WESTBROOK CITY COUNCIL
REGULAR CITY COUNCIL MEETING AGENDA
MONDAY JULY 6, 2020 AT 7:00 PM
WESTBROOK PERFORMING ARTS CENTER, 471 STROUDWATER ST.

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

May 4, 2020	Regular & Special City Council Meetings
May 11, 2020	Facilities & Streets Committee Meeting
May 18, 2020	Special City Council Meeting; Finance Committee Meeting
May 21, 2020	Finance Committee Meeting
May 26, 2020	Finance Committee Meeting
June 1, 2020	Regular City Council Meeting
June 15, 2020	Special City Council Meeting
June 22, 2020	Council Workshop

IV. MAYOR'S MESSAGE

Spirit of America Award – Firefighter Gerry Pineau
Trauma Intervention Program's Heroes with Heart Award – Officer Tim Morrell & Firefighter Gerry Pineau

V. STUDENT REPRESENTATIVE UPDATE

VI. PUBLIC COMMENT

VII. UNFINISHED BUSINESS

VIII. ORDERS OF THE DAY (SECOND AND FINAL READING)

Order 2020-71	Authorizing Contractual Agreement with the Town of Scarborough for Shared Services of Animal Control Officer
Order 2020-72	Authorizing Contracts for Reconstruction of Cornelia Warren Four Season Rink
Order 2020-73	Approving the FY 2020-2021 General Fund, Recreation Fund & Parking Garage Fund Annual Vendor Lists
Order 2020-74	Authorizing a Utility Easement at 5 Bradley Drive

IX. NEW BUSINESS

<u>Resolves (One Reading Required)</u>

Resolve 2020-21	Appointing Ward Clerks for the July 14, 2020 Election

<u>Orders (One Reading Required)</u>

Order 2020-75	Authorizing Street Closure on Vivian Street

<u>Orders (Two Readings Required)</u>

Order 2020-76	Authorizing Reallocation of Proceeds of the City's 2015 General Obligation Bond for Cumberland Mills Signalization Project to Fund Other Capital Projects
Order 2020-77	Authorizing Memorandum of Understanding Regarding Mechanic Street Parking Lot
Order 2020-78	Amending Land Use Ordinance Regarding Sign Regulations
Order 2020-79	Authorizing Expenditure for Agenda Management System
Order 2020-80	Authorizing Amendment and Additional Expenditure for Engineering Services for Downtown Lighting
Order 2020-81	Authorizing Expenditure for Police Department Training & Duty Ammunition
Order 2020-82	Approving Emergency Expenditure for Police Department Protective Gear
Order 2020-83	Authorizing Award of Bid for Police Department Patrol Room Renovations
Order 2020-84	Authorizing Reimbursement for Police Officer Training Costs

X. PUBLIC COMMENT

XI. REFERRALS

XII. COMMITTEE REPORTS

Committee of the Whole
Hours for Construction & Noise Ordinance
Residential Landlord Registration
City Council Rules & Procedures

Facilities & Streets Committee
Austin Street Extension
Reducing Speed Limit on Lincoln Street
Sidewalks & Traffic at Haskell Street
Condition of Westbrook Middle School Baseball Field
Traffic Issues on Forest Street

Finance
Creating a Fire Truck Fund

Public Safety Committee
Police Department Policies & Procedures

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

Westbrook, Maine
MAYOR'S OFFICE

Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
Fax: 877-688-9553

To: Honorable City Council
From: Jerre R. Bryant, City Administrator
Date: July 1, 2020
Subject: Position Paper for City Council Meeting of July 6, 2020

Included below are brief summaries of the items presented to City Council for consideration, along with a statement indicating the position of the Administration on each item.

ORDERS OF THE DAY

2020-71 This authorizes a contractual agreement with the Town of Scarborough to provide Animal Control Officer services to the City of Westbrook at an initial annual cost not to exceed $36,477. This service will provide both patrol time and response to service calls, which will be accessed through the Westbrook Public Safety Dispatch Center. This shared operation is beneficial to both communities and reduces the City's cost for providing this necessary and state-mandated service. This is an annual, renewable contract. This agreement is supported by the Administration, was given first reading on June 15, 2020 and is in order for final City Council action.

2020-72 This authorizes two contractual agreements with Court Builders of America, Andover, Massachusetts, for the reconstruction of the Cornelia Warren Four Season Rink located at 58 Lincoln Street. These two contracts are the culmination of years of work by community members, local sports groups, regional and national sports organizations, the Cornelia Warren Community Association and the City of Westbrook to replace and modernize the rink and expand its scope of use to include multiple sports and year round usage. This $263,600 project is nearly fully funded through grants and donations, with the city providing some in-kind services with Public Services demolishing the former structure and doing some site work over the winter. The final $15,088 in funding for this project is currently pending with the Westbrook Recreation & Conservation Commission. Total funding for the project is from the following sources:

$120,000	Community Development Block Grant
50,000	Soccer Maine
50,000	Cornelia Warren Community Association
28,512	US Soccer
15,088	City of Westbrook – Rec & Con
$263,600	

This project is an outstanding re-use and upgrade of an existing facility, with the organization that funded its original construction supporting and helping fund this renovation. Most of these funding sources and expenditures have previously been approved by the City Council but the contracts themselves require City Council approval. This project is supported by the Administration, was given first reading on June 15, 2020 and is in order for final City Council action.

2020-73 This is the approval of the Annual Vendor List for General Fund and Special Funds for FY 2020-21. This provides pre-approval for vendors that are utilized on a regular and recurring basis, such as utilities, suppliers and maintenance contractors. These approvals are tied to budget appropriations for the specific categories of expenditures, which cannot be exceeded without prior approval of the City Council. These vendor approvals are presented at the outset of each budget year. These approvals are supported by the Administration, were given first reading on June 15, 2020 and are in order for final City Council action.

2020-74 This authorizes the granting of a utility easement to Central Maine Power Co. along the edge of City owned property adjacent to 5 Bradley Drive. The purpose of this utility easement is to accommodate an increase in the power supply to this property in order to meet the needs of Abbott Laboratories, who are in the process of renovating the former Olympia Sports administrative offices, warehouse and distribution center into a medical technology production facility. The City is working closely with Abbott and CMP on the growth of this exciting business that is expanding into Westbrook. CMP is finalizing design details and has not yet provided a proposed easement deed to the City for legal review and City Council authorization. If that material is provided prior to Monday evening's meeting, it will be presented for consideration. If it has not been completed, this item should be tabled until the next City Council meeting. This item was given first reading on June 15, 2020 based on a sketch plan developed by the Administration. Pending receipt of the completed legal documentation, this item <u>may</u> be in order for final City Council action.

<u>NEW BUSINESS</u>

<u>One-Reading Resolves</u>

2020-21 This is a request to appoint Christopher Callaway and Jeremy Pelletier as Ward Clerks for the upcoming election held on July 14, 2020. All but one of the current Wardens and Ward Clerks are unable to work at the upcoming election due to health concerns, such as falling within a high-risk category for contracting COVID-19. These two individuals have served in these positions before and are willing to work as Ward Clerks for the upcoming election. These appointments are supported by the City Clerk and Administration and are in order for City Council action.

One-Reading Orders

2020-75 This is a request to close a portion of Vivian Street, between Central Street and Olive Street, for two days July 20th and 21st, in order to install utility connections for two new homes. There are about eight homes located on this section of Vivian Street. All homeowners have been notified. This temporary road closure in necessary due to the location of the public water main in the opposite side of the street from these two new homes. The street will remain open for local traffic but through traffic will be prohibited. Access to all properties is available thorough alternate routes. This two day road closure is supported by the City Engineer and the Administration and is in order for City Council action.

Two-Reading Orders

2020-76 This authorizes the reallocation of $325,000 in bond funds previously issued to cover a portion of the local share of cost for the proposed Signalization Project for the Cumberland Mills circle. This MDOT project was to be funded with 75% Federal Highway Funds and 25% local funds. Bids for this project came in significantly over budget and would have increased the city's share of funding for this project from $325,000 to $1,180,220. That project has been postponed pending modifications to its design and scope and re-bidding at a future date. Since tax exempt bonds must be expended with four (4) year of issuance, and to reduce the need to bond other planned capital projects, the administration has recommended that these bond funds be reallocated to fund the local share of the previously approved (and completed or currently under construction) infrastructure projects: Cumberland Street Paving & Sidewalk Reconstruction $292,008 and the Saco Street Retaining Wall $37,623. As part of the recently approved FY 2020-21 Municipal Budget, all planned borrowing for capital projects was eliminated. The reallocation of these previously bonded funds provides the funding for the previously approved projects that are moving forward and postpones other capital infrastructure and equipment investments as outlined in the enclosed spread sheet. This order reallocating $325,000 in bond funds and authorizing corresponding capital expenditures was prepared by legal counsel, is supported by the Administration and is in order for first reading.

2020-77 This is a Memorandum of Understanding between the City and TDB, LLC which enables the parties to proceed with the development of plans for a 430-space public parking garage, 70,000 square foot hydroponic greenhouse and 50 residential rental units on a portion of the city-owned Mechanic Street Parking Lot. This is a great re-use of an existing surface parking lot in the middle of the downtown that provides for significant private commercial development and job creation, expansion of free public parking availability to support growth and development of other businesses and property development and a continuation of expanding the residential presence in the downtown area. The TIF funds would pay for the parking garage and the ground lease would pay for cost of managing/maintaining the garage. Parking in the garage would be free to the public and would increase the current surface lot capacity of 143 to a garage capacity of

430, at no cost or obligation to the taxpayers. If you deduct the shared residential and employee parking needs of the proposed commercial and residential facilities, the net increase in available parking spaces is 237. There are multiple 'off-ramps' to this agreement for both parties. What the MOU provides is a structure from which to work and a good faith commitment to thoroughly conduct due diligence on the concepts it identifies so the parties can make sound decisions on proceeding to implementation. It also assures the developer that, if we proceed with this project concept, we do it with them. This presents a great opportunity for downtown Westbrook and creates needed parking capacity to truly grow the city center. This MOU has been reviewed by legal counsel, is strongly supported by the Administration and is in order for first reading.

2020-78 This is a comprehensive re-write of Section 404 Sign Regulations of the Land Use Ordinance. In February of this year, the City Council referred temporary sign regulations to the Planning Board for review and recommendations. In the course of that review process, the Board took a look at the entire sign regulatory structure and has developed a more comprehensive repeal and replacement recommendation. The enclosed five page memo from Planning & Code Enforcement Director Jennie Franceschi provides a very concise overview of the changes recommend by the Planning Board. Jennie will be at Monday's meeting to respond to any questions. This amendment to the Land Use Ordinance is recommended by the Planning Board, is supported by the Administration and is in order for first reading. The City Council should also set August 3, 2020 as the date for a public hearing on this amendment as required by the Land Use Ordinance.

2020-79 This authorizes the purchase of agenda management software from CivicPlus of Manhattan, Kansas at a purchase price of $8,000. This item is funded in the FY 2021 Budget and is more fully explained in the enclosed request from the City Clerk. This purchase is supported by the Administration and is in order for first reading.

2020-80 In the fall of 2018, the City engaged the engineering firm of Wright-Pierce of Portland to develop engineering and design specifications for the replacement light poles and fixtures throughout the downtown. This work was in preparation for the eventual replacement of the existing 1970's vintage equipment, including a conversion to more effective and energy efficient LED fixtures. This design process got a late start and has experienced a couple delays and some unanticipated challenges that have resulted in adjustment to the scope of this project. In order to complete this process we are looking at an additional cost of $10,000. City Engineer Eric Dudley will be at Monday's meeting to update the Council on this project and respond to any questions. Authorization of this additional expenditure is supported by the Administration and is in order for first reading.

2020-81 This authorizes the purchase of training and duty ammunition for the Police Department from AAA Police Supply, Dedham, Massachusetts at a total cost of $4,810. This purchase in made under a group municipal purchase agreement for over thirty towns

and cities. This purchase is funded in the Police Department operating budget. This purchase is supported by the Administration and is in order for first reading.

2020-82 This authorizes the purchase of ten (10) sets of field protective gear for the Police Department from Witmer Public Safety Group, Coatesville, Pennsylvania at a purchase price of $4,665.70. A contingent of Westbrook officers recently completed a FEMA sponsored field training operation. As qualified field operations officers, they were called upon to assist the Portland Police Department under the mutual aid agreement among departments throughout the region. Having not previously been provided with appropriate field protective gear, ten sets were purchased on an emergency basis for the safety of our officers. This purchase is now before the City Council for their approval as provided under the City's Purchasing Ordinance. Approval of this purchase is supported by the Administration and is in order for first reading.

2020-83 This is an award of bid for repairs and renovations at the Public Safety Building. The City received two bids for this work, with the low bid submitted by Punch Construction Services, Waterville, Maine at a bid price of $21,320. The specifications for this work are itemized in the enclosed proposal form the contractor. This work is funded in the FY 2020 Capital Improvement Program. This award of bid is supported by the Administration and is in order for first reading.

2020-84 This authorizes payment of $24,000 to the Town of Old Orchard Beach to cover Westbrook's pro-rated share of the Criminal Justice Academy expenses for a recently hired officer previously employed at the OOB Police Department. If a police officer is sent to the MCJA as an employee of one community and goes to another department within five years of the Academy training, the new community has to reimburse the prior department on a pro-rated basis. In this specific case, the officer spent just over a year in OOB following the Academy which is why the reimbursement is so high. This cost is charged to the department's training budget. This payment is supported by the Administration and is in order for first reading.

WESTBROOK CITY COUNCIL
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY MAY 4, 2020
REMOTE ACCESS MEETING

Note: This City Council meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 7:11pm by City Council President Gary Rairdon.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Michael T. Foley (Mayor); Angela Holmes (City Clerk)

PLEDGE OF ALLEGIANCE
Due to the remote access format of this meeting, the Pledge of Allegiance was not included on the agenda.

