

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – MARCH 6, 2019
REGULAR MEETING – 6:00 P.M.

Item 1. Call to Order. Chairman Hayes called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Thomas J. Hall, Town Manager. The following Councilors were present:

Councilor Shawn A. Babine	Councilor Jean-Marie Caterina
Councilor Paul M. Johnson	Councilor William J. Donovan
Councilor Kathleen M. Foley	Councilor Donald R. Hamill
Chairman Peter F. Hayes	

Order No 19-012. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for consultation with legal counsel regarding the potential sale of the Pine Point Co-Op. [Town Manager] Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) for consultation with legal counsel regarding the potential sale of the Pine Point Co-Op.

Vote: 7 Yeas.

The Town Council recessed to executive session at 6:03 p.m. Chairman Hayes reconvened the meeting at 7:04 p.m.

Item 4. General Public Comments.

- Michael Doyle, owner of Falmouthtoday.me commented on a case that had been before the courts relating to a situation here in Scarborough.
- Rebecca Delaware, Vice President of the Historic Implementation Preservation Committee, spoke on the need of funds for the old Beech Ridge One Room School House that had been built in the late 1800s. The cost to have a full foundation would be \$50,000 and additional \$10,000 for a new roof. The building itself is sound, but time is of the essence as these items need to be completed to maintain the structure. The society is a non-profit and have rarely come before the Council to ask for assistance. Councilor Caterina stated that if there is anything that the Town can do would, it be greatly appreciated.

Item 5. Minutes: February 20, 2019 - Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the minutes of the February 20, 2019, Town Council meeting.

Vote: 6 Yeas. 1 Abstain [Councilor Donovan]

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 18-018, 7:00 p.m. Public Hearing and schedule the second reading on the proposed Contract Zone Request from Patriot Acura Dealership located at the corner of Payne Road and Haigis Parkway. [Town Planner/Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Hayes opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:13 p.m. The second reading would be scheduled for Wednesday, March 20, 2019.

Order No. 19-013, 7:00 p.m. Public hearing and action on the following new request for a Combined Massage Establishment/Massage Therapist License from Marie Ann Dittmer d/b/a Focal Point Manual Therapies, located at 25 Plaza Drive, #6. [Town Clerk] The Town Clerk's gave a brief overview on this Order. Chairman Hayes opened the public hearing. As there were no comments either for against, the hearing was closed at 7:15 p.m.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval on the request for a Combined Massage Establishment/Massage Therapist License from Marie Ann Dittmer d/b/a Focal Point Manual Therapies, located at 25 Plaza Drive, #6.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 19-003. Second reading on the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District and schedule a second reading. [Long Range Planning Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the second reading on the proposed changes to Chapter 405 – the Zoning Ordinance of the Town of Scarborough, Section XVIII.B Haigis Parkway District and schedule a second reading, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine Section XVIII.B Haigis Parkway District, is amended as follows:

Subsection C. Planned Development Standards

4. Required of Planned Developments Incorporating Live/Work Units, Residential Dwellings within a Mixed-Use Building and/or Multi-family Dwellings

Live/work units, residential dwellings within a mixed-use building and multifamily dwellings are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

- a. Given the HP District is principally a business district; the maximum amount of residential use(s) shall not exceed 40% of the non-residential use(s) at full build-out. Determination of the full build out use ratio is calculated as described below: the floor area of all residential uses within a planned development shall be a maximum of 40% of the total floor area of all the building floor area within the planned development.

- i. For planned development projects that consist of a single lot or building, the floor area of all residential uses shall be a maximum of 40% of the total non-residential use floor area at the time of approval.
- ii. For planned development projects that consist of multiple lots or buildings the maximum amount of residential use is based on the amount of total non-residential use floor area that can be accommodated on the lots and/or buildings, as determined by the applicant and approved by the Planning Board. In determining the total non-residential floor area the applicant shall complete a conceptual build-out analysis for each lot and/or building, including all typical and necessary supporting infrastructure associated with the assumed building size; including, but not limited to, parking fields, stormwater facilities, landscaping, etc. The Planning Board shall verify the applicant's analysis, and may require modifications, prior to approval.
- b. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents.
- c. Any other non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
- d. Residential uses are designed with outdoor amenities, open spaces or common spaces usable for the active or passive recreation. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each.

