

IN COUNCIL MEETING VOL. 75 PAGE 12
AUGUST 5, 2013

Roll Call: Mayor Blake called the meeting to order at 7:00 P.M. Councilors Linscott, Jalbert and Livingston were absent.

A. Acceptance of Minutes

Motion to accept the minutes from the July 15th Council meeting and the July 22nd Special meeting was made by Councilor Smith. Mayor Blake seconded. The motion passed 4-0.

B. Communications from City Manager

The Manager addressed the following items;

- Art In the Park – August 10th
- Congratulations to the South Portland Employee Track Team for winning the State Track and Field Competition for the 4th year in a row.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #70-12/13 – Conservation Commission, District Two (Smith), for a term which expires on 11/20/14. Postponed since 12/17/12. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved to postponed. Councilor Pock seconded. The item was postponed by a vote of 4-0.

2. ORDER #88-12/13 – Community Development Advisory Committee, District Three (Linscott), for a term which expires on 01/15/16. Postponed since 01/23/13. Passage requires majority vote.

There was no public discussion.

Mayor Blake moved to postponed. Councilor Cohen seconded. The item was postponed by a vote of 4-0.

3. ORDER #124-12/13 – Board of Assessment Review, District Two (Smith), for a term which expires on 03/16/16. Postponed since 04/01/13. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved to postponed. Councilor Pock seconded. The item was postponed by a vote of 4-0.

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4. ORDER #14-13/14 – Board of Appeals, At Large (Livingston), for a term which expires on 07/23/16. Postponed on 07/15/13. Passage requires majority vote.

There was no public discussion.

Mayor Blake moved to postpone. Councilor Smith seconded. The item was postponed by a vote of 4-0.

5. ORDER #15-13/14 – Library Advisory Board, At Large (Blake), for an unexpired term which expires on 12/31/14. Postponed on 07/15/13. Passage requires majority vote.

There was no public discussion.

Mayor Blake moved to postpone. Councilor Cohen seconded. The item was postponed by a vote of 4-0.

6. ORDER #24-13/14 – Energy & Recycling Associate, District Two (Smith), to appoint **Michael Howe**, for a term which expires on 05/05/15. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved to appoint Michael Howe, 586 Sawyer Street. Mayor Blake seconded. The item passed by a vote of 4-0.

E. Consent Calendar

7. STREET CLOSURE – The South Portland Buy Local Group is requesting the closure of Madison Street at Breakwater Drive for the South Portland Buy Local Bug Light Festival on August 17th. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Smith seconded. The item passed by a vote of 4-0.

8. STREET CLOSURE – The City of South Portland is requesting the closure of Hinckley Drive from Ocean Street to Cottage Road to accommodate Art in the Park from 12:01 am to 9:00 a.m. on August 10, 2013. (Rain date: 12:01 am to 9:00 a.m. on August 11, 2013). Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Mayor Blake seconded. The item passed by a vote of 4-0.

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F. Citizen Discussion (First Part)

James Nolan and Marguerite Rubino, 20 Goudy Street – Presented Council with a handout of Portland Pipe Line’s Business Corporation filing with the State of Maine and noted most of the Board of Directors are not local.

Steven Hasson, 148 Breakwater Drive – Mr. Hasson has continued concerns about debris on Willard Beach.

Dave Cyr, Portland Pipe Line – Mr. Cyr said the proposed Waterfront Protection Ordinance sends a message that South Portland is not a business friendly place. He hopes the City rises above this.

Linden Thigpen Pavloff, Karynel Drive – Ms. Pavloff voiced concerns about breathing and air toxins should tar sands come into the city at some point.

Eve Raimon, 88 Angel Ave. – Provided a handout from Commondreams.org and read through most of it.

Frederick Lancaster, 41 Hillside Ave. – Mr. Lancaster encouraged the Council to vote in favor of the ordinance.

Carol Thorne, 96 Sandy Hill Road – Ms. Thorne feels the language in the Waterfront Protection Ordinance would have a horrible impact on our community and could wipe out our waterfront.

Leslie Gatcombe-Hynes, Elmwood Ave. – Ms. Gatcombe-Hynes said we have to ensure that we are taking into consideration impacts to our environment as we consider this ordinance.

Debra Lumbert, 58 Clemons Street – Ms. Lumbert said it would be good to have the ordinance discussed to understand it better.

Chris Gillies, Portland Pipe Line – Mr. Gillies said the intent of the ordinance would have a negative impact and would inhibit safety upgrades.

Bob White, resident of South Portland – Mr. White said it is a mistake to say we are unfriendly to business when a proposed change may impact a small segment.

Jamie Py, Chair of the Ballot Question Committee, Maine Energy Marketers Association – Mr. Py said the comma did make a big difference in the language of the ordinance.

Rob Sellin, Deake Street – Mr. Sellin said the ordinance provides tools for the Council to regulate. He encouraged the Council to support the language as submitted then work with the proponents to make it better.

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Catherine Chapman, Beaufort Street – Ms. Chapman said to send this ordinance out to the people who want the change.