MINUTES
President Rairdon stated that if there were no objections, the minutes from the Regular City Council meeting held on April 6, 2020 would be accepted as presented. No objections received. Minutes stand as presented.

MAYOR'S MESSAGE
Mayor Foley read his message into the record. The full text of the Mayor's Message is attached to these minutes.

STUDENT REPRESENTATIVE UPDATE
No Student Representatives were present.

PUBLIC COMMENT
Pursuant to Resolve 2020-13, comments intended for inclusion in the public record must be submitted in writing to the City Clerk's Office at least 24 hours prior to each scheduled meeting. The public comment period of each meeting is reserved for such submissions.

President Rairdon asked that any comments submitted in accordance with these provisions be read into the record. Ms. Holmes confirmed that no written comments were submitted by the public.

President Rairdon opened the floor for comments from City Councilors and the Mayor. No one spoke.

ORDERS OF THE DAY (SECOND AND FINAL READING)
Included below are the City Council Orders which require second and final reading. Ms. Holmes noted for the record that pursuant to 1 M.R.S.A. § 403-A, all votes cast must be in the form of a roll call vote.

DRAFT

1. **Order 2020-36. Authorizing Award of Settlement for 29 Maple Street.**
   Order 2020-37. Amending Order 2018-137 Regarding Acceptance & Expenditure of Additional Assistance to Firefighters Grant Funds.
   Order 2020-38. Authorizing Temporary Construction & Access Easement Agreement with Bath Savings Institution.
   Order 2020-39. Authorizing Acceptance of Police Department Forfeiture Funds.
   Order 2020-40. Authorizing Emergency Expenditure for Replacement Fire Alarm Panel.
   Order 2020-41. Authorizing Purchase of Radio Equipment.
   Order 2020-42. Authorizing Acceptance & Expenditure of STOP Violence Against Women Formula Grant.
   Order 2020-43. Authorizing Expenditures & Amendments to the Wastewater Annual Vendor List.
   Order 2020-44. Accepting Donation from the Warren Memorial Foundation & Establishing the Westbrook-Warren Memorial Foundation Emergency Arts Grant Fund.
   Motion to approve second and final reading of Orders 2020-36 through 44.
   Moved by Vice President Turcotte, seconded by Councilor Shaughnessy.
   President Rairdon asked if any Councilor wishes any item to be considered separately. No one spoke.
   President Rairdon opened the floor for comments on the motion to approve second and final reading.
   The following individuals spoke: Mayor Foley
   Motion carried. Orders 2020-36 through 44 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

NEW BUSINESS

Included below are the Council actions on New Business, which includes business licenses requiring City Council approval, City Council Resolves and Orders receiving first and final reading, City Council Orders receiving the first of two required readings, and all items to be considered in Executive Session. Pursuant to 1 M.R.S.A. § 403-A, all votes were cast by a roll call vote.

1. **Resolve 2020-18. Approving Appointment to the Long Creek Watershed Management District Board of Directors.**
   Motion to approve first and final reading of Resolve 2020-18.
   Moved by Councilor Shaughnessy, seconded by President Rairdon.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. No one spoke.
   Motion carried. Resolve 2020-18 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

2. **Order 2020-45. Authorizing Funding & Expenditure for Community Policing Sub-Station.**
   Motion to approve the first of two readings for Order 2020-45.
   Moved by Vice President Turcotte, seconded by Councilor Shaughnessy.
   President Rairdon opened the floor for comment on the motion to approve first reading. No one spoke.
   Motion to approve first reading carried. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

3. **Order 2020-46. Authorizing Purchase of Speed Radar Trailer.**
   Motion to approve the first of two readings for Order 2020-46.
   Moved by Vice President Turcotte, seconded by Councilor Rwaganje.
   President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, President Rairdon, Councilor Storey, Chief Roberts
   Motion to approve first reading carried. (Vote 6-1)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
   Nays: Storey

4. **Order 2020-47. Authorizing Purchase of Police Utility Uniforms.**
   Motion to approve the first of two readings for Order 2020-47.
   Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, President Rairdon, Police Chief Janine Roberts, Vice President Turcotte
   Motion to approve first reading carried. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

5. **Order 2020-48. Authorizing Sale of Lot 2 in Westbrook Heights Business Park.**
   Motion to approve the first of two readings for Order 2020-48.
   Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, Director of Economic Development Daniel Stevenson
   Motion to approve first reading carried. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

6. **Order 2020-49. Authorizing Payment of Deductible & Settlement of Litigation.**
   Motion to approve the first of two readings for Order 2020-49.
   Moved by Councilor Rwaganje, seconded by Councilor Shaughnessy.
   President Rairdon opened the floor for comment on the motion to approve first reading. Th following individuals spoke: Mayor Foley, Mr. Bryant
   Motion to approve first reading carried. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

7. **Order 2020-50. Authorizing Westbrook Environmental Improvement Corporation (WEIC) Expenditure for Small Business Emergency Commercial Rental Assistance Program.**
   Motion to approve the first of two readings for Order 2020-50.
   Moved by Vice President Turcotte, seconded by Councilor Rwaganje.
   President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, Director of Economic Development Daniel Stevenson, Councilor Chau
   Motion to amend guidelines to read: "This emergency rental assistance program will be managed and overseen by the Mayor's Office, Economic Department, Code Enforcement, and Tax Collecting Department. This application can be denied for any reason by the City including but not limited to excessive non-payments of property taxes, fees, dues, or fines."
   Moved by Councilor Chau. No second received. Motion failed.
   President Rairdon returned to public comment on the original motion to approve first reading of the

order. The following individuals spoke: Councilor Storey, Councilor Rwaganje, President Rairdon, Vice President Turcotte

Motion to approve first reading carried. (Vote 7-0)

Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey

Nays: None

PUBLIC COMMENT

Pursuant to Resolve 2020-13, the second public comment period is reserved for City Councilors and the City administration. General questions pertaining to City business received during the Council meeting may be read into the record by the meeting facilitator(s) to the extent possible.

President Rairdon opened the floor for comments from City Councilors and the Mayor and asked the Mayor to read into the record any questions received during the course of the meeting. The following individuals spoke: Mayor Foley, Councilor Rwaganje

REFERRALS

There were no new referrals.

COMMITTEE REPORTS

There were no reports from City Council committees.

ADJOURNMENT

Motion to adjourn at 8:14pm.

Moved by Vice President Turcotte, seconded by Councilor Shaughnessy.

Motion carried. Meeting adjourned. (Vote 7-0)

Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey

Nays: None

Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
Fax: 877-688-9553

MAYOR'S MESSAGE
May 4, 2020

MOMENTS OF SILENCE
Before we begin our recognition and other announcements, I would like to offer moments of silence for two individuals connected to our community we recently lost.

On April 27th, we lost Public Services employee Joshua Lussier. He was a resident of Lewiston and died tragically in a motor vehicle accident. He was a valued employee and we have been working with his family to ensure they receive the appropriate benefits during this difficult time. Please keep his family & friends in your thoughts & prayers and lets please offer a moment of silence.

This past Saturday, May 2nd, there was tragic motor vehicle accident involving a motorcycle on Route 25 here in Westbrook. The driver of the motorcycle was William Chadwick of Gorham who passed away at the scene. The incident is still being investigated. Though Bill wasn't from Westbrook, he was the Pastor of Stroudwater Christian Church in Portland and he served the community tremendously with the Rotary Club of Westbrook-Gorham. He was a good friend and will be missed. Please keep his family & friends in your thoughts & prayers and lets please offer a moment of silence.

STATE OF EMERGENCY REPORT
The third State of Emergency Report was issued today. This report is intended to provide City Council and the general public with a synopsis of municipal actions taken during the State of Emergency and consolidates the information for historical reference. This report is attached to this Mayor's Message for review and we will continue to report on a regular basis as long as the State of Emergency remains active. As part of my most recent announcement, we outlined our tentative reopening schedule and will continue to adjust as necessary.

FY 2021 BUDGET
As described in the State of Emergency Report, I am working with City department heads to prepare the FY 2021 budget, which will include no tax rate increase. This budget will be presented to City Council during a Special City Council meeting on May 18th. The City Council Finance Committee will conduct its standard review of the budget proposal through the end of the month as we will work with Finance Committee Chair Chau to establish that review schedule. First reading of the legislation approving the budget will take place on June 1st, with second and final reading of the budget scheduled for June 15th. A State Primary & School Budget Validation Referendum will be held on July 14th.

MEMORIAL DAY PARADE & WESTBROOK TOGETHER DAYS

Also outlined in the attached State of Emergency Report, the traditional Memorial Day Parade & Ceremonies have been cancelled. Instead, the City will issue a virtual Memorial Day Tribute on Facebook on May 25th at 10:00 AM. The Westbrook-Gorham Community Chamber of Commerce has announced that the 2020 Westbrook Together Days has been cancelled. They hope to enhance future event they hold along with next year's event. I applaud that they are sensitive to the challenges faced by our local businesses who are typically major sponsors of the event's activities and may not have the same resources available. They have always stepped up and generously sponsored Westbrook Together Days and encourage everyone to support them during this time of recovery.

WESTBROOK'S TAKEOUT & DELIVERY SUPPORT EFFORT CONTEST

Since the last Council meeting, we've announced three additional winners of the Westbrook Takeout & Delivery Support Effort Contest – Evan Hevey won a $100 gift certificate to Stockhouse Restaurant & Sports Pub, Jonathan Rockwell won a $100 gift certificate to The Frog & Turtle, Jay Lacke won a $100 gift certificate to Profenno's Pizzeria & Pub, and Randy Olsen won a $100 gift certificate to Dairy Queen. Our next drawing will take place next Monday for another $100 gift card to be announced. To enter the contest, visit the City website and upload photos of receipts from Westbrook restaurants totaling $100 or more. We hope this program will help to infuse money into our local economy and help our local businesses and we thank those who have participated thus far.

WESTBROOK CITY COUNCIL
SPECIAL CITY COUNCIL MEETING MINUTES
MONDAY MAY 4, 2020
REMOTE ACCESS MEETING

Note: This Special City Council meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 6:30pm by City Council President Gary Rairdon.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Gary Rairdon (Ward 4, President)

City Councilors Absent: Anna A. Turcotte (Ward 3, Vice President); Elliot Storey (Ward 5)

Other City Officials Present: Jerre Bryant (City Administrator); Michael T. Foley (Mayor); Angela Holmes (City Clerk)

READING THE CALL
Ms. Holmes noted for the record that this Special City Council Meeting was called by Mayor Foley on April 30, 2020. Notice was sent to all City Councilors and was posted to the City's website.

EXECUTIVE SESSION
Motion to enter into Executive Session at 6:33pm pursuant to 1 M.R.S.A. § 405-6(E) to discuss with legal counsel concerning litigation settlement offers, said executive session to include the Mayor, City Solicitor, City Administrator, Assistant City Administrator/Director of Human Resources, and legal counsel provided by the City's insurance carrier.
Moved by Councilor Rwaganje, seconded by Councilor Shaughnessy.
Motion carried. (Vote 5-0-2)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Rairdon
Nays: None
Absent: Turcotte, Storey

Vice President Turcotte and Councilor Storey joined the Executive Session at 6:40pm.

RECONVENE
City Council reconvened at 7:09pm.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Michael T. Foley (Mayor); Angela Holmes (City Clerk)

DRAFT

ADJOURNMENT

Motion to adjourn at 7:10pm.
Moved by Vice President Turcotte, seconded by Councilor Shaughnessy.
Motion carried. Meeting adjourned. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

WESTBROOK CITY COUNCIL
FACILITIES & STREETS COMMITTEE MEETING MINUTES
MONDAY MAY 11, 2020
REMOTE ACCESS MEETING

Note: This meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 6:00pm by Committee Chair Michael Shaughnessy.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Greg Post (Director of Community Services); Janine Roberts (Police Chief)

CORNELIA WARREN RECREATION AREA OPERATIONAL COST COMPARISON: OUTDOOR POOL V. SPLASH PARK
Committee Chair Shaughnessy turned the floor over to Mayor Foley, who explained that Mr. Post would be presenting an operational cost comparison to review options for the existing Cornelia Warren Recreation Area outdoor pool. Prior to moving forward with a plan, the City Administration wishes to discuss this matter with the Facilities & Streets Committee. The available options based upon limited resources are to either replace the existing pool with a splash pad or to continue with renovations to the existing pool. Mayor Foley recommended conducting an extensive public outreach process if the Committee wishes to pursue the splash pad option. If the Committee preferred this option, he recommended that the Committee refer this matter to the Council for a public hearing on June 1, 2020.

Mayor Foley turned the floor over to Mr. Post, who presented the operational cost comparison for the two options.

Committee Chair Shaughnessy opened the floor for comments and questions. The following individuals spoke: President Rairdon, Councilor Chau, Mayor Foley, Chief Roberts, Vice President Turcotte, Councilor Rwaganje, Committee Chair Shaughnessy

Motion to forward this matter to the City Council meeting on June 1, 2020 for a public hearing.
Moved by President Rairdon, seconded by Vice President Turcotte.
Motion carried. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

ADJOURNMENT
Motion to adjourn at 7:06pm.
Moved by Councilor Rwaganje, seconded by President Rairdon.
Motion carried. Meeting adjourned. (Vote 7-0)

DRAFT

Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

WESTBROOK CITY COUNCIL
SPECIAL CITY COUNCIL MEETING MINUTES
MONDAY MAY 18, 2020
REMOTE ACCESS MEETING

Note: This Special City Council meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 6:00pm by City Council President Gary Rairdon.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: Anna A. Turcotte (Ward 3, Vice President; arrived at 6:35pm)

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Janine Roberts (Police Chief)

READING THE CALL
Ms. Holmes noted for the record that this Special City Council Meeting was called by Mayor Foley on May 13, 2020. Notice was sent to all City Councilors and was posted to the City's website.

PLEDGE OF ALLEGIANCE
Due to the remote access format of this meeting, the Pledge of Allegiance was not included on the agenda.

MINUTES
There were no minutes for consideration.

MAYOR'S MESSAGE
Mayor Foley read his message into the record. The full text of the Mayor's Message is attached to these minutes. The Mayor's Message included the presentation of the proposed FY 2021 budget.

STUDENT REPRESENTATIVE UPDATE
No Student Representatives were present.

PUBLIC COMMENT
Pursuant to Resolve 2020-13, comments intended for inclusion in the public record must be submitted in writing to the City Clerk's Office at least 24 hours prior to each scheduled meeting. The public comment period of each meeting is reserved for such submissions.

President Rairdon asked that any comments submitted in accordance with these provisions be read into the record. Ms. Holmes confirmed that no written comments were submitted by the public.

President Rairdon opened the floor for comments from City Councilors and the Mayor. No one spoke.

DRAFT

ORDERS OF THE DAY (SECOND AND FINAL READING)

Included below are the City Council Orders which require second and final reading. Ms. Holmes noted for the record that pursuant to 1 M.R.S.A. § 403-A, all votes cast must be in the form of a roll call vote.

1. **Order 2020-45. Authorizing Funding & Expenditure for Community Policing Sub-Station.**
   Order 2020-46. Authorizing Purchase of Speed Radar Trailer.
   Order 2020-47. Authorizing Purchase of Police Utility Uniforms.
   Order 2020-48. Authorizing Sale of Lot 2 in Westbrook Heights Business Park.
   Order 2020-49. Authorizing Payment of Deductible & Settlement of Litigation.
   Order 2020-50. Authorizing Westbrook Environmental Improvement Corporation (WEIC) Expenditure for Small Business Emergency Commercial Rental Assistance Program.
   Motion to approve second and final reading of Orders 2020-45 through 50.
   Moved by Councilor Chau, seconded by Vice President Turcotte.
   President Rairdon asked if any Councilor wishes any item to be considered separately. No one spoke.
   President Rairdon opened the floor for comments on the motion to approve second and final reading. No one spoke.
   Motion carried. Orders 2020-45 through 50 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

NEW BUSINESS

Included below are the Council actions on New Business, which includes business licenses requiring City Council approval, City Council Resolves and Orders receiving first and final reading, City Council Orders receiving the first of two required readings, and all items to be considered in Executive Session. Pursuant to 1 M.R.S.A. § 403-A, all votes were cast by a roll call vote.

1. **Order 2020-51. Authorizing City of Westbrook Food Service Establishments and Retail Outdoor Expansion Program and Regulations.**
   Motion to approve first and final reading of Order 2020-51.
   Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Mayor Foley, Director of Economic Development Daniel Stevenson, Councilor Chau, Councilor Shaughnessy, Councilor Rwaganje
   Motion carried. Order 2020-51 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

2. **Order 2020-52. Authorizing Acceptance & Expenditure of COVID-19 Assistance Grant Funds.**
   Motion to approve the first of two readings for Order 2020-52.
   Moved by Councilor Morse, seconded by Councilor Shaughnessy.
   President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, Vice President Turcotte
   Motion to approve first reading carried. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

3. **Order 2020-53. Authorizing Amendment No. 3 to County Road Pump Station Upgrade Project Agreement & Authorizing Expenditure.**

Motion to approve the first of two readings for Order 2020-53.
Moved by Councilor Chau, seconded by Councilor Shaughnessy.
President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Councilor Storey, Mayor Foley, Wastewater Division Manager Katherine Kelley, Mr. Bryant
Motion to approve first reading carried. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

4. **Order 2020-54. Authorizing Contract for Valuation Services.**
Motion to approve the first of two readings for Order 2020-54.
Moved by Councilor Shaughnessy, seconded by Councilor Chau.
President Rairdon opened the floor for comment on the motion to approve first reading. The following individuals spoke: Mayor Foley, Councilor Chau, Mr. Bryant, Councilor Rwaganje
Motion to approve first reading carried. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

PUBLIC COMMENT
Pursuant to Resolve 2020-13, the second public comment period is reserved for City Councilors and the City administration. General questions pertaining to City business received during the Council meeting may be read into the record by the meeting facilitator(s) to the extent possible.

President Rairdon opened the floor for comments from City Councilors and the Mayor and asked the Mayor to read into the record any questions received during the course of the meeting. The following individuals spoke: President Rairdon

REFERRALS
Motion to refer the Mayor's proposed FY 2021 budget to the Finance Committee for review.
Moved by Councilor Chau, seconded by Councilor Rwaganje.
Motion carried. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

COMMITTEE REPORTS
There were no reports from City Council committees.

ADJOURNMENT
Motion to adjourn at 7:15pm.
Moved by Councilor Chau, seconded by Vice President Turcotte.
Motion carried. Meeting adjourned. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

Westbrook, Maine
MAYOR'S OFFICE

Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
Fax: 877-688-9553

To: Honorable City Council
From: Mayor Michael T. Foley
Date: May 15, 2020
Subject: FY 2021 Budget Address

I am pleased to present you with my first budget as Mayor of the City of Westbrook. This is an aggressive, innovative and responsible budget for a very unique time in our history.

I would like to thank City departments for their hard work in developing a proposal that retains our core services for Westbrook residents while responding to difficult economic challenges. I would also like to thank the Westbrook School Committee, Superintendent Dr. Peter Lancia and the Westbrook School Department staff for their outstanding work in crafting a budget proposal for the Westbrook Schools that addresses the many challenges facing public education systems, while recognizing the need to keep Westbrook an affordable community for all. We have developed a good partnership and looking to future joint efforts to address the needs of our community. Lastly, I want to underscore how blessed the City is to have a 30 plus year veteran of municipal government, our City Administrator Jerre Bryant, to help us navigate the ups and downs municipal government. Having dealt with many similar situations throughout his career, without his leadership and knowledge, we'd be in a very different place and I appreciate his support and guidance during this planning process.

Overview

The FY 2021 Municipal Budget provides for a spending reduction of $184,183 and a revenue reduction of $224,960, for a net increase in tax needs of $40,777. Based on projected city-wide assessed valuation growth of $9,750,000, this yields a municipal property tax rate reduction of $0.01. The School Budget reflects an expenditure increase of $401,209 and a revenue increase of $309,203, for a net tax need increase of $92,006, which results in no change in the School tax rate. The Cumberland County Tax Bill totaling $1,513,868 is up $44,072 and calls for a property tax rate increase of $0.01. Cumulatively, the municipal, school and county budget needs call for **no change in the current property tax rate** of $17.86 per $1,000 of assessed valuation. This year the Homestead Property Tax Exemption has increased by $5,000, which **should result in an annual tax bill decrease** of $89.30 for residential homeowners in the Homestead program.

Challenges

We knew from the outset of our budgetary process that FY 2021 would be a very challenging year. The Calpine Tax Increment Financing (TIF) District, which has been extraordinarily beneficial to the City's financial health in recent years, concluded this year, reducing municipal revenue by $1,364,700. The City's ten-year contract with Casella Waste for collection, disposal and recycling of solid waste also concluded this year, presenting the City with significant cost increases for its residential solid waste management program. In addition, we had intended to reduce the amount the City borrows to fund capital items such as vehicles, equipment and street paving through utilizing available fund balances without compromising the City's financial strength. And then came the COVID-19 pandemic.

This public health crisis has had a devastating impact on personal health and safety and has caused the cessation of most public activities, the closure of many businesses, record unemployment and a virtual free-fall of the economy. From a local government standpoint, the pandemic caused the closure of schools and public buildings, the suspension of nonessential services, the furlough of 21 municipal employees and an immediate reduction in municipal revenue sources as we struggle to meet our obligation to balance the current-year budget.

While we felt the immediate impact of COVID-19 in our municipal budget, the recovery will be slow and incremental. Significant adjustments had to be made to the initial draft of the proposed FY 2021 budget to adjust revenue projections and to drastically reduce expenses. As a result, we are now able to present a budget proposal that calls for **no property tax rate increase** in the upcoming year, while maintaining core municipal services and operations. Given the uncertainty of everyone's financial well-being, this is not a year for government to ask for more from its taxpayers.

Highlights

The proposed FY 2021 budget contains some adjustments in services, the elimination of six full-time and three part-time positions, and the utilization of available fund balance to help balance the budget during these uncertain times. Our community is fortunate to have resources such as a healthy fund balance to fund capital purchases, and to provide property tax stabilization during these seriously compromised economic conditions. The fund balance will be supplemented by funds previously received by the City which were placed in a restricted reserve account for future pension expenses.

This measure reduces debt, funds critical capital expenditures and provides tax relief to property taxpayers all while maintaining prescribed funding levels for the City's General Fund Balance. Reducing our outstanding debt and maintaining strong reserve funds were both recommendations from the financial rating agencies who recently reaffirmed the City's strong Aaa3 bond rating, and we are proud to present a solution which accomplishes both goals.

The major changes in municipal policies and operations are described below.

- **Trash & Recycling:** The City's ten-year waste management agreement with Casella Waste ended this year. This agreement not only provided Westbrook with a competitively priced service for curbside collection and disposal of residential trash, but also provided for curbside collection and processing of recyclable materials at no cost to the City. However, Casella's proposed contract renewal would have resulted in a cost increase in excess of $500,000, representing a 43% increase over current year pricing. To further compound this financial challenge, the market for recycled materials is at a historic low. With limited competition in the marketplace for these services, the City was able to obtain proposals from other vendors for these services. Casella's pricing for the collection of trash/recyclables is significantly lower than the competition. Casella's price for trash disposal was slightly lower than Ecomaine's, but Ecomaine is able to provide a more favorable price for processing recyclables. Ecomaine has been successful in marketing recyclable materials, even in the current down market, and they have a much greater commitment to providing a sustainable recycling program in the future. The greatest challenge for Westbrook's recycling in the coming year is to significantly reduce its high level of recycling contamination due to non-recyclable materials being placed in recycling containers. This contamination results in an additional cost for processing recyclable materials.

  The proposal included in the FY 2021 budget continues to outsource the waste management program, but splits it between two separate vendors, both through ten-year contractual agreements. Casella Waste will provide collection services, and Ecomaine will provide trash disposal and recycling processing. For one year, Ecomaine will work with the City to reduce recycling contamination through education and monitoring the contents of recycling containers. During this one-year period, and until the City can reduce its recycling contamination rate to 15% or less, the recyclable materials will be incinerated. This achieves a savings of $120,000 for FY 2021. The goal of this transition year is to lower the cost of recycling to a level equal to or less than the cost of incineration or landfilling. The FY 2021 municipal budget reflects an increase of $311,976 over current year for trash collection, disposal and recycling processing.

- **MePERS Reserve Policy:** Four years ago, the City received a refund from MePERS, the State Public Employee Pension system utilized by many municipal employees. This refund was a result of many City employees withdrawing from the MePERS system once an alternative pension program became available. Employee contributions were immediately returned to the individual employees, while the City's contributions were held by MePERS as a credit to fund future employer obligations to the pension system. Auditors of the retirement system ultimately directed the return of these funds to the respective municipalities. Upon receipt of these funds, the City placed them into a dedicated reserve fund to cover future contributions to employee pension programs.

  To strengthen the City's financial condition, the Administration proposed that the MePERS retirement reserve funds be incorporated into the City's General Fund Balance. The funds may then be applied toward essential items such as equipment, road repairs and other capital purchases which are currently financed through debt. Such funds may also be made available

for other purposes at the discretion of the City Council. This policy change, along with the use of fund balance for capital purchases, is consistent with recommendations from the City's financial rating agency and will better position the City to manage future economic challenges. This proposed policy change and any future use of fund balance for capital purchases will require City Council approval.

- **Pay Off Existing Lease Purchases:** This budget is predicated on a portion of the General Fund being used to pay off all existing lease purchase agreements for vehicles and equipment. The use of available fund balance will eliminate future interest expenses resulting from multi-year financing and is consistent with the debt reduction recommendations of financial rating agencies. The proposed FY 2021 budget does not include funding for lease purchases, and we do not intend to use short-term debt for capital purchases in future budgets. If this funding plan is not approved, the FY 2021 budget will increase by $775,132.

- **Funding for Health & Social Service Agencies:** The sixteen agencies that received $175,230 from the City last year were notified on April 30th that current financial constraints limit the City's ability to fund any requests this year. Agencies were referred to the Cumberland County CDBG-CV Program, which has recently received supplemental funding through the Federal CARES Act. These agencies are eligible to receive these funds, and the County CDBG Director has encouraged them to contact her directly for assistance in identifying other potential funding sources. While the FY 2021 budget does not include funding for health and social service agencies, we will continue to monitor any state or federal funding that may become available to support these important programs and services.

- **Senior Property Tax Assistance Program:** The FY 2021 budget includes an expansion of the Senior Property Tax Assistance Program by amending age eligibility from 70 to 68 and includes a budgeted appropriation of $44,000 for the program. This proposed policy change will require City Council approval.

- **Economic Development:** This department will continue to promote Westbrook from a marketing and imaging perspective while making strategic adjustments to its focus and priorities. One such adjustment is an increased emphasis on existing Westbrook businesses that are trying to survive the impacts of COVID-19. This requires the development and implementation of immediate short-term and long-term strategies for success, including less investment in outreach, recruitment and an outward focus, and a return to more locally based programs and initiatives. It also means less investment in external marketing campaigns and media buys, and more direct one-on-one work with our local businesses to better identify their needs and challenges. Our goal is to craft support, assistance and advocacy that is relevant to their needs. While staffing levels within the department remain the same, there has been a shift in personnel to obtain the skill sets necessary to transition toward business support and development activities. All wages included in the Economic Development department are funded through TIF District revenue and are not included in the General Fund.

- **Staff Reductions:** Municipalities are service organizations and are, therefore, labor intensive. Any significant expenditure savings inevitably impact personnel. The City is blessed with an outstanding workforce and decisions that impact employees are taken very seriously. However, the City is obligated to maintain a balanced budget, even under these challenging financial conditions. The FY 2021 budget includes the elimination of six full-time and three part-time positions which yields a budget savings of $448,876. These staffing changes have been achieved through various means, including reductions in discretionary services, improved efficiencies in the organizational structure and pursing alternative methods of delivering services.

  Included below is an outline of the eliminated positions:

  - *Communications/Media Manage:* This position designs, develops and manages marketing and electronic media communications for the City. This is a highly skilled position that gives us the ability for in-house media production. The remaining position, Creative Services Manager, will continue to provide limited production capability for City and community events and will assist all City departments in their use of electronic and social media. The Mayor's Office and individual departments will assume a greater role in general communications.

  - *Emerging Technology Librarian:* This position was established at a time when technology proficiency was lacking among library staff. Today, nearly every librarian can aid the public in accessing electronic media for research, general information, entertainment and recreational reading. Technical support will be provided by the IT Department and the City's tech support vendor.

  - *Police Secretary:* This position was established in 2016 to provide clerical and administrative support to the Police and Fire/Rescue Departments and to provide coverage for the public safety administrative offices. These responsibilities will be allocated between the two office manager positions, with some responsibilities shifted back to command and supervisory positions in each department.

  - *Parking & Animal Control Officer:* This is a civilian position in the Police Department that resulted from the consolidation of two part-time positions, one for parking control and one for animal control, in order to place greater emphasis on both activities. We are pursuing outsourcing Animal Control Services, hopefully with a neighboring community. Police patrol will continue to have a role in parking enforcement, which we are looking to supplement with other existing personnel.

  - *Project Funds Specialist:* This position manages the billing, collections and compliance monitoring for street openings, and prepares accounts payable for the sewer department and capital projects. Responsibility for these functions will be allocated among the remaining administrative staff of the Department.

- *Administrative Assistant/Customer Service Representative:* The Administrative Assistant position shared by the City Clerk and Mayor's Office is being consolidated with one of the Customer Service Representative positions in the Finance Department. This new combined position will be shared by Finance and City Clerk, will strengthen the City Clerk functions that can be performed at the front counter and also provide clerical support for the City Clerk's Office. The Mayor's Office will continue to work with the City Clerk's Office for administrative support.

- *Learns Assistant:* In 2018, two Learns Assistant positions were established to help manage and supervise the Before & After School Program and the Summer & Vacation Rec Camps. These self-funded programs initially received funding through a Century 21 grant and income exceeded the cost of these programs. This financial success helped subsidize other programs that struggled to cover their costs and established a healthy fund balance for programs at the Community Center. In recent years, the elimination of the grant funding and increased staffing levels have reduced the positive cash flow from these two programs. The Department's FY 2021 budget proposal projects operating losses for both the Before & After program and Summer & Vacation Rec Camps. To allow these programs to cover their expenses, the budget overhead, which consists primarily of wages, has been reduced. Two Learns Assistant positions resulted in a significant mid-day overlap, and as a result one position has been eliminated in the FY 2021 budget. The remaining position will be retained for late morning and afternoon coverage and the Recreation Assistant will cover the early morning hours of these programs.

- *Art Instructor:* This 25-hour/week position was a requirement of the Century 21 grant, previously provided to help support the Before & After School Program and the Summer & Vacation Rec Camps. That grant requirement is no longer applicable and the position has been eliminated in the FY 2021 budget. As with the Learns Assistant position, this change will limit program expenses within the level of revenue generated by the program.

- **Use of Fund Balance to Offset Revenue Losses:** The City is facing a sharp drop in revenue due to an adverse economy driven by COVID-19, along with the loss of revenue resulting from the completion of the Calpine TIF. The combined loss in State revenue through Revenue Sharing and Local Road Assistance totals $673,580. The decrease in revenue after the final year of the Calpine TIF totals $1,364,700, for a combined revenue loss of $2,038,280.

  Strategically, we have attempted to keep expenditures at or below current year levels. Through cutting budget requests by more than $1.2 million, municipal expenditures are down $184,183 below FY 2020 levels. To make up for this year's extraordinary revenue losses, we are proposing to draw from the General Fund Balance to cover that net revenue loss of $674,969. This will bring our total use of fund balance as budgeted revenue for this

year's budget to $1,200,000. In future budgets, this reserve subsidy will be phased out as the economy recovers. Should state or federal government legislation authorize a stimulus package for local government entities, it may not be necessary to utilize the fund balance to offset revenue losses.

- **Use of School Capital Projects Balance to Fund 2021 Debt Service:** The capital bond funds for the expansion/renovation of Westbrook Middle School and Saccarappa Elementary School have an unexpended balance of $762,956 at the conclusion of both projects. The School Department budget for FY 2021 proposed an expenditure increase of $401,209 and a projected revenue loss of $190,797. To mitigate the increased property tax needs, the Mayor's budget utilizes $500,000 of the unexpended construction bond balance to partially fund this year's annual debt payment for those projects. Payment of debt is an eligible use of surplus bond proceeds and will help offset the school's FY 2021 expenditure increase and any increased needs from property taxes.

Conclusion

As we anticipated from the outset, this has been a challenging and ever-changing budgetary process for the City of Westbrook. However, we have been able to craft this spending and operational plan to navigate the City through an uncertain period for both public and economic health. Everyone is being asked to participate in the solution, and this budget will enable the City to emerge stronger, leaner, more efficient, and with **no increase to the overall property tax rate**. At a time when everyone's personal and business finances are uncertain and following four years of local property taxes cumulatively increasing nearly 20%, this is not a year that we can ask for more from our taxpayers. I also want to take this opportunity to encourage local property owners to apply for the Homestead Tax Exemption through the City's Assessing Office, which will further assist taxpayers during this difficult time.

I look forward to reviewing and discussing the rationale for the many necessary changes that are included in this budget.

WESTBROOK CITY COUNCIL
FINANCE COMMITTEE MEETING MINUTES
MONDAY MAY 18, 2020
REMOTE ACCESS MEETING

Note: This meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 7:17pm by Committee Chair Victor Chau.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Michael T. Foley (Mayor); Jennie Franceschi (Director of Planning & Code Enforcement); Greg Hamilton (Director of Emergency Communications & IT); Angela Holmes (City Clerk); Greg Post (Director of Community Services); Janine Roberts (Police Chief); Andrew Turcotte (Fire Chief)

FY 2021 BUDGET PRESENTATIONS
Committee Chair Chau provided an overview of the Finance Committee's responsibilities concerning the budget hearing process for the Mayor's proposed FY 2021 budget.

POLICE DEPARTMENT
Committee Chair Chau gave the floor to Chief Roberts, who presented the Police Department's proposed FY 2021 budget.

The following individuals presented comments and questions: President Rairdon, Mayor Foley, Councilor Rwaganje, Councilor Shaughnessy, Committee Chair Chau

FIRE & RESCUE DEPARTMENT
Committee Chair Chau gave the floor to Chief Turcotte, who presented the Fire & Rescue Department's proposed FY 2021 budget.

The following individuals presented comments and questions: Councilor Storey, Mayor Foley, President Rairdon, Committee Chair Chau

DISPATCH & INFORMATION TECHNOLOGY
Committee Chair Chau gave the floor to Director Hamilton, who presented the Emergency Communications & Internet Technology departments' proposed FY 2021 budgets.

The following individuals presented comments and questions: Mayor Foley, Committee Chair Chau

DRAFT

PLANNING & CODE ENFORCEMENT

Committee Chair Chau gave the floor to Ms. Franceschi, who presented the Office of Planning & Code Enforcement's proposed FY 2021 budget.

The following individuals presented comments and questions: Mayor Foley, Committee Chair Chau, Councilor Rwaganje

ADJOURNMENT

Motion to adjourn at 8:57pm.
Moved by President Rairdon, seconded by Councilor Rwaganje.
Motion carried. Meeting adjourned. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

WESTBROOK CITY COUNCIL
FINANCE COMMITTEE MEETING MINUTES
THURSDAY MAY 21, 2020
REMOTE ACCESS MEETING

Note: This meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 6:00pm by Committee Chair Victor Chau.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Harrison Deah (General Assistance Director); Rose Debris (Library Director); Michael T. Foley (Mayor); Eric Dudley (Director of Public Services); Greg Hamilton (Director of Emergency Communications & IT); Peter Lancia (Superintendent) Greg Post (Director of Community Services); Ashley Rand (Deputy City Clerk); Suzanne Salisbury (School Finance Committee Chair)

FY 2021 BUDGET PRESENTATIONS
Committee Chair Chau provided an overview of the Finance Committee's responsibilities concerning the budget hearing process for the Mayor's proposed FY 2021 budget.

SCHOOL DEPARTMENT
Committee Chair Chau gave the floor to Peter Lancia and Suzanne Salisbury, who presented the School Departments proposed FY 2021 budget.

The following individuals presented comments and questions: President Rairdon, Vice President Turcotte, Councilor Rwaganje, Councilor Storey, Councilor Shaughnessy, Councilor Morse, Mayor Foley, Councilor Chau

BUILDINGS/PUBLIC SERVICES/PARKING GARAGE
Committee Chair Chau gave the floor to Director Dudley, who presented the Building, Public Services, and Parking Garage proposed FY 2021 budget.

The following individuals presented comments and questions: Councilor Storey, Councilor Chau, Mayor Foley, Councilor Rwaganje, Councilor Shaughnessy

COMMUNITY SERVICES
Committee Chair Chau gave the floor to Director Post, who presented the Community Services departments' proposed FY 2021 budgets.

The following individuals presented comments and questions: Councilor Shaughnessy, Mayor Foley, Councilor Morse, Councilor Chau

DRAFT

GENERAL ASSISTANCE
Committee Chair Chau gave the floor to Mr. Deah who presented the General Assistance proposed FY 2021 budget.

The following individuals presented comments and questions: Councilor Rwaganje, Councilor Chau

SOCIAL SERVICES
Committee Chair Chau gave the floor to Mayor Foley and Mr. Bryant who presented the Social Services proposed FY 2021 budget.

The following individuals presented comments and questions: Councilor Rwaganje, Councilor Chau, Councilor Morse

WALKER MEMEMORIAL LIBRARY
Committee Chair Chau gave the floor to Ms. Debris who presented the Walker Memorial Library proposed FY 2021 budget.

The following individuals presented comments and questions: Councilor Morse, Councilor Chau, Mayor Foley, Vice President Turcotte

ADJOURNMENT
Motion to adjourn at 10:16pm.
Moved by President Rairdon, seconded by Councilor Shaughnessy
Motion carried. Meeting adjourned. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

WESTBROOK CITY COUNCIL
FINANCE COMMITTEE MEETING MINUTES
TUESDAY MAY 26, 2020
REMOTE ACCESS MEETING

Note: This meeting was conducted in accordance with 1 M.R.S.A. § 403-A, which permits public proceedings to be conducted through remote access during the declared State of Emergency due to COVID-19.

CALL TO ORDER
Meeting called to order at 6:02pm by Committee Chair Victor Chau.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Stephen Fields (Asst. City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Daniel Stevenson (Director of Economic Development); James Thomas (Tax Assessor)

ECONOMIC DEVELOPMENT & WESTBROOK ENVIRONMENTAL IMPROVEMENT CORPORATION (WEIC)
Committee Chair Chau gave the floor to Mr. Stevenson, who presented the Economic Development Department's and WEIC's proposed FY 2021 budgets.

The following individuals presented comments and questions: President Rairdon, Mayor Foley, Councilor Shaughnessy, Councilor Rwaganje, Committee Chair Chau

HUMAN RESOURCES, EMPLOYEE BENEFITS
Committee Chair Chau gave the floor to Mr. Fields, who presented the Human Resources Department's and Employee Benefits proposed FY 2021 budgets.

The following individuals presented comments and questions: Vice President Turcotte, Mayor Foley, Councilor Shaughnessy, President Rairdon

Motion to cut educational reimbursement by $5,000.
Moved by President Rairdon, seconded by Vice President Turcotte.
Committee Chair Chau opened the floor for comments on the motion. The following individuals spoke: President Rairdon, Councilor Shaughnessy, Mayor Foley, Mr. Bryant, Councilor Storey, Committee Chair Chau
Motion failed. (Vote 1-6)
Ayes: Rairdon
Nays: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Storey

CLERK & ELECTIONS
Committee Chair Chau gave the floor to Ms. Holmes, who presented the City Clerk's Office and Elections proposed FY 2021 budgets.

DRAFT

The following individuals presented comments and questions: Councilor Storey, Mayor Foley, President Rairdon, Vice President Turcotte, Councilor Rwaganje, Councilor Shaughnessy, Committee Chair Chau

ASSESSING

Committee Chair Chau gave the floor to Mr. Thomas, who presented the Assessing Department's proposed FY 2021 budgets.

The following individuals presented comments and questions: Committee Chair Chau

FINANCE, DEBT SERVICE, COUNTY TAX, TRANSFERS

Committee Chair Chau gave the floor to Ms. Knight, who presented the proposed FY 2021 budgets for Finance, Debt Service, County Tax and Transfers.

The following individuals presented comments and questions: President Rairdon, Councilor Shaughnessy, Councilor Storey, Mayor Foley, