 Preble Street
Ralph Baxter, Sr., 97 Simmons Road
Scott Alexander, 138 Wainwright Circle
Ralph Baxter, Jr., School Board Member
Chris Elgee, Summit Terrace Road
Rick Fortin, Thadeus Street (petition)
Ellen Brasier, 133 Alfred Street (petition)
Gail Ryder, 217 Mussey Street
Don Legere, 149 Walnut Street
Gloria Bonnin, 27 Chase Street
Reginald MacDonald, School Superintendent

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by splitting the high school bond item. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by adding $360,000 for a multi-purpose room at Redbank School. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Ordinance passage 5-2 (Fickett, Glynn).

Motion was made by Councilor Glynn and seconded by Mayor Avery to recess for ten minutes. Passage 7-0 10:22 P.M.

* * * * *

10. ORDINANCE #4-94/95 - amendment to Ch. 27, "Zoning," regarding Site Plan Review for stationary vending units. Given first reading on 9/7/94.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Soule and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by adding language that would consider a unit stationary only if it stayed in one place for more than 12 hours a day. Failed 2-5 (Glynn, Fickett). Ordinance passage 5-2 (Fickett, Glynn).

* * * * *

11. ORDINANCE #5-94/95 - enacting Ch. 29, "Sewer Pre-treatment and Permits." Given first reading on 9/7/94.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, Bonnybriar Road
Lisa Songco, Pollution Abatement

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau for passage. Motion was made by Councilor Boudreau and seconded by Councilor Macomber to amend the ordinance by making it gender neutral. Passage 7-0. Ordinance passage 7-0.

* * * * *
12. ORDINANCE #6-94/95 - amendment to Ch. 22, "Sewers and Drains," regarding pre-treatment and enforcement. Given first reading on 9/7/94.

There was no public discussion.

Motion was made by Councilor Dearborn and seconded by Councilor Soule for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by putting back the language regarding appeal to the Board of Appeals. Failed 3-4 (Dearborn, Glynn, Fickett). Ordinance passage 6-1 (Glynn).

G. ACTION ON OLD AND NEW BUSINESS

14. ORDER #28-94/95 - accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

* * * * *

15. ORDER #29-94/95 - accepting a Library Services and Construction Grant for the relocation of the branch library into the former Sawyer School annex. Passage requires majority vote.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Judy Kimball, 62 Aspen Avenue
Linda Johnson, 27 Rhode Island Avenue
Barbara Davis, 3 Willard Haven Road
Bernard Faunce, 98 Sawyer Street
Bill Alexander, Library Director
Lenora Bangert, 444 Sawyer Street
H. Draper Hunt, Coach Road, Library Advisory Committee Chairman

Motion was made by Councilor Macomber and seconded by Councilor Fickett to postpone this item to workshop. Passage 7-0.

* * * * *

16. ORDER #30-94/95 - directing the City Clerk to give notice of the Council's intent after public hearing on October 17, 1994, to vacate a portion of Hobson Avenue. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Passage 6-0 (Soule absent).
H. CITIZENS DISCUSSION

Tom Brown, 101 Wainwright Circle West, said he wishes the Redbank proposal had gone to the voters.

Bernard Faunce, 98 Sawyer Street, said there is no discipline in the high school. He said it's the parents' job to feed their children, not the school's. He said his parents would not have let him speak like the students had this evening, because they paid the bills, not him.

Clarence Beckwith, Bonnybriar Road, said there is no cleaning being done in the schools and they are not maintained. He said the School Department is deliberately letting that happen. He said he would like to see the Council set up a committee to see how the schools are cared for. He said he was appalled by the picture in the paper of a high school honors class.

Motion was made by Councilor Dearborn and seconded by Councilor Glynn to adjourn. Passage 6-0. 12:08 A.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING OCT. 3, 1994 VOL. 56 PAGE 32

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 9/19/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced hazardous waste can be brought to Central Fire Station on 10/15/94 from 9 A.M. - 1:00 P.M.

Mr. Bryant noted that workshops regarding Knightville/Mill Creek will be held October 12 and 13 at 7:00 P.M. at the South Portland Eagles.

Mr. Bryant passed out information regarding the budget requests for 95/96 from various Cumberland County departments.

C. PETITIONS AND COMMUNICATIONS

Planning Board reports regarding zoning text amendments.

D. APPOINTMENT CALENDAR

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

   Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 10/17/94. Passage 7-0.

   *****

2. ORDER #120 -93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

   Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 10/17/94. Passage 7-0.

   *****

3. ORDER #140 -93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

   Motion was made by Councilor Soule and seconded by Councilor Glynn to postpone this item to 10/17/94. Passage 7-0.

   *****
4. ORDER #31-94/95 - Democratic Alternate Member to the Board of Voter Registration to fill an unexpired term which expires 5/1/97.

Motion was made by Councilor Glynn and seconded by Councilor Macomber to appoint Nadine Byram to this position. Passage 7-0.

*****

E. CONSENT CALENDAR

SIGN PERMIT

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

There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #32-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

*****


There was no public discussion.

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

*****

8. ORDER #33-94/95 - granting an access easement to Map 51, Lot 27 G (adjacent to 1769 Broadway).

There was no public discussion.

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

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IN COUNCIL REGULAR MEETING OCT. 3, 1994 VOL. 56 PAGE 34

9. ORDER #34-94/95 - authorizing the acceptance of a drainage easement at 174-178 Main Street.

There was no public discussion.

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

* * * * *

10. ORDER #35-94/95 - authorizing the installation of a stormwater catch basin and related improvements in Brigham Street.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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11. ORDER #36-94/95 - authorizing the purchase of computer equipment for the school department through the Maine Computer Consortium.

There was no public discussion.

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

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12. ORDER #37-94/95 - award of bid to Anton Enterprises, of Scarborough, ME, for the purchase of a compressor/purifier module for the South Portland Fire Department.

There was no public discussion.

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

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13. ORDER #38-94/95 - award of bid to The Hews Company, of South Portland, ME, for a street sweeper for the Public Works Department.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

* * * * *
14. ORDER #39-94/95 - award of bid to Rowe Ford, of Westbrook, ME and Clair Ford of Saco, ME, for four (4) dump trucks for the Public Works Department.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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15. ORDER #40-94/95 - award of bid to Rowe Ford, of Westbrook, ME, for two (2) rubbish trucks for the Public Works Department.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ge Erskine, Public Works Director

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

H. CITIZENS DISCUSSION

Lori Bowring Michaud, 10 Hudson Road, thanked the community, the City and the members of the committee responsible for the dedication of the bath house to Chick Wilder.

Clarence Beckwith, Bonnybriar Road, expressed concern about the County budget. He said that voters have to remember when they vote for new buildings that they require staffing and maintenance. He said the Board of Assessment Review is a thankless job, and the laws are stacked in the Assessor's favor. He urged people to get out and vote.

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to adjourn. Passage 7-0 8:26 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk

CITY OF SOUTH PORTLAND

1898
ROLL CALL: Mayor Avery called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Soule to accept the minutes of the 10/3/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant presented a plaque to retiring Police Officer Robert Ryder. Mr. Bryant noted that the hazardous clean-up, which took place on Saturday, was a success.

Mr. Bryant announced that the Crosstown bus route was reinstated today and that it will also service Wal-Mart and Shaw's in Scarborough.

Mr. Bryant said the transfer facility will accept leaves and brush, without permit or fee, for the next two weeks. He also noted that the Thornton Heights Lions Club will be picking up leaves for a 25 cent donation on the weekends of 10/29 and 11/5. Anyone interested should call Public Works.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

3. ORDER #94-93/94 - Waterfront Advisory, to fill an unexpired term which expires 3/20/95. Postponed since 3/7/94. Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 11/7/94. Passage 7-0.

4. ORDER #120-93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94. Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 11/7/94. Passage 7-0.

5. ORDER #140-93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.
Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 11/7/94. Passage 7-0.

6. ORDER #41-94/95 - Ward Clerk, District One (1), to fill an unexpired term.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Soule to appoint Ann Jewett to this position. Passage 7-0.


There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to appoint Mary Foshay to this position. Passage 7-0.


There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to appoint Antonio Pulsoni to this position. Passage 7-0.

9. ORDER #44-94/95 - Warden, District Four (4), to fill an unexpired term.

There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to appoint Maxine Beecher to this position. Passage 7-0.


Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to appoint Nellie Romano to this position. Passage 7-0.
E. CONSENT CALENDAR

POLE AND/OR UTILITY PERMIT


There was no public discussion.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to grant the permit. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

12. ORDER #46-94/95 - vacation of a portion of Hobson Avenue.

James Katsiaficas, representing the applicants, addressed this item.

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

G. ACTION ON OLD AND NEW BUSINESS

13. ORDER #47-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

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14. ORDER #48-94/95 - authorizing the acceptance of $617.00 under the Asset Forfeiture Program.

There was no public discussion.

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

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15. ORDER #49-94/95 - accepting the warrants announcing the General State and Municipal Election of November 8, 1994 and setting the time for opening the polls.

There was no public discussion.

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

* * * * *
16. ORDER #50-94/95 - accepting an easement from the South Portland Housing Development Corporation and Ridgeland Senior Housing Associates Limited Partnership for the repair and maintenance of a bus shelter.

There was no public discussion.

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

* * * *

17. ORDER #51-94/95 - authorizing the acceptance of a 1994 Small Business Administration Urban and Community Forestry Grant for $9,240.00.

There was no public discussion.

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

* * * *

18. ORDER #52-94/95 - appeal of the Public Works Director's denial of a curb cut at 100 Clarks Pond Parkway.

The following people addressed this item:

John Mitchell, Mitchell & Associates, representing BDH Realty Trust
Clarence Beckwith, Bonnybriar Road,

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

* * * *

19. ORDER #53-94/95 - authorizing a collective bargaining agreement with AFSCME Local 481, representing the Parks and Public Works employees.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 11/7/94. Passage 7-0.

* * * *

20. ORDER #54-94/95 - authorizing a collective bargaining agreement with IAFF Local 1476, representing the South Portland Firefighters. Passage requires majority vote.

The following people addressed this item:

Ray Lee, Henry Street
Mark Palmer, 157 Devereaux Circle
Tom England, Springwood Road
George Tanguay, 532 Main Street
Lt., Engine 5 Call Company, 489 Westbrook Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to 11/7/94. Passage 4-3 (Avery, Boudreau, Soule).

H. CITIZENS DISCUSSION

Mark Palmer, Devereaux Circle, said he doesn't care what color coat he wears as a Call Company member, but he wants to be respected for the trained professional that he is.

Ray Lee, Henry Street, said there are a lot of junk autos around, and he was singled out. He said he attended the Knightville/Mill Creek meetings, and the planners were in charge. He said he received a call that the booster clubs are backing a ticket for Council, and he doesn't think it's right that the City accepts money from boosters.

Clarence Beckwith, Bonnybriar Road, asked about various debts that are not included in the amount on the ballot, i.e. RWS and the County Jail. He said he couldn't believe that there is a list of ADA problems at Skillin School when the school was recently expanded.

Bernard Faunce, 98 Sawyer Street, asked what happened to the playground project on School Street. He said a Councilor shouldn't have to go into the schools to check them out. He said that, if people don't want their taxes to go up, they better read the ballots carefully.

I. EXECUTIVE SESSION

Motion was made by Councilor Dearborn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 1 M.R.S.A., §405(6)(E), pending litigation. Passage 4-2 (Fickett, Glynn) Soule absent 8:53 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to return to open session. Passage 5-0, Soule (Boudreau absent) 9:20 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Passage 5-0 9:21 P.M.

A TRUE COPY.

ATTEST
Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING NOV. 7, 1994 VOL. 56 PAGE 41

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Dearborn and seconded by Councilor Macomber to accept the minutes of the 10/17/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Clerk Linda Cohen showed the proper way to indicate choice on the Optech ballot.

City Manager Jerre Bryant announced that work on the approaches to the bridge is about done for the winter, and Broadway will become two-way in the spring.

Mr. Bryant noted the beginning of the South Portland Library Dial-A-Story program, paid for by The Friends of the South Portland Library.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

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

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item to 11/21/94. Passage 7-0.

* * * * *

2. ORDER #120-93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Soule to postpone this item to 11/21/94. Passage 7-0.

* * * * *

3. ORDER #140-93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 11/21/94. Passage 7-0.

* * * * *

4. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 11/21/94. Passage 7-0.
5. ORDER #56-94/95 - Conservation Commission, Associate Member. Term to expire 11/20/97.

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to postpone this item to 11/21/94. Passage 7-0.

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6. ORDER #57-94/95 - Conservation Commission, District 3 (Soule). Term to expire 11/20/97.

Motion was made by Councilor Soule and seconded by Councilor Macomber to reappoint Warren Morgan to this position. Passage 7-0.

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7. ORDER #58-94/95 - Conservation Commission, Associate Member. Term to expire 11/20/97.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 11/21/94. Passage 7-0.

*****

8. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 11/21/94. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

9. ORDER #53-94/95 - authorizing a collective bargaining agreement with AFSCME Local 481, representing the Parks and Public Works employees. Postponed on 10/17/94.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

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10. ORDER #54-94/95 - authorizing a collective bargaining agreement with IAFF Local 1476, representing the South Portland Firefighters. Postponed on 10/17/94.
The following people addressed this item:

Ray Lee, Henry Street
Jack Hayworth, 7 Grandview
John True, Fire Chief
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, Bonnybriar Road

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

11. ORDER #60-94/95 - accepting miscellaneous donations.

Nancy Crowell, Fickett Street, addressed this item.

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

12. ORDER #61-94/95 - authorizing the acceptance of $735.00 and $764.00 under the Asset Forfeiture Program.

There was no public discussion.

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

13. ORDER #62-94/95 - authorizing a CATV franchise agreement with Time Warner Cable.

The following people addressed this item:

Ray Lee, Henry Street
Nancy Crowell, Fickett Street
Clarence Beckwith, Bonnybriar Road
Jeff Darrell, Vice President, Public Cable

Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the agreement by changing its term to five years. Failed 2-5 (Avery, Boudreau, Soule, Dearborn, Macomber). Passage of order 5-2 (Fickett, Glynn).

14. ORDER #63-94/95 - award of bid to Maietta Construction, Inc., of South Portland, Me, for sanitary sewer replacement on Mechanic Street.

Ray Lee, Henry Street, addressed this item.
Motion was made by Councilor Macomber and seconded by Councilor Boudreau for passage. Passage 7-0.

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15. ORDER #64-94/95 - award of bid to Ameritech Library Services, of Provo, Utah, for a library data processing system.

There was no public discussion.

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

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16. ORDER #65-94/95 - award of bid to various vendors for four (4) trucks.

There was no public discussion.

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

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17. ORDER #66-94/95 - award of bid to C.U.E.S., Inc., of Amherst, NH, for a used bucket truck for the Parks and Recreation Department.

The following people addressed this item:

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

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

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There was no public discussion.

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

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There was no public discussion.
Motion was made by Councilor Boudreau and seconded by Councilor Macomber for passage of the first reading. Passage 6-1 (Fickett).

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The following people addressed this item:

Nancy Crowell, Fickett Street
Frank Grenier, Main Street
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Glynn and seconded by Councilor Dearborn for passage of the first reading. Passage 7-0.

H. CITIZENS DISCUSSION

Jack Hayworth, 7 Grandview Avenue, said he understands the Call Captain not wanting to be treated differently.

Clarence Beckwith, Bonnybriar Road, urged everyone to get out and vote tomorrow. He said he is bothered by the nine million dollar bond issue, and said it will be a problem next year with new faces in Augusta and changes in school financing. He said that no one has talked about maintenance in the expansion.

Ray Lee, Henry Street, said he walked from Willard Square to the west side of the City, and people told him there aren't enough supplies in the schools. He said he hopes the bond issue is voted down.

Nancy Crowell, Fickett Street, said she will vote in favor of the bond, because it is an investment the City should be prepared to make and because postponing it will only up the cost. She said the budget should also fund books. She said that waiting for school funding is not the answer. She said the 1933 Valedictorian stated the need for an auditorium.

Bernard Faunce, 98 Sawyer Street, urged people to vote no on the bond. He said it may only cost 37 cents on the tax rate, but other costs will go up, and a lot of people on fixed incomes can't afford it.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Macomber to go into executive session to discuss, pursuant to 1 M.R.S.A. §405(6)(D), labor negotiations. Passage 5-2 (Fickett, Glynn) 9:43 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to return to open session. Passage 5-0 (Macomber, Boudreau absent).
Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Passage 6-0 (Boudreau absent) 9:54 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk

[City Seal]
IN COUNCIL REGULAR MEETING NOV. 21, 1994 VOL. 56 PAGE 47

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Soule and seconded by Councilor Dearborn to accept the minutes of the November 7, 1994 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

Mayor Avery thanked departing Councilors Macomber and Soule for their support and said it had been a pleasure working with them.

City Manager Jerre Bryant announced the Mill Creek Park tree lighting ceremony will be held at 7:00 P.M. on December 2, 1994.

C. PETITIONS AND COMMUNICATIONS

1. Department reports for the month of October.

2. Attendance reports for the month of October.

D. APPOINTMENT CALENDAR

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

   Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 12/5/94. Passage 7-0.

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4. ORDER #120-93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

   Motion was made by Councilor Glynn and seconded by Councilor Dearborn to postpone this item to 12/5/94. Passage 7-0.

   *****

5. ORDER #140-93/94 - Board of Assessment Review, District 3 (Soule). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

   Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 12/5/94. Passage 7-0.

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   Motion was made by Councilor Fickett and seconded by Councilor Macomber to postpone this item to 12/5/94. Passage 7-0.
7. ORDER #56-94/95 - Conservation Commission, Associate Member. Term to expire 11/20/97. Postponed on 11/7/94.

Motion was made by Mayor Avery and seconded by Councilor Soule to postpone this item to 12/5/94. Passage 7-0.

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8. ORDER #58-94/95 - Conservation Commission, Associate Member (Morgan). Term to expire 11/20/97. Postponed on 11/7/94.

Motion was made by Councilor Soule and seconded by Councilor Dearborn to postpone this item to 12/5/94. Passage 7-0.

*****

9. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96. Postponed on 11/7/94.

Motion was made by Councilor Dearborn and seconded by Councilor Soule to postpone this item to 12/5/94. Passage 7-0.

*****

10. ORDER #67-94/95 - Library Advisory Board, At-Large (Glynn). To fill an unexpired term which expires 12/31/96.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Dearborn to appoint Phyllis Fortin to this position. Passage 7-0.

E. CONSENT CALENDAR


There was no public discussion.

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

F. PUBLIC HEARINGS AND ACTION


There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Motion was made by Councilor Soule and seconded by Councilor Boudreau to amend the ordinance by adding that the City Clerk shall cause to be notified all neighbors within 100 feet of the applicant. Failed 0-7. Ordinance passage 6-1 (Soule).

Ray Lee, Henry Street, addressed this item.

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

* * * * *


The following people addressed this item:

Tom McCarthy, Bonnybriar Road
Clarence Beckwith, Bonnybriar Road

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

G. ACTION ON OLD AND NEW BUSINESS

15. ORDER #68-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *

16. ORDER #69-94/95 - authorizing a four percent cost of living adjustment for non-union municipal employees.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

* * * * *

17. ORDER #70-94/95 - renaming a portion of Baltimore Avenue Baltimore West Avenue.

There was no public discussion.

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

* * * * *
18. ORDINANCE #10-94/95 - amendment to Ch. 22, "Sewers and Drains," Division 4, "Highland Avenue Service Area Assessment Ordinance." First reading.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Dearborn and seconded by Councilor Glynn for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to amend the ordinance by adding a fiscal note of less than $1,000. Amendment passage 7-0. 1st reading passage 7-0.

H. CITIZENS DISCUSSION

Clarence Beckwith, Bonnybriar Road, said he is hopeful because new people got elected, and maybe there won't be any more mandates passed. He said the School Superintendent is brainwashing people with tax dollars.

Ray Lee, Henry Street, said he was disappointed to see the art center pass, adding that kids will be able to sing and dance but not read and write.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to go into executive session to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 7-0, 8:32 P.M. Motion was made by Councilor Boudreau and seconded by Councilor Soule to return to open session. Passage 4-0 (Macomber, Glynn and Fickett out) 8:59 P.M.

Motion was made by Councilor Boudreau and seconded by Councilor Soule to deny abatement request 94/95-03. Passage 5-2 (Fickett, Glynn).

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant abatement 94/95-04. Failed 2-5 (Avery, Soule, Macomber, Dearborn, Boudreau).

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to deny abatement request 94/95-04. Passage 5-2 (Glynn, Fickett).

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to deny abatement request 94/95-02. Passage 5-2 (Fickett, Glynn).

Motion was made by Councilor Boudreau and seconded by Councilor Dearborn to adjourn. Passage 6-0 (Soule out), 9:02 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
Mayor Avery called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance. Councilors Macomber and Soule were absent.

Mayor Avery invited the Reverend Johnson to offer the invocation.

City Clerk Cohen administered the Oath of office to Councilors-elect Baxter, Fickett and Larsen.

City Clerk Cohen declared Councilors Baxter, Fickett and Larsen duly qualified Councilors.

Mayor Avery nominated Councilor Dearborn for Mayor for year 1994/95. Councilor Boudreau seconded the motion.

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

City Clerk Cohen called the Roll.

Mayor Avery announced Councilor Dearborn as Mayor for 1994/95 with four votes.

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

Mayor Dearborn then presented the Inaugural Address.

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

Councilor Boudreau read and moved for passage of RESOLUTION #3 -94/95 establishing time and place of meetings. Councilor Avery seconded the motion. Mayor Dearborn took the vote and declared the Resolution duly passed.

Councilor Avery moved that the Rules of City Council as enumerated in Chapter 2 of the Code of Ordinances, City of South Portland, which said codification became effective January 1, 1973 and was amended thereafter, shall remain in effect as therein set forth until further amended. Councilor Boudreau seconded the motion. Councilor Larsen moved this item be postponed. Councilor Glynn seconded the motion. Failed, 3-4 (Dearborn, Avery, Boudreau, Baxter). Mayor Dearborn took the vote and announced the Rules of the City Council are continued in effect. (4-3 Glynn, Fickett, Larsen).

Councilor Boudreau moved that Council recess until 7:00 p.m. Councilor Avery seconded the motion. Mayor Dearborn took the vote and declared the Council recessed until 7:00 p.m. this evening.
Mayor Dearborn called the meeting back to order at 7:00 P.M.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 11/21/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant thanked the Parks and Recreation Department for the successful Mill Creek Park tree lighting on Friday evening.

Mr. Bryant noted that a public hearing on the proposed Cumberland County budget will be held on December 8, 1994 at 7:30 P.M. in the Probate Court Room. In addition, he stated that adoption by the County Commission is scheduled for the 12th, and he urged Councilors and citizens to speak against the proposed budget, as it will increase South Portland's taxes by approximately 18¢.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

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

Motion was made by Councilor Avery and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.

2. ORDER #120-93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.

3. ORDER #140-93/94 - Board of Assessment Review, District 3 (Baxter). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

Motion was made by Councilor Baxter and seconded by Councilor Avery to postpone this item until 12/19/94. Passage 7-0.


Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.
5. ORDER #56-94/95 - Conservation Commission, Associate Member. Term to expire 11/20/97. Postponed on 11/7/94.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.

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6. ORDER #58-94/95 - Conservation Commission, Associate Member (Morgan). Term to expire 11/20/97. Postponed on 11/7/94.

Motion was made by Councilor Baxter and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.

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7. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96. Postponed on 11/7/94.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to postpone this item until 12/19/94. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

8. ORDINANCE #10-94/95 - amendment to Ch. 22, "Sewers and Drains," Division 4, "Highland Avenue Service Area Assessment Ordinance." Amended and given first reading on 11/21/94.

Ray Lee, Henry Street, addressed this item.

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

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Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Baxter to grant the license. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

10. ORDER #71-94/95 - accepting miscellaneous donations.

There was no public discussion.
Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 7-0.

** * * * *

11. ORDER #72-94/95 - authorizing a contract with Portland Design Team, of Portland, ME, for design services for South Portland High School.

The following people addressed this item:

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

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Larsen and seconded by Councilor Glynn to commit this item back to the Building Committee. Failed 2-5 (Dearborn, Avery, Baxter, Boudreau, Larsen). Order passage 5-2 (Fickett, Glynn).

** * * * *

12. RESOLVE #4-94/95 - pursuant to §612 of the City Charter, determining details of issue of $3,250,000 principal amount of bonds.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ralph St. Pierre, Finance Director
Ray Lee, Henry Street

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

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There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the ordinance by deleting section 8-34. Failed 2-5 (Dearborn, Baxter, Boudreau, Larsen, Avery). 1st reading passage 5-2 (Glynn, Fickett).

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said he hopes that Mayor Dearborn takes note of the last ordinance for Wal-Mart. He asked if any State money is going into the high school expansion. He said the Council is responsible to see that it is built properly. He asked
about the blacktop at the transfer station, adding that he can't get the sidewalks fixed. He questioned the paving on Sawyer Street.

Dan Fowler, Chestnut Street, thanked Councilor Boudreau for going from protecting the City against dogs to protecting it against merchants at the Mall. He said the same reasoning of safety used on the fire ordinance should be used on the school expansion. He told the Council to be consistent.

Ray Lee, Henry Street, questioned the qualifications of the members of the Building Committee. He said the Mayor said not to be afraid of change in his speech but he voted against reviewing Council rules. He said that only one School Board member cares about the education of the children. He said the City should be looking to building assembly plants instead of oil tanks.

Clarence Beckwith, Bonnybriar Road, said the appointments waste space on the agenda. He said the schools will suffer from the bond ordinance's passage, as there will be no supplies in the schools. He said Skillin School already has problems. He asked if the City is promising a tax break to the new owner on the waterfront.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1M.R.S.A., §405(6)(E), pending or contemplated litigation and consultation with public agency's attorney concerning the legal rights and duties of the agency. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to only discuss pending litigation and to name the lawsuits being discussed. Failed 3-4 (Dearborn, Boudreau, Avery, Baxter). Motion to go into executive session failed 4-3 (Larsen, Glynn, Fickett).

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0. 9:22 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING DEC. 19, 1994 VOL. 56 PAGE 56

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to accept the minutes of the 12/5/94 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant thanked the Coastal Maine Aquatics and Sign Design, Inc. for the sign donated to the South Portland Municipal Pool.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Finance Director regarding tax abatements.

2. Department Reports for the month of November.

3. Attendance Reports for the month of November.

D. APPOINTMENT CALENDAR

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

There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Glynn to appoint Paul Jensen to this position. Passage 6-0.

* * * * *

5. ORDER #120-93/94 - Board of Assessment Review, At-Large (Glynn). To fill an unexpired term which expires 12/31/95. Postponed since 5/16/94.

The following people addressed this item:

John Low, 345 Cottage Road
Judy Carpenter, 25 Washington Avenue
Ray Lee, Henry Street
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Larsen to appoint John Low to this position. Passage 6-0.

* * * * *

6. ORDER #140-93/94 - Board of Assessment Review, District 3 (Baxter). To fill an unexpired term which expires 3/16/97. Postponed since 6/20/94.

There was no public discussion.
Motion was made by Councilor Baxter and seconded by Councilor Boudreau to appoint David Abramson to this position. Passage 6-0.

* * * * *

7. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

Motion was made by Councilor Fickett and seconded by Councilor Baxter to postpone this item to 1/4/95. Passage 6-0.

* * * * *

8. ORDER #56-94/95 - Conservation Commission, Associate Member. Term to expire 11/20/97. Postponed since 11/7/94.

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

* * * * *

9. ORDER #58-94/95 - Conservation Commission, Associate Member (Morgan). Term to expire 11/20/97. Postponed since 11/7/94.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Larsen to appoint Henrietta LaRou to this position. Passage 6-0.

* * * * *

10. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96. Postponed since 11/7/94.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 1/4/95. Passage 6-0.

* * * * *

11. ORDER #73-94/95 - Civil Service Commission, At-Large (Glynn). Term to expire 12/31/99.

There was no public discussion.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to re-appoint Quirino Lucarelli to this position. Passage 6-0.

* * * * *

12. ORDER #74-94/95 - Civil Service Commission, At-Large (Larsen). Term to expire 12/31/99.

Motion was made by Councilor Larsen and seconded by Councilor Boudreau to postpone this item to 1/4/95. Passage 6-0.
IN COUNCIL REGULAR MEETING DEC. 19, 1994 VOL. 56 PAGE 58

13. ORDER #75-94/95 - Library Advisory Board, District 1 (Boudreau). Term to expire 12/31/97.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to re-appoint Dorothy Lippoth to this position. Passage 6-0.

* * * * *

14. ORDER #76-94/95 - Library Advisory Board, District 5 (Dearborn). Term to expire 12/31/97.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to postpone this item to 1/4/95. Passage 6-0.

* * * * *

15. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 1/4/95. Passage 6-0.

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16. ORDER #78-94/95 - concurring with the Governor's appointment of Captain Edwin P. McDuffie, Jr. to the Board of Harbor Commissioners.

There was no public discussion.

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

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION


The following people addressed this item:

Judy Carpenter, 25 Washington Avenue
John True, Fire Chief

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

G. ACTION ON OLD AND NEW BUSINESS

18. ORDER #79-94/95 - accepting miscellaneous donations.

Judy Carpenter, 25 Washington Avenue, addressed this item.
Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Passage 6-0.

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Motion was made by Councilor Larsen and seconded by Councilor Glynn to reconsider Order #72-94/95. Motion was made by Councilor Glynn and seconded by Councilor Larsen to recess for five minutes. Passage 6-0 8:01 P.M. Reconsideration passage 6-0. Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item to 1/4/95. Passage 6-0.

H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, asked to have the floor microphone made available to him again. He commended the employees who are taking the sign language class. He commended the Town of Windham for revolting against the County budget. He wished everyone a Merry Christmas.

Bernard Faunce, 98 Sawyer Street, said the reason there are so many vacancies on the boards and people not wanting to serve on them is because the Councilors need to do their job and investigate the applicants. He said the same thing will happen with the school expansion as is happening with the new jail. He asked for a list of all cases Corporation Counsel Mary Kahl has won since her employment with the City.

Ray Lee, Henry Street, said the lectern is against the law. He said the new pool sign says the pool was donated, and it gripes him. He said an executive session is against the charter.

John Howard, Highland Road, said the Council is elected to handle things like executive sessions which require confidential discussions with the City's attorney. He said it should be a unanimous vote to go into executive session, and anyone who votes against it should be ashamed.

Richard Gosselin, Carroll Street, said he has known John Low for many years and he worked with him at WCSH. He said he is very intelligent and would be a great asset to any board.

Robert Fickett, Highland Avenue, said the price of the jail is enormous, and people are less able to pay for the jail today than when it was contracted. He said the same will happen with the school.

John Low, 345 Cottage Road, said Dick Gosselin's comments were not a paid endorsement, but that they had worked together for many years.

I. EXECUTIVE SESSION

Motion was made by Councilor Baxter and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 1M.R.S.A. §405(6)(E), pending litigation and, pursuant to 1 M.R.S.A. §405(6)(D), labor negotiations. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to include the names of the pending litigation and the names of the labor unions. Failed 3-3 (Dearborn, Baxter, Boudreau). Executive session vote failed 3-3 (Fickett, Larsen, Glynn).
Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 6-0 8:52 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk

CITY OF SOUTH PORTLAND
MAINE
1898
IN COUNCIL REGULAR MEETING JAN. 4, 1995 VOL. 56 PAGE 61

ROLL CALL: Mayor Dearborn called the meeting to order at 7:08 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 12/19/94 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said he had received calls from citizens complaining about the amount of tax escrow their mortgage companies were telling them they needed. The figures were extremely high and incorrect. He advised residents to contact their mortgage companies.

Mr. Bryant cited a memo he had received regarding Time Warner Cable’s rates.

C. PETITIONS AND COMMUNICATIONS

Mayor Dearborn presented a plaque to outgoing Library Advisory Board member H. Draper Hunt who served since 1977. He also presented former Mayor Susan Avery with her portrait.

D. APPOINTMENT CALENDAR

1. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 1/18/95. Passage 7-0.

2. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96. Postponed since 11/7/94.

Motion was made by Mayor Dearborn and seconded by Councilor Baxter to postpone this item to 1/18/95. Passage 7-0.

3. ORDER #74-94/95 - Civil Service Commission, At-Large (Larsen). Term to expire 12/31/99. Postponed on 12/19/94.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Boudreau to re-appoint Lee Harvey to this position. Passage 7-0.
4. ORDER #76-94/95 - Library Advisory Board, District 5 (Dearborn). Term to expire 12/31/97. Postponed on 12/19/94.

There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to appoint Jason Bodwell to this position. Passage 7-0.

*****

5. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97. Postponed on 12/19/94.

Motion was made by Councilor Glynn and seconded by Councilor Baxter to postpone this item to 1/18/95. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS


Motion was made by Councilor Boudreau and seconded by Councilor Baxter to postpone this item to 1/18/95. Passage 7-0.

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7. ORDER #80-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

*****

8. ORDER #81-94/95 - authorizing the City Manager to sign a collective bargaining agreement with the Police Patrolmen's Association.

There was no public discussion.

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

*****

9. ORDER #82-94/95 - authorizing the City Manager to sign a collective bargaining agreement with the Police Command and Supervisory Unit.

There was no public discussion.
Motion was made by Councilor Avery and seconded by Councilor Baxter for passage.
Passage 7-0.

* * * * *

10. ORDER #83-94/95 - authorizing the City Manager to sign a collective bargaining agreement with the Fire Command Officer's Association.

There was no public discussion.

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

H. CITIZENS DISCUSSION

Lewis Beckford, 72 Bonnybank Road, said he is concerned that the public receive full information regarding executive sessions. He said it is very important that only those things that are particularly personal should be exempt. He said the best legislation comes out of full information and discussion. He asked the Council not to judge an idea by the package in which it comes and to consider how other municipalities fulfill their responsibilities.

Bernard Faunce, 98 Sawyer Street, said he had been waiting for information from the City Manager for over two weeks regarding cases won and lost by Corporation Counsel Mary Kahl. He said there are too many things discussed in executive session that the public should know about.

Ray Lee, Henry Street, asked, again about the wording on the sign at the pool. He said the taxes supporting the pool should be returned to the taxpayers. He said that Councilors Avery and Boudreau had stated in the newspaper that the executive session issue was a political one because Councilors Glynn and Larsen are up for re-election this fall. He said it is not political; it is a matter of law.

Clarence Beckwith, Bonnybriar Road, said that, if Portland can tell what its executive session is about, so can South Portland. He said it is not politics; it is people trying to open up the city. He read from the newspaper editorial on this issue. He asked how long the contract between RWS and Central Maine Power is. He noted that the School Board originally sent the expansion contract to the Council and said it was complete.

Chris Bowring, Pepperbush Circle, asked Mr. Bryant to explain the matter of Portland being paid for air rights regarding the new bridge. He said the acknowledgement of donors on the sign at the pool should include the sign company that was also involved. He said that three decent Councilors were elected in November, not just one as stated by a previous speaker.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1M.R.S.A. §405(6)(E), pending litigation.
Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the motion to include the name of the pending litigation. Amendment failed 3-4 (Dearborn, Avery, Baxter, Boudreau). Main Motion failed 4-3 (Fickett, Glynn, Larsen).
Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn. Passage 7-0. 8:28 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. Councilor Boudreau arrived late.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 1/4/95 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

3. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

   Motion was made by Councilor Fickett and seconded by Councilor Glynn to postpone this item to 2/7/95. Passage 6-0.

   *****

4. ORDER #59-94/95 - Board of Appeals, District 5 (Dearborn). To fill an unexpired term which expires 7/23/96. Postponed since 11/7/94.

   There was no public discussion.

   Motion was made by Councilor Avery and seconded by Mayor Dearborn to appoint Jane Bolduc to this position. Passage 6-0.

   *****

5. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97. Postponed on 12/19/94.

   Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item to 2/7/95. Passage 6-0.

   *****

E. CONSENT CALENDAR

POLE AND/OR UTILITY PERMIT

6. Southern Maine Technical College - telecommunications cable in Pickett Street and Fort Road,

   There was no public discussion.
IN COUNCIL REGULAR MEETING JAN. 18, 1995 VOL. 56 PAGE 66

Motion was made by Councilor Avery and seconded by Councilor Baxter to grant the permit. Passage 6-0.

F.  PUBLIC HEARINGS AND ACTION

G.  ACTION ON OLD AND NEW BUSINESS

7. ORDER #72-94/95 - authorizing a contract with Portland Design Team, of Portland, ME, for design services for South Portland High School. Passed 12/5/94. Reconsidered and postponed since 12/19/94.

The following people addressed this item:

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

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the order with the amended contract. Passage 5-2 (Fickett, Glynn).

** ** **

8. ORDER #84-94/95 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Passage 7-0.

** ** **

9. ORDER #85-94/95 - award of bid to Criterium-Mooney Engineers, of Portland, ME, for building engineering services.

The following people addressed this item:

Janice Doctor, High Street
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Mayor Dearborn for passage. Passage 4-3 (Larsen, Glynn, Fickett).

** ** **

10. ORDER #86-94/95 - award of bid to Atlantic Turnkey, of Amherst, NH, for motor vehicle registration software for the Finance Department.

The following people addressed this item:

Ray Lee, Henry Street
Ralph St. Pierre, Finance Director
IN COUNCIL REGULAR MEETING JAN. 18, 1995 VOL. 56 PAGE 67

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

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11. ORDER #87-94/95 - authorizing an interlocal agreement with the Town of Scarborough and Scarborough Sanitary District regarding sewer service.

Clarence Beckwith, Bonnybriar Road, addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item to a workshop. Passage 4-3 (Boudreau, Fickett, Baxter).

* * * * *

12. ORDER #88-94/95 - authorizing a master lease purchase agreement with G. E. Capital Public Finance, Inc., of Minneapolis, MN.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ralph St. Pierre, Finance Director

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

* * * * *

13. RESOLVE #5-94/95 - regarding the 1995 Cumberland County budget.

The following people addressed this item:

Robert Marston, 712 Westbrook Street
Bernard Faunce, 98 Sawyer Street
Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street
David Gaudreau, 265 Alfred Street

Motion was made by Councilor Larsen and seconded by Councilor Boudreau for passage. Motion was made by Councilor Larsen and seconded by Councilor Glynn to amend the resolve by deleting the second paragraph and making the last paragraph, "...that the South Portland City Council hereby expresses its displeasure and calls for a thorough..." Failed 3-4 (Dearborn, Avery, Baxter, Boudreau). Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the resolve by adding a last paragraph stating "be it further resolved that we call upon the Legislature and Governor to enact changes to place the budget authority for the county in the hands of the Cumberland County Budget Advisory Committee." Failed 3-4 (Dearborn, Baxter, Avery, Boudreau). Resolve passage 7-0.
H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, asked about the CATV Regulatory Committee meeting scheduled for Thursday evening. He urged people to attend and he thanked the crew of SPTV for bringing Council broadcasts to him.

Ray Lee, Henry Street, said the CATV meeting should be televised, since many people cannot come to the hearing. He asked if RWS members are compensated and if there is a line item budget available to the public. He said that Cape Elizabeth has Citizens Discussion at the beginning of its agenda, and he would like to see South Portland do the same.

Bernard Faunce, 98 Sawyer Street, commended Councilor Glynn's questioning of City Manager Jerre Bryant. He said the majority of Councilors don't question him and they don't care about people on pensions.

Kevin Glynn, 109 Huntress Avenue, said he is on the RWS Board, and he will forward all communications to the Council. He said the facility counts on the revenue it takes in from selling energy and the trash it takes in from the communities. He said the independent haulers are going elsewhere, and RWS has a serious financial problem. He said that any deficits will be made up by us in the budget process.

Clarence Beckwith, Bonnybriar Road, asked if RWS borrowed the money to establish the Gorham recycling center. He said it looks like the City got terrible advise when it got into RWS. He asked Councilor Glynn if RWS is required to produce X amount of kilowatt hours for CMP.

Janice Doctor, High Street, asked how anyone could have made a franchise for fifteen years. She asked if the City can do anything about the cable situation. With regard to the "right-to-know," she said she votes for Council members who will vote her interest, and she doesn't want to know about executive sessions. She said she doesn't think most people care to keep track of them.

David Gaudreau, 265 Alfred Street, said he supports Councilors Glynn, Larsen and Fickett regarding the executive session issue. He said that some City official probably made a mistake and doesn't want anyone to know about it. He brought up the issue of Mr. Bryant's parking tickets a while back, and the fact that the Portland Press Herald said he paid the charges with a City check, and then reimbursed the municipality. He asked if anyone had ever checked to see if he had, indeed, reimbursed the City.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Larsen to go into executive session pursuant to 1 M.R.S.A., §405(6)(E), pending litigation, to discuss Civil Service Commission and Desmond and Cooper, P.A. v Jerre R. Bryant and the City of South Portland; McGovern v Portland Water District. (This item requested by Councilor Kevin Glynn.) Motion was made by Councilor Baxter and seconded by Councilor Boudreau to postpone this item to the workshop of 1/30/95. Passage 4-3 (Fickett, Glynn, Larsen).

Motion was made by Councilor Boudreau and seconded by Councilor Avery to adjourn. Passage 7-0 10:11 P.M.
A TRUE COPY.

ATTEST
Linda C. Cohen
Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING FEB. 6, 1995 VOL. 56 PAGE 70

ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. Councilors Avery and Boudreau arrived after item A.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Glynn and seconded by Councilor Larsen to accept the minutes of the 1/18/95 meeting. Passage 5-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant commended the Parks, Public Works and other employees for their successful handling of the weekend's snowstorm.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

1. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

Motion was made by Councilor Fickett and seconded by Councilor Baxter to postpone this item to 2/22/95. Passage 7-0.

2. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97. Postponed since 12/19/94.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item to 2/22/95. Passage 7-0.

E. CONSENT CALENDAR

3. NYNEX - placement of pole in Stanwood Street.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to grant the permit. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION

G. ACTION ON OLD AND NEW BUSINESS

4. ORDER #89-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *
5. ORDER #90-94/95 - award of bid to Sebago Energy Conservation Corporation, of Raymond, ME, for lighting retrofit for the school department.

Lee Sykes, School Building Maintenance Director, addressed this item.

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

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6. ORDER #91-94/95 - award of bid to Forest City Chevrolet, of Portland, ME, for a 4-wheel drive vehicle for the Fire Department.

There was no public discussion.

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

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7. ORDER #92-94/95 - authorizing payment of $3,936.00 to John T. and Mary S. Fox for sewer back-up damages.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Gina Crangle, 31 Froswick Avenue
Jim Brewster, 1545 Broadway
Fran Fox, 170 Fellows Street
John Fox, 25 Froswick Avenue
Pamela Cheeseman, Director of Risk Management for Maine Municipal Association
Mark Lorello, Sewer Maintenance Supervisor
Ralph St. Pierre, Finance Director

Motion was made by Councilor Glynn and seconded by Councilor Fickett for passage. Passage 4-3 (Avery, Boudreau, Baxter).

*****

8. ORDER #93-94/95 - adopting executive session motion disclosure rules.

The following people addressed this item:

John Low, 345 Cottage Road
Dan Fowler, Chestnut Street
Robert Blackwood, 16 Bluff Road
Ray Lee, Henry Street
Valorie Swiger, 77 School Street
Jim Brewster, 1545 Broadway
Dick Olsen, 44 Crossmeadow Road
Stanley Cox, 460 Highland Avenue
Bernard Faunce, 98 Sawyer Street
Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage.

Motion was made by Councilor Glynn and seconded by Councilor Larsen to postpone this item indefinitely. Both motions were withdrawn.

Motion was, again, made by Councilor Glynn and seconded by Councilor Larsen to postpone this item indefinitely. Failed 3-4 (Dearborn, Boudreau, Baxter, Avery).

Order passage 4-3 (Larsen, Glynn, Fickett).

** * * * *

9. ORDER #94-94/95 - authorizing the City of South Portland to participate in the Maine State Retirement System's Consolidation Plan.

There was no public discussion.

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

** * * * *

10. RESOLVE #6-94/95 - regarding Time Warner Cable.

The following people addressed this item:

Dick Olsen, Crossmeadow Road
Stanley Cox, 460 Highland Avenue
Ray Lee, Henry Street
Daniel Fortin, 65 Thadeus Street
Chris Bowring, Pepperbush Circle

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

Motion was made by Councilor Avery and seconded by Councilor Boudreau to postpone this item to 2/22/95. Passage 7-0.

** * * * *


Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 2/22/95. Passage 7-0.

H. CITIZENS DISCUSSION

Stanley Cox, 460 Highland Avenue, said there is a reason it takes five votes to go into executive session, and the Council was out of order to adopt a policy.

John Fox, Froswick Avenue, thanked the Council for its in depth and fair exam of his family's problem. He said the Council has a tough job, and he's proud to be a citizen of South Portland.
Chris Bowring, Pepperbush Circle, said the City should publicize the services it performs at no charge. He said he had a water problem at the end of his driveway, and the Public Works Director took care of it. He said that more people should get involved in the City, and the Council needs open mindedness and compromise. He said people should think about what they say instead of calling names. He said he wants to see some time guidelines for filling board vacancies and Councilors getting in touch with applicants.

Jim Brewster, 1545 Broadway, said the Manager should be directed to do a case study of the ten sewer cases of 1994. He said it is amazing that Councilor Glynn refused to participate in the workshop discussion regarding executive session, but he's ready when the television and paper are here. He said it was a wise decision to postpone the resolve. He said Councilor Glynn had an opportunity to serve on the CATV Regulatory Board, but refused. He warned the Council it is fighting a big corporation.

Ray Lee, 28 Henry Street, said it is funny and amazing that Councilor Baxter wanted to postpone things from the last agenda that Councilor Glynn had brought forward. He said the smartest thing Councilor Glynn ever did was get off the CATV Regulatory Board. He told him he was taken tonight when he agreed to postpone the resolve. He said he wondered if a previous speaker supported the Constitution, since he doesn't think people should speak their mind.

Bernard Faunce, 98 Sawyer Street, said the Mayor had stated his nominee to the Board of Appeals could learn what she needed to know. He said he was surprised that Corporation Counsel hadn't sent a memo on the item. He said he pays taxes in this city, and he should know what's going on.

John Low, 345 Cottage Road, said he had a problem two snowstorms ago when the plow closed his gate in, but he called Public Works, and the Director came over. He said the plow driver did an excellent job this last snowstorm, and he said thank you.

1. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to go into executive session pursuant to 1 M.R.S.A., §405(6)(E), pending litigation, to discuss Civil Service Commission and Desmond and Cooper, P.A. v Jerre R. Bryant and the City of South Portland; McGovern v Portland Water District and to discuss, pursuant to 36 M.R.S.A. §841, application(s) for abatement of property taxes on account of infirmity or poverty. Passage 7-0, 11:16 P.M.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to return to open session. Passage 7-0 11:57 P.M.

Motion was made by Councilor Avery and seconded by Mayor Dearborn to grant abatement request 94/95-06 in the amount of $1,269.60 plus interest and costs. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion by changing the amount to $3,888.16. Failed 2-5. Abatement granted 7-0.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to grant abatement request #94/95-05 in the amount of $649.54 plus interest and costs. Passage 7-0.
Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. Passage 7-0 11:59 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. Councilor Glynn was absent; Councilor Boudreau arrived a few minutes late.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Larsen to accept the minutes of the 2/6/95 meeting. Passage 5-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant announced that the Deering Oaks Family Festival will be moving to the Maine Mall.

Mr. Bryant read a letter written to Deputy Superintendent of Schools Cheryl Jensen from National Semiconductor.

C. PETITIONS AND COMMUNICATIONS

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

D. APPOINTMENT CALENDAR

3. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

   Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item to 3/6/95. Passage 6-0.

   ****

4. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97. Postponed since 12/19/94.

   Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to postpone this item to 3/6/95. Passage 6-0.

   ****

5. ORDER #95-94/95 - Civil Service, District 2 (Avery). Term to expire 3/1/00.

   There was no public discussion.

   Motion was made by Councilor Avery and seconded by Councilor Baxter to re-appoint James Dyer to this position. Passage 6-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

6. FSE/Vending Units. Renewals for 1995. All requesting variances to operate within five hundred (500) feet of other licensed food service establishments.
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There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Passage 6-0.

G. ACTION ON OLD AND NEW BUSINESS

7. ORDER #87-94/95 - authorizing an interlocal agreement with the Town of Scarborough and Scarborough Sanitary District regarding sewer service. Postponed on 1/18/95.

The following people addressed this item:

Joseph Ball, 65 Washington Avenue
Evanthea Spanos, 857 Main Street

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

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Motion was made by Councilor Avery and seconded by Councilor Larsen to postpone this item to 3/6/95. Passage 6-0.

******


Motion was made by Councilor Avery and seconded by Councilor Boudreau to withdraw this item. Passage 6-0.

******

10. ORDER #96-94/95 - accepting miscellaneous donations.

There was no public discussion.

Motion was made by Councilor Baxter and seconded by Councilor Avery for passage. Passage 6-0.

******

Motion was made by Councilor Boudreau and seconded by Councilor Avery to table Item 11 until later in the evening. Passage 6-0.


There was no public discussion.
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Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage of the first reading. Passage 6-0.

*****

Motion was made by Councilor Avery and seconded by Councilor Boudreau to remove Item 11 from the table. Passage 6-0.

11. PROCLAMATION #2-94/95 - proclaiming Patrolman Todd Bernard as Police Officer of the Year for the South Portland Police Department.

Police Chief Edward Googins addressed this item.

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

*****

13. ORDER #97-94/95 - amending the Personnel Policy regarding sexual harassment and non-discrimination.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter for passage. Passage 6-0.

*****

14. RESOLVE #7-94/95 - calling upon Congress to establish a new telecommunications regulatory framework.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Joseph Ball, 65 Washington Avenue
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Avery and seconded by Councilor Larsen for passage. Passage 5-1 (Fickett).

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said he was at a Planning Board meeting where a Mr. Dobson was told that it would take three months to get through the process, but then Janet McLaughlin, of the Planning Department, told him he could pay $400 and go to the top of the list. He said that is blackmail. He said the man wants to build a daycare center in the IL zone, but Code Enforcement Officer Pat Doucette told him he can't. He said Mr. Dobson was told there is nothing on the books that says he can't build it, but there's nothing that says he can. Mr. Lee recommended eliminating the Planning Department in the next budget.

Clarence Beckwith, Bonnybriar Road, said he watched the Portland City Council meeting during which the discussion took place regarding the problems at Portland High School.
He said it was the biggest whitewash he had ever seen. He noted that the same designers are involved with the South Portland High School expansion. He said he saw in the paper that South Portland's tax rate is the highest in the area. He asked how much was borrowed to develop the stump dump site.

Joseph Ball, 65 Washington Avenue, congratulated Councilors Boudreau and Baxter on their handling of the executive session issue. City Clerk Linda Cohen read into the record a letter Mr. Ball had sent to Mayor Dearborn regarding the issue.

Mark Farrington, 68 Scott Road, asked about a school voucher system.

Bernard Faunce, 98 Sawyer Street, said it would have been appropriate to postpone both resolves regarding cable. He said there is a law regarding executive session that says how it should be handled, and that's how it should be. He said he's heard comments that he and two others are out of line coming to the Council meetings. He said he may not be as eloquent as some people, but he resents the people who stay home and put him down.

Peter Ventry, Blue Cross/Blue Shield, said he was here this evening representing the South Portland/Cape Elizabeth Chamber of Commerce. He commended the Council for its efforts and patience and said thank you.

I. EXECUTIVE SESSION

Motion was made by Councilor Baxter and seconded by Councilor Avery to go into executive session pursuant, to 1 M.R.S.A. §405(6)(C), discussion of disposition of publicly held property at 85 Western Avenue. Passage 6-0, 8:53 P.M.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to return to open session. Passage 6-0, 9:10 P.M.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to adjourn. Passage 6-0, 9:11 P.M.

A TRUE COPY.

ATTEST: ____________________________
Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 2/22/95 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant presented a plaque to Dorothea Millington, his retiring secretary.

Mr. Bryant noted that CASA will be holding a public forum on Sunday, March 12, 1995 at 2:00 P.M. at Beal Gymnasium. Cindy Crum, from Day One, showed a video regarding impaired driving and substance abuse.

C. PETITIONS AND COMMUNICATIONS

1. Report from the Finance Director regarding tax abatements.

2. Report from the Planning Board regarding communication towers and public utility facilities.

D. APPOINTMENT CALENDAR

3. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

   Motion was made by Councilor Fickett and seconded by Councilor Baxter to postpone this item to 3/20/95. Passage 7-0.

   * * * * *

4. ORDER #77-94/95 - Planning Board, At-Large (Glynn). To fill an unexpired term which expires 4/1/97. Postponed since 12/19/94.

   There was no public discussion.

   Motion was made by Councilor Glynn and seconded by Councilor Boudreau to appoint Thomas Brown to this position. Passage 7-0.

   * * * * *

5. ORDER #98-94/95 - Board of Assessment Review, District 2 (Avery). Term to expire 3/16/98.

   There was no public discussion.

   Motion was made by Councilor Avery and seconded by Councilor Boudreau to re-appoint William Moulton to this position. Passage 7-0.

   * * * * *
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6. ORDER #99-94/95 - Conservation Commission, Associate Member (Chapin). Term to expire 11/20/95.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Larsen to appoint Hugh Flynn to this position. Passage 7-0.

   *****


There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to re-appoint Paul Jensen to this position. Passage 7-0.

   *****


There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to re-appoint Richard Holt to this position. Passage 7-0.

   *****


There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to re-appoint Dana Gammon to this position. Passage 7-0.

   *****


   Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to postpone this item to 3/20/95. Passage 7-0.

E. CONSENT CALENDAR

11. CASA requesting off-premise directional signs in Millcreek Park.

   There was no public discussion.
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Motion was made by Councilor Avery and seconded by Councilor Boudreau to grant the permit. Passage 7-0.

F. PUBLIC HEARINGS AND ACTION


There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

Motion was made by Councilor Avery and seconded by Councilor Boudreau to take item 20 out of order. Passage 7-0.


The following people addressed this item:

John Wolfgram, South Portland High School English Teacher & CASA Spokesperson
Robert Marston, 712 Westbrook Street

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

*****


The following people addressed this item:

Robert Marston, 712 Westbrook Street
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Boudreau for passage. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the resolve by substituting the language suggested by the CATV Regulatory Board, read by the City Clerk and included in the Councilors' packets on green paper. Passage 7-0. Passage, as amended, 7-0.

*****

14. ORDER #104-94/95 - accepting miscellaneous donations.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 7-0.
15. ORDER #105-94/95 - award of bid to Insituform of New England, of Charlton, MA, for sewer pipe lining in Elm Street.

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

*****

16. ORDER #106-94/95 - award of bid to C. B. International, of Bangor, ME, for four (4) school buses.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Lee Akerley, Assistant Superintendent of Schools

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

*****

17. ORDER #107-94/95 - award of bid to Energy Management Consultants, Inc., of Saco, ME, for energy conservation improvements throughout the South Portland School Department.

Clarence Beckwith, Bonnybriar Road, addressed this item.

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

*****

18. ORDER #108-94/95 - award of bid to Peoples Heritage Leasing Corporation, of Portland, ME, for the lease/purchase of energy conservation improvements throughout the South Portland School Department.

There was no public discussion.

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

*****

19. ORDINANCE #14-94/95 - amendment to Ch 27, "Zoning," regarding communication towers and public utility facilities. First reading.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage of the first reading. Passage 4-3 (Larsen, Glynn, Fickett).
H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, said he is glad to see the City Manager supports the new gym at Redbank School. He said Citizen Discussion is his favorite part of the City Council meetings, and he appreciates the Council listening.

Ray Lee, Henry Street, asked how much compensation the City would be receiving for having the Deering Oaks Festival here. He said that will add 150,000 people to an already existing nightmare. He said someone tried to have a festival here in 1990, but was stonewalled. He said he is sorry to see the new Police Chief is against the Constitutional right to bear arms and that he wants to be able to arrest people in other communities.

Bernard Faunce, 98 Sawyer Street, asked what the new signs on the rubbish trucks cost. He also asked several questions about the area into which an oil company wants to move in the old shipyard.

Chris Bowring, Pepperbush Circle, asked the legal definition of "resolve." He suggested exhausting every opportunity to get Time Warner to back down before people "pull the plug."

Clarence Beckwith, Bonnybriar Road, said that the situation with Time Warner is a result of too long a contract. He said that pulling the plug is probably the only thing they'll listen to. He said he is glad to see drug and alcohol abuse being brought to the forefront. He said the mainstreaming program is really disrupting the classrooms.

Kevin Glynn, 109 Huntress Avenue, thanked the Council for passing the resolve regarding Time Warner, adding that he was glad to see the compromise. He said he wants to see the child/adult daycare issue brought back, noting that more facilities would draw more businesses to the city.

Bob Fickett, Highland Avenue, said he didn't vote against the CASA resolve because he was against it, noting that alcohol is a serious problem. He said the important thing is to educate the smaller children differently.

Motion was made by Councilor Boudreau and seconded by Councilor Glynn to adjourn. Passage 7-0 9:46 P.M.

A TRUE COPY.

[Signature]
Linda C. Cohen, City Clerk
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ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to withdraw item #12 at the request of the applicant. Passage 7-0.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 3/6/95 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

1. 1995/96 Municipal Budget.

C. PETITIONS AND COMMUNICATIONS

2. Department Reports for the month of February.
3. Attendance Reports for the month of February.
4. Report from the Planning Board regarding day care.

D. APPOINTMENT CALENDAR

5. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to postpone this item until 4/3/95. Passage 7-0.


There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Avery to re-appoint Bucky Wooster to this position. Passage 7-0.

7. ORDER #109-94/95 - South Portland Housing Authority (Dearborn). Term to expire 3/25/00.

There was no public discussion.

Motion was made by Mayor Dearborn and seconded by Councilor Boudreau to re-appoint Frank Morang to this position. Passage 7-0.
8. ORDER #110-94/95 - Planning Board, District 1 (Boudreau). Term to expire 4/1/98.

Bernard Faunce, 98 Sawyer Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint John Chapin to this position. Passage 7-0.

*****

9. ORDER #111-94/95 - Planning Board, District 2 (Avery). Term to expire 4/1/98.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau to appoint Thomas Peterson to this position. Passage 7-0.

*****

10. ORDER #112-94/95 - Planning Board, At-Large (Larsen). Term to expire 4/1/98.

There was no public discussion.

Motion was made by Councilor Larsen and seconded by Councilor Fickett to appoint Daniel Fowler to this position. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

11. ORDINANCE #14-94/95 - amendment to Ch. 27, "Zoning," regarding communication towers and public utility facilities. Given first reading on 3/6/95.

The following people addressed this item:

Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Jim Brewster, 1545 Broadway
Bernard Faunce, 98 Sawyer Street
Ed Rowe, 2 Deake Street

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Failed 4-3 (Larsen, Glynn, Fickett).

*****

12. Ruby Tuesday, Inc., d/b/a Ruby Tuesday, 415 Philbrook Avenue, FSE/Class A Restaurant with Liquor. 3/20/95 to 3/20/96. New State and City License.

Withdrawn.
G. ACTION ON OLD AND NEW BUSINESS

13. ORDER #113-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

*****

14. ORDER #114-94/95 - accepting a COPS FAST grant from the U.S. Department of Justice.

The following people addressed this item:

Nadine Byram, Ferry Village
Robert Marston, 712 Westbrook Street
Bernard Faunce, 98 Sawyer Street
Philip Notis, representing his parents of Deake Street
Catherine Bickford, 2 Deake Street
Jim Brewster, 1545 Broadway
Ray Lee, Henry Street
Clarence Beckwith, Bonnybriar Road
Ed Rowe, 2 Deake Street
Beverly Low, 5 Deake Street
John McKeon, 1 Deake Street
Ed Googins, Police Chief
Mark Watson, Lewiston Police Department Bicycle Officer

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

*****

15. ORDER #115-94/95 - authorizing a contribution of $3,500.00 to Coalition for Equitable School Funding in support of legislative changes to the school funding formula.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Jim Brewster, 1545 Broadway
Clarence Beckwith, Bonnybriar Road

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the order by adding, after the first paragraph, "and be it further ordered that the City Manager shall report a detailed accounting of all revenues raised and expenditures made in connection with this effort within six (6) months following the close of the legislative session." Passage 6-1 (Fickett). Passage, as amended, 5-1 (Fickett opposed, Boudreau out).
16. ORDER #116-94/95 - setting April 5, 1995 as the date for public hearing at City Council Chambers for the proposed 1995/96 budget.

There was no public discussion.

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

*****


The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ed Googins, Police Chief
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage of the first reading. Motion was made by Councilor Glynn and seconded by Councilor Fickett to postpone this item to 4/3/95. Passage 7-0.

*****

18. ORDINANCE #16-94/95 - amending Ch. 27, "Zoning," regarding day care services. First reading.

The following people addressed this item:

Scott Dobson, Windham
Clarence Beckwith, Bonnybriar Road

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

H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, said he agrees with Mr. Beckwith and Mr. Glynn about home care being expensive, but he wasn't aware of the 7% add on. He said he wants to see compromise on the Council and commended Councilors Boudreau, Baxter and Glynn for their recent attempts.

Ray Lee, Henry Street, said the canvassing ordinance recently passed by Council allows solicitors to knock on doors at 4:00 A.M. He complained about the reception of Council meetings, noting that Cape Elizabeth and Portland transmit beautifully. He said he gets some HAM operator interrupting the re-broadcast.

Clarence Beckwith, Bonnybriar Road, attended the RWS meeting and said he was pleased to see how they handled the executive session. He explained that he still cannot do anything with his three lots, since anything he would propose would create sub-standard lots. He complimented Councilor Fickett for his plans to appoint someone who ran
against him to the Conservation Commission.

Jim Brewster, 1545 Broadway, said he is disappointed that former members of the Planning Board couldn't support the Planning Board regarding the towers this evening. He said he was very pleased to see the Council compromise on four items tonight.

Bernard Faunce, 98 Sawyer Street, said he hasn’t seen any changes since Chief Googins started. He said people speed by Uncle Andy’s. He asked how much of a fine goes to the City. He asked, if D.A.R.E. is so wonderful, why is there such a drug problem at the high school? He said he thinks the tank farm planned for the waterfront is wonderful, since it will bring in about one million dollars in taxes.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0, 10:31 P.M.
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the 3/20/95 meeting. Passage 7-0.

Mayor Dearborn presented a plaque to Linda Johnson, who served for five years on the Planning Board.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted the passing of former City Manager Bernal Allen, who served in that capacity from 1957 to 1971.

Former Mayor James Soule presented the recommendations of the Rosser Commission, a group studying the school funding formula.

1. Update on Legislative issues by Senator Jane Amero.

C. PETITIONS AND COMMUNICATIONS

City Clerk Linda Cohen announced that nomination papers are available for the June 13th Portland Water District Election.

D. APPOINTMENT CALENDAR

2. ORDER #55-94/95 - Conservation Commission, District 4 (Fickett). Term to expire 11/20/97. Postponed since 11/7/94.

There was no public discussion.

Motion was made by Councilor Fickett and seconded by Councilor Boudreau to appoint Christopher Bowring to this position. Passage 7-0.

* * * * *

3. ORDER #117-94/95 - Board of Appeals, District 1 (Boudreau). To fill an unexpired term which expires 7/23/97.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery to appoint Nancy Lombardelli to this position. Passage 7-0.

* * * * *

4. ORDER #118-94/95 - Library Advisory Board, District 3 (Baxter). To fill an unexpired term which expires 12/31/96.

There was no public discussion.
Motion was made by Councilor Baxter and seconded by Councilor Avery to appoint Julia McCue to this position. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

5. ORDINANCE #16-94/95 - amending Ch. 27, "Zoning," regarding day care services. Given first reading on 3/20/95.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Scott Dobson, Windham
Tom Brown, 101 Wainwright Circle West

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

G. ACTION ON OLD AND NEW BUSINESS


The following people addressed this item:

Ray Lee, Henry Street
Tom Brown, 101 Wainwright Circle West
Mary Margaret Coyne Fendall, 26 Coach Road
Casamira Mcintire, Skillings Street
Christopher Bowring, Pepperbush Circle

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage of the first reading. Motion was made by Councilor Boudreau and seconded by Councilor Avery to amend the ordinance by adding a two year time limit that would start the time period at the time the Police Department notifies the vehicle's owner. Motion was made by Councilor Larsen and seconded by Councilor Avery to amend the amendment by adding that a written complaint would have to come from a property owner within 500 feet. Passage 5-2 (Fickett, Glynn). Passage of amended amendment 5-2 (Fickett, Glynn). Motion was made by Councilor Glynn and seconded by Councilor Larsen to amend the ordinance by exempting farm, construction and antique vehicles and equipment. Passage 7-0. Passage of first reading, as amended, 7-0.

* * * * *

7. ORDER #119-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

* * * * *
8. ORDER #120-94/95 - authorizing the Finance Director to accept prepayment of taxes not yet due or assessed for fiscal year July 1, 1995 to June 30, 1996.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Boudreau and seconded by Councilor Baxter for passage. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the order by changing the interest rate to the same as that charged for delinquent taxes. Amendment failed 2-5 (Dearborn, Boudreau, Avery, Baxter, Larsen). Passage 7-0.

* * * * *

9. ORDER #121-94/95 - authorizing the acceptance of $225.00 under the Asset Forfeiture Program.

There was no public discussion.

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

* * * * *

10. ORDER #122-94/95 - award of bid to Group America, of Hartford, CT, for a long term disability income protection plan.

Motion was made by Councilor Avery and seconded by Councilor Glynn to postpone this item to 4/19/95. Passage 7-0.

H. CITIZENS DISCUSSION

Ray Lee, Henry Street, said the former shipyard property is sacred and should be used for a veterans' memorial park. He said it should be left as open space for everyone to enjoy. He said there may be oil spills, and the added traffic will beat up the roads.

Clarence Beckwith, Bonnybriar Road, commended those responsible for the City Dinner. He asked the Council to consider cutting the proposed budget.

Chuck Wilson, of Hannaford Brothers and the Chamber of Commerce, thanked the Council for its efforts to do what's best for the City.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1M.R.S.A. §405(6)(E), pending litigation, Teamsters Local #340 v City of South Portland. Passage 7-0 9:23 P.M. Motion was made by Councilor Glynn and seconded by Councilor Avery to resume open session. Passage 7-0 10:12 P.M. Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0 10:13 P.M.

A TRUE COPY.

ATTEST  Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Boudreau and seconded by Councilor Avery to accept the minutes of the 4/3/95 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

1. Donation of a van by Konica Quality Photo East, Inc. to the D.A.R.E. Program.

City Manager Jerre Bryant presented the Council with the draft report of City building inventory and assessment.

C. PETITIONS AND COMMUNICATIONS

2. Department Reports for the month of March.

3. Attendance Reports for the month of March.

D. APPOINTMENT CALENDAR

4. ORDER #123-94/95 - South Portland Housing Authority (Glynn). To fill an unexpired term which expires on March 15, 1998.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 5/1/95. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION


The following people addressed this item:

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

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

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #122-94/95 - award of bid to Group America, of Hartford, CT, for a long term disability income protection plan. Postponed since 4/3/95.

The following people addressed this item:
Motion was made by Councilor Avery and seconded by Councilor Glynn to reject all bids. Passage 4-3 (Dearborn, Baxter, Boudreau).

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7. ORDER #124-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

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8. ORDER #125-94/95 - accepting the State of Maine Municipal Warrant for Prosecuting Unlicensed Dog Owners/Keepers.

Ray Lee, Henry Street, addressed this item.

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

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9. ORDER #126-94/95 - award of bid to ITT Flygt Corporation, of Woburn, MA, and ITT Allis Chalmers Pump, of Cincinnati, OH, for sewer pump station upgrades.

The following people addressed this item:

Ray Lee, Henry Street
Edward Reidman, City Engineer

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

H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, said the whole cable issue shows what can happen when we all work together. He said that the people at Redbank built a T-Ball field, and the school is making some progress.

Ray Lee, Henry Street, said the Irving Oil newspaper article was interesting. He said the City Manager noted how beautiful the Eastern Prom is, and he wonders how beautiful it would be with 19 oil tanks there. He said he hopes everyone supports Senator Harriman's bill to allow parents to send their children to private school. He said it would save the taxpayers a lot of money.

Clarence Beckwith, Bonnybriar Road, said the proposed budget is discouraging. He has attended the budget workshops, and the departments are going for broke. He said the Council should have set guidelines, because one of the largest tax increase in years is being proposed.
Bernard Faunce, 98 Sawyer Street, said the crime and vandalism in this city is getting out of control. He said there is something wrong with the police department when a break-in into a City building isn't discovered until the next morning by an employee. He said the situation in Ferry Village is getting bad again, and the police don't do anything when they come down.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Passage 7-0, 8:34 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 4/19/95 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant noted that South Portland Bus Service Driver Roger Roscoe had placed first in the 1995 Maine Transit Association Roadeo.

1. Presentation from Local #1476 South Portland Professional Firefighters.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

2. ORDER #123-94/95 - South Portland Housing Authority (Glynn). To fill an unexpired term which expires on March 15, 1998. Postponed on 4/19/95.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to postpone this item to 5/15/95. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

3. Alfred W. Seal, Jr., d/b/a Performance Auto Body, 385 Rear Main Street, Used Car License. 4/18/95 to 12/31/95. New City License.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Baxter to grant the license. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

4. ORDER #127-94/95 - authorizing participation in a used construction equipment auction.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ge Erskine, Public Works Director

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 7-0.
H. CITIZENS DISCUSSION

Clarence Beckwith, Bonnybriar Road, said that schools are spending much more than the State is mandating. He said the Council has a lot of room to make cuts in the school budget and not hurt education.

Ray Lee, Henry Street, said that other towns are having major trash pick-up and, if the Council cut one million dollars from the school budget, South Portland could, too, and Ge Erskine wouldn't have to buy junk equipment.

Bernard Faunce, 98 Sawyer Street, said the School Department is trying to make school a home away from home, and that's the parents' job. He said that secretaries, nurses and principals could be eliminated, and there's something wrong with a teacher who can't teach 30 children without an aide.

I. EXECUTIVE SESSION

Motion was made by Councilor Baxter and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1 M.R.S.A. §405(6)(E), Teamsters Local #340 v. City of South Portland and for consultation with the City's Attorney concerning City Council legal rights and duties. Failed 4-3 (Fickett, Larsen, Glynn).

Motion was made by Councilor Boudreau and seconded by Councilor Fickett to adjourn. Passage 7-0 7:28 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING MAY 15, 1995 VOL. 56 PAGE 97

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 5/1/95 meeting. Passage 6-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant said that the recent rodent problem in the Knightville/Mill Creek area is caused by the construction of the new bridge which has disrupted their habitat. Baiting will be done.

C. PETITIONS AND COMMUNICATIONS

1. Department Reports for the month of April.

2. Attendance Reports for the month of April.

3. Planning Board report regarding City owned property on Scott Road.

D. APPOINTMENT CALENDAR

4. ORDER #123-94/95 - South Portland Housing Authority (Glynn). To fill an unexpired term which expires on March 15, 1998. Postponed since 4/19/95.

Motion was made by Councilor Glynn and seconded by Councilor Avery to postpone this item to 6/5/95. Passage 7-0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

5. John L. Vance, d/b/a Big John's Taxi, 20 Fellows Street, Certificate of Public Convenience. 5/15/95 to 5/15/96. New City License.

The following people addressed this item:

Tom Garnett, Harriet Street
John Vance, applicant

Motion was made by Councilor Boudreau and seconded by Councilor Baxter to grant the license. Passage 6-1 (Larsen).

G. ACTION ON OLD AND NEW BUSINESS

6. ORDER #128-94/95 - accepting miscellaneous donations.

There was no public discussion.
Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 7-0.

7. PROCLAMATION #3-94/95 - proclaiming May 19, 1995 as Arbor Day within the City of South Portland.

There was no public discussion.

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

8. ORDER #129-94/95 - authorizing the City Clerk to sign a certification of municipal vote to collect State funds for FY 1995/96.

Ray Lee, Henry Street, addressed this item.

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

9. ORDER #130-94/95 - appealing the denial of application for taxicab driver's license for Randy A. Young.

The following people addressed this item:

Randy Young, applicant
Ray Lee, Henry Street
John Vance, Fellows Street
Steve Harmon, Scarborough
Bette Krise, Alfred Street
Ed Googins, Police Chief
Bernard Faunce, 98 Sawyer Street

Motion was made by Councilor Glynn and seconded by Councilor Fickett to grant the license. Passage 4-3 (Dearborn, Baxter, Avery).

10. ORDER #131-94/95 - accepting funds from the Estate of A. Evelyn Lewis to provide scholarships for graduates of South Portland High School.

The following people addressed this item:

Clarence Beckwith, Bonnybriar Road
Ray Lee, Henry Street

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 7-0.
11. ORDER #132-94/95 - authorizing the sale of City owned land at the end of Scott Road.

The following people addressed this item:

Debbie Tanguay, 63 Scott Road
Jerry Holloman, 57 Scott Road
Mike Hayes, 85 Scott Road
Dwight Brackett, Builder
Linda Hussey, 69 Scott Road
Eric Rosenblatt, Real Estate Store
Peter Dascanio
Ray Lee, Henry Street

Motion was made by Councilor Glynn and seconded by Councilor Boudreau not to pass. Passage 7-0.

* * * * *

12. ORDER #133-94/95 - authorizing payment of attorneys' fees to Beals & Quinn and Smith, Elliott, Smith and Garmey.

Ray Lee, Henry Street addressed this item.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Motion was made by Councilor Boudreau and seconded by Councilor Glynn to go into executive session to discuss this matter. Passage 6-1 (Dearborn) 9:19 P.M. Motion was made by Councilor Boudreau and seconded by Councilor Avery to come out of executive session. Passage 7-0, 9:55 P.M. Order passage 4-3 (Larsen, Glynn, Fickett).

H. CITIZENS DISCUSSION

Bernard Faunce, 98 Sawyer Street, said the public should receive a written report about how the school funding lobbyists are doing.

Tom Garnett, Harriet Street, said the Council is entrusting the lives of South Portland citizens to the hands of an individual with two strikes against him. He said he's afraid the City will be liable for a lawsuit if he drives a cab drinking, and someone gets hurt. He said that the license to the business may have been issued too soon, since people don't know what kind of people will be working there. He said he hopes the City investigates the business address.

Bette Krise, Alfred Street, said she supports the School Superintendent's budget 100%. She said she hopes the attempt to change the charter fails. She said that timely passage of the budget is important. She noted that it has become embarrassing to say one is from South Portland. She said Mr. Fickett's remarks at the workshop about voters not knowing what they were doing by voting for the school expansion were offensive. She said he should remember that the Council represents the people's wishes, not the other way around. She said Mr. MacDonald was right not to give Mr. Glynn information that was to further his own agenda. She urged people to write or call the Council in support of the budget.

Ray Lee, Henry Street, said that money is not the problem with education in America. He said the Superintendent sent a memo home with the students urging them to contact
the Governor and ask him to send more money to South Portland. He said he personally met with the Governor and told him South Portland is rich and doesn't need more money. He said there should be a teaching principal in every school. He said that City administration could be cut in Parks & Recreation, by putting that department under the Public Works Department and eliminating a director. He said the City Clerk is only in half the time, so her salary and benefits could be cut.

Valori Sears, Cleveland Circle, said that school personnel have the ability to make sound decisions. She said she supports the school budget, and she's amazed at how many budget experts there are in South Portland, no matter their education or lack thereof. She said that 26 students in a first grade class is not responsible.

I. EXECUTIVE SESSION

Motion was made by Councilor Boudreau and seconded by Councilor Avery to go into executive session to discuss, pursuant to 1 M.R.S.A., §(6)(D), labor negotiations with the South Portland Firefighters IAFF Local #1476, South Portland Fire Command Officers Bargaining Unit, South Portland Police Command and Supervisory Unit Local #340, South Portland Police Patrolmen's Association, and Local #481 American Federation of State, County and Municipal Employees. Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the motion to include non-union employees. Passage 6-1 (Dearborn). Passage, as amended, 6-1 (Dearborn), 10:14 P.M.

Motion was made by Councilor Avery and seconded by Councilor Baxter to come out of executive session. Passage 7-0, 11:09 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Fickett to adjourn. Passage 6-1 (Dearborn), 11:18 P.M.

A TRUE COPY.

ATTEST
Linda C. Cohen, City Clerk
ROLL CALL: Mayor Dearborn called the meeting to order at 7:00 P.M. All Councilors were present.

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Boudreau to accept the minutes of the 5/15/95 meeting. Passage 7-0.

B. COMMUNICATIONS FROM CITY MANAGER

City Manager Jerre Bryant read a memo written to him from Corporation Counsel Mary Kahl in which she noted the recent activity of the School Funding lobbyist group.

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

1. ORDER #123-94/95 - South Portland Housing Authority (Glynn). To fill an unexpired term which expires on March 25, 1998. Postponed since 4/19/95.

   There was no public discussion.

   Motion was made by Councilor Glynn and seconded by Councilor Fickett to appoint Richard Campbell to this position. Passage -0.

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION

2. General Cinema Corporation, d/b/a Maine Mall Cinema, Maine Mall Road. Renewal of Pinball/Video license with an increase in number of machines from nine (9) to ten (10).

   There was no public discussion.

   Motion was made by Councilor Avery and seconded by Councilor Boudreau to grant the license. Passage 7-0.

   * * * * *

3. Matthew Longanecker, d/b/a Matt's Steamed Hot Dogs, for an FSE/Vending Unit (Push Cart) license which requires a variance to operate within five hundred (500) feet of other licensed food service establishments.

   There was no public discussion.

   Motion was made by Councilor Avery and seconded by Councilor Fickett to grant the license. Passage 7-0.

G. ACTION ON OLD AND NEW BUSINESS

4. ORDER #134-94/95 - accepting miscellaneous donations.
There was no public discussion.

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

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5. ORDER #135-94/95 - accepting the warrant announcing the Portland Water District Election of June 13, 1995 and setting the location and opening time for the polling place.

There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Boudreau for passage. Passage 6-1 (Glynn).

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6. ORDER #136-94/95 - authorizing an agreement for the processing and disposal of wastewater treatment biosolids with Portland Water District and Wheelabrator Clean Water Systems, Inc. of Hampton, NH.

There was no public discussion.

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

*****

7. ORDER #137-94/95 - authorizing award of bid to In situform of New England, of Charlton, MA, for inspection and cleaning of sewer trunk line A.

The following people addressed this item:

Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street

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

*****

8. ORDER #138-94/95 - authorizing award of bid to Air Cleaning Specialists, Inc. of Hanover, MA, for the purchase and installation of a source capture vehicle exhaust system at the South Portland Fire Department.

The following people addressed this item:

Eileen Arsenault, 4 Barnstable Road
Ray Lee, Henry Street
John True, Fire Chief

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 5-1 (Fickett opposed, Larsen out).

The following people addressed this item:

Eileen Arsenault, 4 Barnstable Road
Richard Campbell, 29 Washington Avenue
Betsy Cummings, 61 Everett Avenue
Michael Koch, 27 O'Neil Street
Bernard Faunce, 98 Sawyer Street
Ray Lee, Henry Street
Bette Krise, Alfred Street
Gerry Bissonnette, Bellaire Road
Lisa Pecoraro, 237 Walnut Street
Pam Libby, 17 Larchwood Road
Joan Jordan, Highland Avenue
Ralph St. Pierre, Finance Director

Motion was made by Councilor Baxter and seconded by Councilor Boudreau for passage. Motion was made by Councilor Baxter and seconded by Councilor Avery to amend the resolve by allowing only an 87 cent tax increase, 55 cents to the school side, and 32 to the municipal side. Passage 7-0. Motion was made by Councilor Fickett and seconded by Councilor Glynn to amend the resolve by not allowing any tax increase. Failed 3-4 (Dearborn, Avery, Boudreau, Baxter). Motion was made by Councilor Avery and seconded by Councilor Baxter to amend the resolve by adding a fourth tax billing which would effectively bring the tax increase down to 82 cents. Passage 5-2 (Fickett, Glynn). Motion was made by Councilor Glynn and seconded by Councilor Fickett to amend the resolve by reducing the tax rate by another 10 cents. Failed 3-4 (Dearborn, Boudreau, Baxter, Avery). Passage, as amended, 4-3 (Larsen, Fickett, Glynn).

10. RESOLVE #10-94/95 - authorizing bond anticipation notes in the amount of $4,500,000.00 pursuant to Section 611 of the City Charter.

There was no public discussion.

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


There was no public discussion.

Motion was made by Councilor Avery and seconded by Councilor Glynn for passage of the first reading. Passage 7-0.
H. CITIZENS DISCUSSION

Gerry Bissonnette, Bellaire Road, asked who did the testing on her property because there is raw human fecal on it. She said she will put cement in the pipes if something isn’t done. She said it is also running into Trout Brook. She said she received no RSVP from the Council on the invitation to the VFW.

Jim Dyer, Davis Street, said he doesn’t like the constant denigration of the Council by the public and said the Council is doing a good job.

Bernard Faunce, 98 Sawyer Street, said it’s his right to come down and criticize the Council. He complained that the parks are not being mowed often enough, and when they are, grass is being placed in the street and on the sidewalk. He urged the voters to get rid of the current County Commissioners. He said he wants a report on the number of patrons of the Crosstown bus when it leaves South Portland. He said there is so much waste in the School Department, it’s pitiful.

Ray Lee, Henry Street, said that Democracy gives him the right to criticize. He said he wishes someone would prove to him that kids today are smarter than they were 45 years ago. He said the community doesn’t have a drug problem; it’s the families’ problem.

Joan Jordan, Highland Avenue, said she appreciates the passage of the budget. She said Mr. Lee likes to say things that inflame people, and asked what it takes to have someone gavelled. She said that some people find him offensive, and she would like to see the Council meetings brought to a more respectful level.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to adjourn. Passage 7-0, 10:45 P.M.

A TRUE COPY.

[Signature]
Linda C. Cohen, City Clerk
IN COUNCIL REGULAR MEETING JUNE 19, 1995 VOL. 56 PAGE 105

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

A. ACCEPTANCE OF MINUTES

Motion was made by Councilor Avery and seconded by Councilor Baxter to accept the minutes of the 6/19/95 meeting, with one (1) correction. Passage 7-0

B. COMMUNICATIONS FROM CITY MANAGER

C. PETITIONS AND COMMUNICATIONS

D. APPOINTMENT CALENDAR

1. Department Reports for the month of May.

2. Attendance Reports for the month of May.

D. APPOINTMENT CALENDAR

E. CONSENT CALENDAR

F. PUBLIC HEARINGS AND ACTION


There was no public discussion.

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

G. ACTION ON OLD AND NEW BUSINESS

4. ORDER #139-94/95 - accepting miscellaneous donations.

There was no public discussion.

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

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5. ORDER #140-94/95 - authorizing award of bid to Robert W. Rickett Asbestos, Inc., of Portland, ME, for asbestos abatement at South Portland High School.

There was no public discussion.

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

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6. ORDER #141-94/95 - authorizing award of bid to Eastern Electrical Corporation, of Portland, ME, for electrical upgrade of four (4) sewer pumping stations.

Ray Lee, Henry Street, addressed this item.

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

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7. ORDER #142-94/95 - authorizing the acceptance of a $10,352 Bureau of Highway Safety Grant and a $4,000 donation from the Project Portland Coalition for the purchase of four (4) in-cruiser camcorders for the South Portland Police Department.

Edward Googins, Police Chief, addressed this item.

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

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8. ORDER #143-94/95 - setting the sewer user fees for fiscal year 1995/96.

There was no public discussion.

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

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9. ORDER #144-94/95 - authorizing a four (4) percent cost of living adjustment for non-union municipal employees.

There was no public discussion.

Motion was made by Councilor Boudreau and seconded by Councilor Avery for passage. Passage 5-2 (Glynn, Larsen).
10. ORDER #145-94/95 - requesting a comprehensive wage survey for all union and non-union municipal positions.

Ray Lee, Henry Street, addressed this item.

Motion was made by Councilor Glynn and seconded by Councilor Baxter for passage. Passage 7-0.

H. CITIZENS DISCUSSION

Robert Marston, 712 Westbrook Street, said the portable microphone should be available at every meeting. He said that everyone has the right to say what they think, but name calling is wrong.

Ray Lee, Henry Street, said a person can't be controlled in what he says or how he says it. He said that any extra money the School Department receives from the State should be used to reduce taxes. He said that the cable system will not be public if it goes in Council Chambers, and people have to pay to use the room.

I. EXECUTIVE SESSION

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to go into executive session to discuss, pursuant to 36 M.R.S.A., §841, application(s) for abatement or property taxes on account of infirmity or poverty. Passage 7-0, 8:21 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to return to open session. Passage 7-0, 8:43 P.M.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to grant abatement 94/95-09 for the full amount. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to grant abatement 94/95-10 for the full amount. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Boudreau to grant abatement 94/95-08 for the full amount. Passage 7-0.

Motion was made by Councilor Glynn and seconded by Councilor Avery to adjourn. Passage 7-0, 8:45 P.M.

A TRUE COPY.

ATTEST
Linda C. Cohen, City Clerk