

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M.**

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

Item 1. Call to Order.

Item 2. Pledge of Allegiance.

Item 3. Roll Call.

Order No. 19-081. Act on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(C) regarding the sale of property located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66], the Public Safety Building. *[Town Manager]*

Item 4. General Public Comments.

Item 5. Minutes: October 16, 2019 - Regular Town Council Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 19-077, 7:00 p.m. Public hearing and second reading on the proposed amendments Chapter 302, Scarborough Town Council Rules & Policies, Section 200 – Town Council Procedures, subsection 200.8 Political Activities. *[Rules and Policies Committee]*

Order No. 19-082, 7:00 p.m. Public Hearing and action on the new request for a Food Handlers License for Kasey Perkins, d/b/a Honeycomb Cafe, located at 132 Pleasant Hill Road. *[Town Clerk]*

Proclamation 19-002. Act on the request for the proclamation declaring Saturday, November 30, 2019, as Small Business Saturday. *[Chairman Hayes]*

Resolution 19-001. Act on the request to support Resolution 19-001 Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019, to Support Municipal Recycling Programs (LD 1431). *[Councilors Donovan and Hamill]*

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 19-083. Act to authorize the Town Manager to execute any and all documents in the completion of the sale of properties located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66] pursuant to Order No. 17-115, that was approved by the Town Council on November 15, 2017. *[Town Manager]*

Order No. 19-84. Act on the request from the Police Department to receive a donation from Marla St. Pierre and LeAnn Risbara Dehler in the amount of \$2,500 for a Comfort Support Dog for the Public Safety Department. *[Police Department]*

Order No. 19-085. Act on the request to certify the results of the Municipal Elections held on Tuesday, November 5, 2019. *[Town Clerk]*

Item 8. Non Action Item.

Report of the Finance Committee:

- a. Review of the Fiscal Health Metrics Dashboard.
- b. Joint Finance Committee proposed Budget Goals.

Item 9. Standing and Special Committee Reports and Liaison Reports.

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

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Order No. 19-081. Move approval on the request for an executive session pursuant to Title 1 M.R.S.A. §405(6)(C) regarding the sale of properties located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66], the Public Safety Building.
[Town Manager]

Town Manager

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

AGENDA
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Order No. 19-077, 7:00 p.m. Public hearing and second reading on the proposed amendments Chapter 302, Scarborough Town Council Rules & Policies, Section 200 – Town Council Procedures, subsection 200.8 Political Activities. [*Rules and Policies Committee*]

Rules and Policies Committee

Ought to Pass

Sponsor

Recommendation

10/16/2019 – Vote: 7 Yeas.

First Reading/Vote

11/06/2019

Public Hearing

11/06/2019 – Vote:

Second Reading/Final Approval/Vote

CHAPTER 302 SCARBOROUGH TOWN COUNCIL RULES & PROCEDURES

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 302 - the Town Council Rules and Procedures of the Town of Scarborough, Maine, Section 200: TOWN COUNCIL PROCEDURES – Subsection 200.8 Political Activities; is amended as follows:

Section 200: TOWN COUNCIL PROCEDURES – Subsection 200.8 Political Activities.

~~**200.8: Political Activities.** No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his/ her official functions and duties for the Town. In conjunction therewith:~~

~~**200.8.a:** No Town Councilor may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.~~

Political Activities Policy

From Phil Saucier:

Hi Larissa,

Please find our suggested edits to Section 200.8 of the Town Council's Rules and Procedures in the attached word document, based on our conversation with you and Bill Donovan. The edits previously considered by the Council that we were asked to review are found in the pdf.

You'll see we recommend keeping the existing language "influencing or interfering with or affecting the results of any election for elective office" with the underlined addition. That language more closely tracks the state conflict of interest statute (the state's approximate equivalent of the federal Hatch Act) found in 5 M.R.S. § 7056-A. We also suggested an additional clause at the end that clarifies that a councilor may take any actions in their official capacity related to policy positions.

Finally, although the current policy prohibits councilors from accepting any contributions from town employees and we did not suggest eliminating that provision, the Town cannot prohibit employees themselves from donating to political candidates. My employment law colleague Ann Freeman would be happy to work with Liam to review the Town's personnel policy on that issue if you would like any assistance with that.

Take care and please feel free to give me a call with any questions.

-Phil

200.8: Political Activities. No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his/ her official functions and duties for the Town. In conjunction therewith:

200.8.a: No Town Councilor ~~may~~ shall use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for elective office, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens or from taking any actions to carry out the duties and responsibilities of their offices, including but not limited to advocacy on policy issues or legislation.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M.

Order No. 19-082. Move approval on the new request for a Food Handlers License for Kasey Perkins, d/b/a Honeycomb Cafe, located at 132 Pleasant Hill Road. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: November 1, 2019

RE: Requests for a Food Handlers License

The following applicant is seeking approval on a new request for a Food Handlers License:

- Kasey Perkins, d/b/a Honeycomb Cafe, located at 132 Pleasant Hill Road.

The completed application is on file with Town Clerk's Office and there are no outstanding issues and it is recommended that this license be approved. The license will be issued with the occupancy permit.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M

Proclamation 19-002. Move approval on the request of Proclamation 19-002, declaring Saturday, November 30, 2019, as Small Business Saturday. [*Chairman Hayes*]

Chairman Hayes

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

11/06/2019

Public Hearing

11/06/2019 – Vote:

Second Reading/Final Approval/Vote

Town of Scarborough, Maine

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S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

Proclamation 19-002 Recognizing November 30, 2019 as Small Business Saturday

WHEREAS, the government of the Town of Scarborough, Maine, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and,

WHEREAS, small businesses employ 47.3 percent of the employees in the private sector in the United States; and,

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and,

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and,

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, the Town of Scarborough supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council and the Town Manager, does hereby proclaim Saturday, November 30, 2019, as:

SMALL BUSINESS SATURDAY

AND urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed and dated this 6th day of November, 2019, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by: Peter F. Hayes
Council Chair

Attested by: Yolande P. Justice
Town Clerk

AGENDA
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WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M

Resolution 19-001. Move approval on the request to support Resolution 19-001, Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019, to Support Municipal Recycling Programs (LD 1431).
[Councilors Donovan and Hamill]

Councilors Donovan/Hamill

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote



Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

RESOLUTION 19-001 TO SUPPORT MUNICIPAL RECYCLING PROGRAMS [LD1431]

WHEREAS, Maine's communities are struggling to maintain, expand, and in some cases are eliminating, recycling programs due to rising costs and difficult-to-manage materials; and,

WHEREAS product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine's municipal waste management programs; and,

WHEREAS Maine taxpayers currently unfairly bear 100% of the cost and pay an estimated \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and,

WHEREAS producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling; and there is no organized coordination between the producers of packaging and municipalities that are responsible for disposing of or recycling the packaging materials; and,

WHEREAS producers of product packaging have taken some or all responsibility for the management of post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs.

NOW, THEREFORE BE IT RESOLVED, We, the Town of Scarborough, Maine, supports an Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019 through the passage of the Resolve, To Support Municipal Recycling Programs (LD 1431). We believe that this policy will work to make recycling in Maine:

More effective: Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine; and,

More sustainable: An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced stop or restrict their programs; and,

More equitable: Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed-and the packaging manufacturers that produce less wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.

Signed and dated this 6th day of November, 2019, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by:

Peter F. Hayes
Council Chair

Attested by:

Yolande P. Justice
Town Clerk



MEMO

To: Scarborough Town Council

From: Jami Fitch, Sustainability Coordinator

Date: October 29, 2019

Re: Extended Producer Responsibility (Recycling) Resolve

The Sustainability Committee voted unanimously at their 10/23 meeting to endorse the enclosed Resolve in support of the Maine Department of Environmental Protection's (DEP) Extended Producer Responsibility (EPR) legislation. The Committee recommends the Resolve be adopted by the Scarborough Town Council.

LD 1431, which was passed in the last legislative session, directed Maine DEP to develop legislation that requires producers to pay a fee for their product packaging. Fees collected will be passed on to municipalities with municipal recycling programs and offered as grants to improve or establish recycling infrastructure. Goals of the fee include waste reduction and improved municipal recycling systems that no longer solely rely on the taxpayers to pay for waste disposal. Similar fees have been instituted in other countries and jurisdictions around the world, but Maine's program would be the first in the United States. The legislation will be introduced in the Maine Legislature in the upcoming session.

More information about the EPR program is enclosed and available at RecyclingReform.org.



RECYCLING REFORM FOR MAINE

More Effective • More Sustainable • More Equitable

www.recyclingreform.org

Recycling in Maine is fundamentally flawed.

You can help fix it.

Maine people have developed a strong recycling ethic because they want to do the right thing. However, many towns are being forced to scale back or eliminate their recycling programs due to higher costs from shifts in global markets and a flood of poorly designed, non-recyclable packaging.

It is unfair for towns and taxpayers to shoulder the costs for managing a constantly evolving waste stream that they have no control over. That's why NRCM is supporting a proposed state law that would reform recycling to require brand owners and corporations who manufacture packaging and materials to share responsibility for creating an effective recycling system. This solution is based on a successful model being used across the world called "extended producer responsibility (EPR) for packaging."

Recycling reform for Maine will make recycling:

- **More Effective.** Producers of packaging materials would have a direct economic incentive to produce less wasteful packaging that can easily and profitably be recycled.
- **More Sustainable.** Our current approach to recycling is not resilient to changes in the global recycling market, forcing cities or towns to consider stopping or restricting recycling when costs rise unexpectedly. ***Think of this solution as an insurance policy for Maine municipalities when global recycling markets fluctuate.***
- **More Equitable.** Maine's cities, towns, and taxpayers currently pay \$16-\$17.5 million per year to manage packaging waste that they did not create. With recycling reform, taxpayers would no longer pay for the cost of recycling since the net costs of recycling would be reimbursed by a producer responsibility organization.

What are Recyclables?



Aside from printed paper, our recycling bins are filled mostly with packaging, including plastic, steel, aluminum, glass, and cardboard. These materials make up about 30% to 40% of Maine's waste stream.

Boxy McBoxface, Recycling Reform for Maine Director
Learn more about Boxy at recyclingreform.org



Recycling is one of the key ways that we can keep materials out of landfills and conserve our natural resources. Manufacturers are designing a greater diversity of products that may be technically recyclable but not practically recyclable locally.

“I have been working on ways to reduce plastic in my life, but the wasteful packaging is what is most frustrating to me because I don’t have the ability to change that infrastructure.”

—Sarah Southam, Bethel

Problems with Status Quo	Solutions with Recycling Reform
Municipalities and taxpayers unfairly pay for a waste problem they have no control over.	Shifts the cost of managing packaging waste from the municipal taxpayer to the producers of the packaging materials.
Access to convenient recycling programs vary greatly across the state.	Producers reimburse municipalities for the costs of expanding access and convenience to recycling programs. Cities and towns still pay for disposal costs so there is a strong incentive to maintain a robust and effective recycling system.
Municipal recycling programs are not resilient to changes in global recycling markets.	Municipalities would be reimbursed by the producers for the net costs of recycling, preventing them from having to adjust their programs due to market fluctuations over time.
Manufacturers are flooding the market with products that may be technically recyclable but not practically recyclable locally.	Producers pay into the system based on what they produce so companies that use materials that can be more easily recycled would pay less than those who don’t.
Contamination in recycling streams due to confusion and non-recyclable packaging materials raises costs and leads to more disposal.	There will be less opportunity for contamination and incentives for producers to create only readily recyclable materials. Payments made by producers could be reduced if they have clear instructions on how to recycle the material on their package. The producer would also fund and provide public recycling education.
Never reached goal of 50% recycling rate. Currently stagnant at 40% and presumed to be falling.	The more than 40 jurisdictions around the world that have adopted EPR for packaging boast recycling rates well over 50%.
Lack of reliable and transparent data on recycling activity.	Reimbursement to municipalities would be based on reliable data of what materials are sold, collected, and ultimately recycled.
Domestic recycling markets extremely limited.	Payments made by producers become lower when they incorporate a higher percentage of recycled content in their packaging, helping to create demand for a vibrant recycling economy.



How you can help!

We need the support of Mainers across the state! Visit www.recyclingreform.org to get involved: sign our petition, recruit municipal support for recycling reform, and contact your elected officials. For more information, contact NRCM Sustainable Maine Outreach Coordinator Chrissy Adamowicz at (207) 430-0144 or chrissy@nrcm.org.



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine • 04330
(800) 287-2345 • www.nrcm.org

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WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M

Order No. 19-083. Move approval to authorize the Town Manager to execute any and all documents in the completion of the sale of properties located at 246 US Route One [Map U4/Lot 56] and 9 Fairfield Drive [Map U4/Lot 66] pursuant to Order No. 17-115, that was approved by the Town Council on November 15, 2017. [*Town Manager*]

Town Manager

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
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Order No. 19-84. Move approval on the request from the Police Department to receive a donation from Marla St. Pierre and LeAnn Risbara Dehler in the amount of \$2,500 for a Comfort Support Dog for the Public Safety Department. *[Police Department]*

Police Department

Ought to Pass

Sponsor

Recommendation

11/062019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 6, 2019
REGULAR MEETING – 6:00 P.M

Order No. 19-085. Move approval on the request to certify the results of the Municipal Elections held on Tuesday, November 5, 2019. *[Town Clerk]*

Town Clerk

Ought to Pass

Sponsor

Recommendation

11/06/2019 – Vote:

First Reading/Vote

N/A

Public Hearing

N/A

Second Reading/Final Approval/Vote