Jim Katsiaficas, Perkins and Thompson, representing Irving Oil – Mr. Katsiaficas impressed that this ordinance does impact more the Portland Pipeline. He encouraged the Council to enact a version of the ordinance that does not include section four.

Karen Sanford, 19 Preble Street – Ms. Sanford said this ordinance can't shut down any businesses and hopes the Council can see through the rhetoric.

Burt Russell, Vice President of Sprague Energy – Mr. Russell said the ordinance would have a severe impact on Sprague and he extended an invitation to tour the facility.

Christine Marshall, 159 Sawyer Street – Ms. Marshall questioned why changes that “could” or “might” impact certain businesses would be such a bad thing. Remember how close we were to losing much more of our waterfront a few years ago when Irving Oil wanted to build a tank farm.

G. Public Hearings and Action

9. CITIZEN INITIATED ORDINANCE #1-13/14 – Second reading and public hearing on the citizen initiated proposed waterfront protection ordinance. Passed first reading on 7/01/13. ROLL CALL VOTE. Passage requires at least five affirmative votes.

Councilor Cohen moved to have the item read by title only. Councilor Pock seconded. The motion passed 4-0. Mayor Blake announced earlier in the meeting that public discussion would not be taken during this item. Numerous individuals spoke about this item at Citizen Discussion, Part 1.

Councilor Cohen moved to consider Ordinance #1-13/14. Councilor Smith seconded. Councilor Cohen moved to correct the ordinance by deleting the comma after the term “other facility” in Section 4(c). Councilor Smith seconded. The correction passed 4-0. Councilor Cohen moved to recess the public hearing to August 19th. Councilor Smith seconded. The motion passed 4-0.

H. Action on Old and New Business

10. ORDER #25-13/14 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Pock moved for passage. Mayor Blake seconded. The order passed 4-0.

11. ORDER #26-13/14 – Appropriating \$171,000 from the Fairchild TIF Account to the FY 2013 CIP CSO West High #019 Mussey Street Account and award of Bid #42-13 to R. J.

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Grondin & Sons Inc., of Gorham, ME, for the Mussey Street/Sprague Street Sewer Separation Project. Passage requires majority vote.

The following person addressed this item;

Gary Higginbottom, Clemons Street – Mr. Higginbottom said he welcomes the improvement.

Councilor Smith moved for passage. Mayor Blake seconded. The order passed 4-0.

12. ORDER #27-13/14 – Amending the Lease Agreement with Mad Horse Theater for the lease of 24 Mosher Street. Passage requires majority vote.

The following person addressed this item;

Christine Marshall, Sawyer Street – Ms. Marshall thanked the Council for their support. She said it's a great building and they have enjoyed the last five years.

Mayor Blake moved for passage. Councilor Cohen seconded. Councilor Cohen moved to amend the lease in section six by striking out “not-for-profit” in the following sentence, “In addition, other not-for-profit theatre groups may be allowed to use the Leased Premises temporarily for theatre arts purposes with TENANT’s permission. Mayor Blake seconded. The amendment to the lease passed 4-0. The order passed 4-0.

13. ORDER #28-13/14 – Award of a sole source bid to Physio-Control Inc., of Redmond, WA, for the purchase of a Lifepak monitor for the Fire Department. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Smith seconded. The order passed 4-0.

14. ORDER #29-13/14 – Award of Bid #02-14 to LaCorte Equipment Company, of Calverton, NY, for the purchase of a turf utility vehicle for the Parks Department. Passage requires majority vote.

There was no public discussion.

Councilor Pock moved for passage. Mayor Blake seconded. The order passed 4-0.

15. ORDER #30-13/14 – Setting the date of the public hearing on a proposed amendment to the City Charter, Article IX, Section 906 regarding School Board member compensation. Passage requires majority vote.

There was no public discussion.

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Councilor Pock moved for passage. Councilor Smith seconded. The order failed 0-4 (Pock, Smith, Cohen, Blake).

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Pock reminded folks to stop by the Historical Society when they visit the Buy Local Festival on August 17th.

Councilor Cohen said the City and the Chamber made a valiant effort to show a movie in Bug Light Park. Thursday evening inclement weather kept postponing the event, however a movie was finally shown last Friday evening. She was impressed with the dedication of city employees.

K. Executive Session

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A. §405 (D) discussion of contract negotiations with the South Portland Firefighters IAFF Local #1476 and Fire Command Officers.

Councilor Cohen moved to go into Executive Session as noted above at 9:13 P.M. Councilor Pock seconded the motion. The motion passed 4-0.

Councilor Smith moved to come out of Executive Session at 9:44 P.M. Councilor Cohen seconded.

Councilor Smith moved to approve abatement of case #2013/2014-01 in the amount of \$2,461.93 for the fiscal year 2013 real estate taxes. Councilor Cohen seconded. The abatement was passed by a vote of 4-0.

Councilor Cohen motioned to adjourn at 9:46 P.M. Mayor Blake seconded. The motion to adjourn passed 4-0.

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