Vote: 7 Yeas.

Order No. 19-006. Second reading on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection & Disposal Ordinance, Article I, Section 1.02., Section 1.10. & Section 1.12. and Article III, Section 3.01. [Ordinance Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the second reading on the proposed amendments to Chapter 901 – the Town of Scarborough Garbage and Recycling Collection & Disposal Ordinance, Article I, Section 1.02., Section 1.10. & Section 1.12. and Article III, Section 3.01, as follows:

CHAPTER 901

TOWN OF SCARBOROUGH

Garbage and Recycling Collection and Disposal Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 901, the Garbage and Recycling Collection Ordinance of the Town of Scarborough is amended, as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.01

The purpose of this Ordinance is to protect the health, safety and general wellbeing of the citizens of Scarborough: enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of

Scarborough in accordance with the provisions of Title 38 M.R.S.A. §§ 1304-B and 1305, as amended.

Section 1.02 DEFINITIONS

1. CART:

A CART: "Cart" means a wheeled receptacle distributed by the Town of Scarborough to Scarborough residents for the purpose of facilitating the collection of garbage and recyclable materials at the curb.

2. CONSTRUCTION OR DEMOLITION DEBRIS:

"Construction or demolition debris" Means means solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

3. CONTAINERS:

"Containers" means Items including glass bottles and jars, plastic bottles and jugs, and metal cans.

4. DISPOSAL:

"Disposal" means the discharge, deposit, dumping or placing of any solid waste into or on any land.

5. ECOMAINE DISPOSAL FACILITY GARBAG:

"ecomaine Disposal Facility" means any land or structure or combination of land area and structures, including dumps and transfer stations, owned or operated by ecomaine, or any other site designated by ecomaine, used for storing, salvaging, reducing, incinerating or disposing of solid wastes.

6. GARBAGE:

Shall mean offal, rubbish, kitchen waste, and any putrid substance. "Garbage" means solid waste which the The Town Public Works Director and/ or his/her designee shall have designate on a list of items that are acceptable for garbage collection posted on the Town web page.

7. HAZARDOUS WASTE:

"Hazardous waste" Shall means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 MRSA section 1319-O or by the terms of a certain Waste Handling Agreement between the Town and ecomaine. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

8. OVERFLOW:

"Overflow" means garbage Garbage set out for collection that exceeds the amount contained in the Town-provided collection cart; applies only to those household solid wastes considered acceptable in the curbside collection program.

9. PERSON:

“Person” Shall means any person, firm, partnership, corporation, association, company, or organization of any kind.

10. RECYCLABLE MATERIALS or RECYCLABLES:

Those items “Recyclable Materials” or “Recyclables” means solid waste designated by the Town Manager or his/her designee as suitable for inclusion in the Town’s recycling program. These items are as follows: newspapers, magazines, office paper, paperboard, cardboard, glass bottles, glass jars, #1-7 plastics, aluminum cans, aluminum foil, tin cans, steel cans and milk and juice cartons. These items are subject to change and are in reference to the materials accepted by Eco-Maineecomaine. [amended 11/01/17]

11. RECYCLING VEHICLE:

“Recycling vehicle” means aA vehicle utilized by the Town of Scarborough or its designated agent to collect recyclable materials at the curb from all residential uses on a Town-maintained public way.

12. RESIDENTIAL USES:

“Residential uses” means, Forfor the purpose of providing solid waste collection, includes single-family, duplex and multifamily dwellings (up to and including five units) on public ways. Residential uses may include home occupations as defined in the Town Zoning Ordinance, but not other mixed commercial and residential uses.

13. SOLID WASTE:

“Solid waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitations, rubbish, garbage, scrap materials, junk, inert fill material and landscaping refuse, and including material that may have value or other use or may be sold or exchanged, but not including septage tank sludge nor agricultural or hazardous wastes.

14. SOLID WASTE DISPOSAL FACILITY or DISPOSAL FACILITY:

“Solid Waste Disposal Facility” or “Disposal Facility” means any land or structure or combination of land area and structures, including dumps and transfer stations and any other site used for storing, salvaging, reducing, incinerating or disposing of solid wastes, including the ecomaine disposal facility.

15. TOWN:

“Town”Shall means the Town of Scarborough, Maine.

16. UNIVERSAL WASTE:

“Universal waste” Shall means any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

17. WOOD WASTES:

“Wood wastes” means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects, that are not mixed with other solid or liquid waste. For the purposes of this definition, “lumber” is entirely made of wood and is free from metal, plastics and coatings.

18. YARD WASTE:

“Yard waste” means earthen fill, soil, sand, grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.

Section 1.087 UNLAWFUL TO PLACE, DEPOSIT GARBAGE IN VIOLATION OF ORDINANCE

It shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any garbage, except in the manner permitted by the provisions of this Ordinance.

Section 1.1009 CARTS REQUIRED; HOURS FOR PLACEMENT AND REMOVAL; REPLACEMENT OR ADDITIONAL CARTS; OVERFLOW WASTE [Amended 10/18/17-Effective 04/18/18]

A. It shall be the responsibility of the Town to provide and make available suitable and sufficient carts as described by §1.08.09 to receive the accumulation of weekly household waste. Each cart shall be placed as instructed by the Town or its designated garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, but must be set out by 7:00A.M. the morning of collection, and ~~should~~ shall be removed from the Town’s right of way the day of collection.

B. Should a Town-owned cart be damaged, defaced or lost by a household, the Town will make another such cart available for replacement at a fee.

C. Residents who have “overflow waste,” defined as garbage set out for collection that exceeds the amount contained in the Town-provided collection cart, may take it to the Department of Public Works for disposal.

Section 1.1211 UNLAWFUL TO ~~RAKE LEAVES~~ PUT ANY YARD WASTE OR WOOD WASTES INTO STREETS OR TOWN RIGHTS OF WAY

It shall be unlawful to ~~rake-leaves~~ put any yard waste or wood wastes into any paved street or the Town’s ~~or~~ right of way.

Section 1.1312 SEPARABILITY

In the event that any section, sub-section or any portion of this ORDINANCE shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or any other portion of this ORDINANCE.

ARTICLE III. COLLECTION AND REMOVAL

Section 3.01 ACCUMULATION OF GARBAGE PROHIBITED

1) Each household or business is responsible for preventing accumulation of garbage. On the designated day of pickup, all residential garbage must be set out in a Town designated cart for garbage collection. Each household unit should contain its waste in carts as described in § 1-1.09.10. Pursuant to § 1-1.09.10, each cart shall be placed as instructed by the garbage collector along the street, sidewalk or roadside for automated collection. Town-designated garbage carts may be set out for collection the evening or day before, and ~~should~~ shall be removed from the street or roadside after on the day of collection, in no event more than 24 hours thereafter. No person shall cause or permit any accumulation of garbage which, in the

opinion of the Health Officer or Health Inspector, is unsanitary or hazardous to the health of the public or, in the judgment of the Fire Chief of the Fire Department, constitutes a fire hazard.

2) Dumping prohibited. No person shall throw or place any garbage;, recyclable materials, including paper, trash, glass, nails, wire, bottles, and cans;; building materials, yard waste, including includinggrass trimmings, leaves, brush, branches, and concrete, earthen fill; construction or demolition debris;; garbage carts;; litter or other debris in any ditch, stream, river or retention basin that regularly or periodically carries surface water runoff. Any person who deposits any of the above shall remove it or cause it to be removed immediately. The Code Enforcement Officer, the Public Works Director or any one else designated by either shall be responsible for the enforcement of this provision.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 19-014. First reading and schedule a public hearing on the proposed amendments to Chapter 304, Town of Scarborough Purchasing Policy. [Ordinance Committee]
Councilor Caterina, Chair of the Ordinance Committee, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of the first reading the proposed amendments to Chapter 304, Town of Scarborough Purchasing Policy; as follows:

CHAPTER 304 TOWN OF SCARBOROUGH MUNICIPAL PURCHASING POLICY

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 304 - the Town of Scarborough Municipal Purchasing Policy, by adding the underlined text and deleting the text shown in strikeover type, as follows:

Section 1. Purpose

The purposes of the regulation are to standardize the purchasing procedure of the Town of Scarborough thereby securing for the town the advantages of a centralized and uniform purchasing policy saving the taxpayers' money and increasing public confidence in the procedures for municipal purchasing; to promote the fair and equitable treatment of all suppliers of goods and services; and to set forth the duties and responsibilities of the department heads and the Purchasing Agent, thereby fostering interdepartmental cooperation and trust in the purchasing system.

Section 2. Definitions

~~1. Approved vendors:~~

~~“Approved vendors” means those vendors identified by each department head to the Purchasing Agent, who maintains a list of approved vendors for bidding purposes. The Purchasing Agent shall keep detailed lists for each department on file at all times.~~

~~2.~~ 1. Bid most advantageous to the Town.

“Bid most advantageous to the Town” means a bid chosen on the basis of price, quality of merchandise, suitability of merchandise, and service reputation of the vendor, and therefore may not necessarily mean the lowest bid received.

~~3.~~ 2. Competitive bidding.

“Competitive bidding” means the process of obtaining the bid most advantageous to the Town for any purchase, whether through formal or informal bidding procedures.

~~4.~~ 3. Informal bid.

“Informal bid” means a written or oral quotation obtained from an approved vendor but not required to be opened publicly at a specified day, place and time.

~~5.~~ 4. Field purchase.

“Field purchase” means an informal purchase of supplies needed in small quantities for day-to-day operation made directly by a Department Head or her/his designated representative from any vendor. [Amended 11/02/17]

~~6.~~ 5. Formal bid.

“Formal bid” means a written quotation obtained in a sealed envelope from an approved vendor or through advertisement and opened at a specific day, place and time.

~~7.~~ 6. Cooperative purchase.

“Cooperative purchase” means a purchase made by the Town in conjunction with or from another governmental or quasi-governmental agency, such as but not limited to, the State of Maine, Greater Portland Council of Governments, the School Department, the Sanitary District or another municipality.

~~8.~~ 7. Purchase.

“Purchase” means buying, renting, leasing, or otherwise acquiring supplies or services for a price.

~~9.~~ 8. Purchasing Agent.

“Purchasing Agent” means the Assistant Town Manager or the Assistant Town Manager’s designee.

~~10.~~ 9. Services.

“Services” means the lease or rental of all grounds, buildings, offices, space or equipment required by the Town, the repair or maintenance of equipment or real property owned by or the responsibility of the Town and all labor furnished to the Town by persons, firms, individuals or corporations not part of or connected with the Town government. “Services” shall not include professional services provided to or for the Town by lawyers, architects, engineers, auditors and consultants. Nor shall “services” include utilities such as electricity, water, and phone services.

11- 10. Specifications.

“Specifications” means standards, including quality, set by department heads as a guide to the Purchasing Agent and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the department or non-technical specifications for bids, which shall state the quality required in general terms.

12- 11. Supplies.

“Supplies” shall mean all supplies, materials and equipment.

Section 3. Applicability

This regulation shall apply to purchases made by departments and agencies of the Town, except as otherwise specified herein.

Section 4. Appropriation

Neither the Purchasing Agent nor any Department Head shall make any purchase or allow any purchase to be made until an appropriation therefore has been approved by the Town Council.

Section 5. Purchase Limits

1. A Department Head or the Department Head’s designated representative may make field purchases when the total purchase price for the goods or services being purchased is less than ~~\$500.00 200.00, provided the field purchases are reported to the Purchasing Agent in writing within 3 days thereafter.~~ (amended 09/17/03)

2. A Department Head may execute written orders when the total purchase price is \$5,000.00 or less and the requirements of this Purchasing Policy are complied with by the Department Head or her/his designee. Any purchase of computer hardware or software requires consultation with the IT Department prior to purchase. (amended 09/17/03)[amended 11/01/17]

3. The Purchasing Agent shall make any purchase when the total purchase price exceeds \$5,000.00 up to an amount within the municipal operating budget. (amended 04/18/01). (amended 09/17/03)

4. The Town Council shall approve and authorize any purchase beyond the amount as approved in the municipal operating budget. (amended 04/18/01).

Section 6. Competitive Bidding

1. Competitive bids shall be required for all purchases in excess of \$2,500.00 unless specifically exempted by this Policy or by action of the Town Council.

2. Informal bidding procedures shall be allowed when a purchase is required to be by competitive bidding if the total purchase price is less than \$10,000.00 ~~7,500.00~~, unless the Purchasing Agent recommends use of formal bidding procedures.

3. Formal bidding procedures shall be followed by the Purchasing Agent in all other cases when competitive bidding is required by this Policy.

4. The Purchasing Agent may make cooperative purchases without competitive bidding if the Purchasing Agent determines the purchase is being made after competitive bidding by the cooperative entity or at price more advantageous than the Town would be likely to obtain by competitive bidding.

5. The Purchasing Agent may waive the requirements for competitive bidding for purchases of \$25,000.00 or less in cases of emergency or when the purchase is inappropriate for competitive bidding due to the nature of the item, time constraints or other factors, provided that the Purchasing Agent shall file a full and complete statement of the reasons for waiving competitive bidding.

6. Purchases of computer hardware or software will be reviewed with the IT Department for approval prior to the bidding process.

Section 7. Procedure for Formal Bidding

The procedure for formal bidding shall be as follows:

1. Invitation for Bids. The Department Head or Purchasing Agent shall prepare the invitation for bids, describing the Town's requirements clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related (whether attached or incorporated by reference) material furnished prospective bidders for the purpose of submitting sealed bids. The Purchasing Agent shall determine that the requirements of the Town are clearly and accurately and completely stated within the invitation to bid. Every invitation to bid shall note that all purchases are subject to the conditions set forth in Section 9 hereof.

2. The Department Head or Purchasing Agent shall publicize the invitation for bids through distribution to prospective bidders, posting on the ~~bulletin board at Town Hall and~~ purchasing page of the Town's website, posting notice in the office of the department(s) involved, ~~advertising in a newspaper with local and/or regional circulation,~~ or such other means as the Purchasing Agent determines is appropriate at least ten calendar days prior to the time set for public opening of sealed bids. While no preference shall be made for local vendors, every attempt shall be made to ensure that appropriate local vendors are notified of applicable advertised bids.

3. Bidders shall submit sealed bids to the Town prior to the date and time specified for the opening of bids. Late bids shall not be accepted and no bidder shall be permitted to withdraw a bid after the deadline for bids specified in the invitation to bidders.

4. Bids shall be publicly opened at the time and place specified in the invitation to bid. A contract shall be awarded to the responsible bidder whose bid conforms to the invitation to bid and will be the most advantageous to the Town. Award may be delayed pending verification of a bidder's credentials and references or review of the bids received.

5. Nothing in this section shall preclude the Town from rejecting any and all bids as provided in Section 9 of this Policy.

Section 8. Procedure for Informal Bidding.

1. The Department Head or the Purchasing Agent shall solicit competitive bids either by written notice sent to ~~approved~~ vendors, and by posting on appropriate Town bulletin boards and the purchasing page of the Town's website ~~or by advertisement in a newspaper(s) having at least local circulation.~~ The notice shall contain specifications as to quantity and quality required, the availability of bid packages or other details, and the date and time when bids must be received. If bids will be opened publicly and read, the notice shall also specify the date, time and location where they will be opened and read. Any solicitation or advertisement shall note that all purchases are subject to the conditions set forth in Section 9.

2. All bids shall quote delivered prices, terms of payment and cash discounts if applicable. If oral quotations are accepted, the Purchasing Agent or the Department Head shall make a record of the quotation. The person from whom the quote is received, and the date and time the quote is received by the Town shall be recorded.

3. The Purchasing Agent or Department Head shall attempt to solicit at least three approved vendors on every purchase subject to informal bidding procedures. If less than three bids are received, or if in the opinion of the Department Head or the Purchasing Agent no bids are acceptable, rebidding may be required.

4. In all cases the bid most advantageous to the Town, price, quality, and other factors being considered, shall be awarded.

Section 9. Administrative Procedures and Conditions

Competitive Bids shall be administered by the Purchasing Agent and shall be subject to the following conditions:

1. The Department Head or Purchasing Agent shall keep a record of all bids submitted and such records shall be opened to proper inspection by any person.

2. All bidders shall be notified in writing of bid results within ten days after the bids are opened.

3. Tie bids shall be resolved by the Town Manager except that if the price exceeds \$25,000.00, the Town Council shall resolve the tie.

4. All bids shall be awarded on the basis of the bid most advantageous to the Town.

5. The Town reserves the right to accept or reject any or all bids, to investigate the qualifications of any bidder, and to waive or not waive any and all informalities in the bids when making an award.

6. If an award is made to other than the low bidder, the Purchasing Agent shall file a full and complete statement of the reasons for determining that the low bid was not the bid most advantageous to the Town, together with all papers relating the bidding process.

7. The Town retain custody of all bids submitted to the Town pursuant to this policy.

Section 10. Duties of Department Heads

1. Determine acceptable quality of commodities and supplies to be purchased.

~~2. Cooperate with the Purchasing Agent in establishing lists of approved specifications and vendors.~~

~~3.~~ 2. Share knowledge of special factors which will implement a policy designed to enable the Town to minimize cost and maximize quality.

~~4. Supply the Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering cooperative purchasing.~~

~~5.~~ 3. Prepare requisitions with an eye toward cooperative purchasing and keep corresponding records to facilitate correct accounting charges.

~~6.~~ 4. Be empowered to reject any unacceptable supply or commodity on the ground of high cost or low quality, and provide the Town Purchasing Agent a written detailed report of any rejection.

~~7. Department Heads shall choose vendors on the basis of responsibility and quality and shall submit a list of approved vendors to the Purchasing Agent. Department Heads shall notify the Purchasing Agent in writing regarding any additions or deletions to this list and shall give reasons for deletions.~~

~~8. Report to the Purchasing Agent the Following:~~

~~Items beyond use~~

~~Items being replaced or to be replaced~~

~~Items no longer of use to department operations~~

~~9.~~ 5. Foster ~~regular~~ planned bulk or cooperative purchasing to minimize direct purchases.

Section 11: Ethical Purchases and Procurement Process (adopted 09/17/03)

It is in the interest of the Town of Scarborough to purchase and procure items of apparel, textiles and recreational equipment from responsible and ethical contractors who provide quality goods and services at a competitive price and who generally adhere to international conventions on wages, workplace health and safety, forced labor, child labor and freedom of association.

1. Application of Purchasing Code of Conduct.

This subchapter applies to competitive bids for the purchase of apparel, footwear or textiles pursuant to Chapter 304. Every purchase of apparel, footwear or textiles shall be accompanied by a signed affidavit stating that the bidder has complied with the municipal purchasing code of conduct established under Section 11 and that, to the best of the bidder's knowledge, the supplier at the point of assembly of the goods subject to the bid process is in compliance with the municipal purchasing code of conduct. The Purchasing Agent shall submit a series of questions (Exhibit A, Sample Form) to the vendor to determine the manufacturing facilities in which the products under consideration are made, to ascertain working conditions at these manufacturing facilities and to demonstrate that working conditions are of concern in the Town's purchasing decisions. Contract award will favor those retailers, suppliers, wholesalers, distributors and manufacturers who operate in accordance with established codes of corporate conduct regarding wages, workplace health and safety, forced labor, child labor, and freedom of association, as embodied in United Nations (U.N.) and International Labor Organization (I.L.O.) conventions.

2. Statement of belief; protection of local interests.

The affidavit provided by the municipal purchasing agent to bidders for contracts to provide goods covered by this subchapter must include a copy of the following statement:

“Scarborough is a town that believes employers should fairly compensate hard work, that the health and safety of working people should be protected and that no form of unlawful discrimination or abuse should be tolerated. Scarborough citizens are aware that law and regulations designed to safeguard basic tenets of ethical business practice are disregarded in many workplaces, commonly referred to as “sweatshops.”

3. Information Retained.

The Town’s Purchasing Agent, or designee, shall retain records of all information for 25 months regarding manufacturing working conditions supplied by the vendors replying to all purchase or bid solicitations. Any additional information used by the Purchasing Agent in making a bid award shall also be retained with the bid documentation. All records will be available to the public.

4. Report.

The Municipal Purchasing Agent shall submit a report to the Finance Committee by September 15 of each year concerning the administrative and financial impact of these requirements, the degree of voluntary compliance with the municipal purchasing code of conduct by the vendors; the number of vendors who agreed to and the number that declined to comply with the provisions of this subchapter; and any other information relevant to the municipal purchasing code of conduct.

Vote: 7 Yeas.

Order No. 19-015. Act on the request from the Council Chair to adopt 2019 Goals and Norms. **[Council Chair]** Chairman Hayes gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Foley, to move approval on the request from the Council Chair to adopt 2019 Goals and Norms, as follows:

Scarborough Town Council 2019 Goals/Norms

Norms:

- ✓ Acknowledge one another’s thoughts and positions and be curious about them.
Seek to understand.
- ✓ Be civil and respectful during dialogues.
- ✓ Begin and end with what’s best for community in mind [listening and acknowledging community input and considerations during the process].
- ✓ Improve internal Town Council communications.
- ✓ Actively practice humility.

Goals:

- ✓ Community Relations
 - Work to understand differing views.
 - Continue to build trust.
 - Determine the most effective methods for engaging our community.

✓ Budget

- Tax Rate increase not to exceed 3%.
- Tax rate projection will adhere to policy regarding valuation increases and the impact of the residential revaluation shall not be considered in these projections.
- Clear and consistent messaging regarding the factors to be considered in the projection of estimated tax rate.

Vote: 7 Yeas.

Item 8. Non Action Items. None at this time.

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

- Councilor Hamill gave an update on the Appointments/Negotiations Committee and the Long Range Planning Committee.
- Councilor Donovan gave an update on the Energy Committee, the Housing Alliance Committee and the Pest Management Committee.
- Councilor Caterina gave an update on the Ordinance Committee, the MMA Legislative Policy Committee and the Historic Implementation Preservation Committee.
- Councilor Foley gave an update on the joint Communications meeting between the Town and School Committees and the Eastern Trail Alliance.
- Councilor Johnson gave an update on the Communications Committee meeting as well as the joint meeting with the School.
- Councilor Babine gave an update on the Finance Committee and gave an update on LDs that would be coming up at the State level.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- The Manager noted that there were a few ongoing issues – e.g. Piper Shores Contract Zone Amendment, the Pine Point Co-Op and the Public Safety Building.
- He noted that there had been a mediation session on the Piper Shores tax suit and the next session would be on March 21st.

Item 11. Council Member Comments.

- Councilor Babine reminded everyone that the change to daylight savings time occurs this weekend. He mentioned a report Unclaimed property for Scarborough residents. He mentioned the firefighter who lost his life in Berwick and who was from Old Orchard Beach. He mentioned the passing of Bruce McLewin and his contribution to the town.
- Councilor Johnson gave an update on the Chamber of Commerce meeting he had attended and the Board of Education.
- Councilor Foley mentioned the Conservation Commission and how they were very excited about the changes at the State level. She update the Council on the project she had been working to honor the veterans.
- Councilor Caterina congratulated the Academic Decathlon on their State win. She noted that the group is currently raising funds to travel to Nationals. She then stated the she had been asked by MMA to come testify on LD relating to Municipal Revenue Sharing and she would like to represent the Council on this issue, but wanted to make sure other Councilors were on board with it. After a brief discussion, it was recommended that Councilor Caterina share her written testimony with the Council prior to the March 14th Special meeting and at that time it would be decided if she would represent the Council as a whole.

- Councilor Donovan spoke in the Senior Property Tax Program. He commented on the Rules and Policies Committee and he has been working with the Assistant Town Manager on a TIF Policy. He also commented on the unclaimed property that had been mentioned by Councilor Babine.
- Councilor Hamill pointed out that one of the bills pending is a new state flag – one that had been found by a State Representative.

Item 12. Adjournment. Motion by Councilor Donovan, seconded by Councilor Babine, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk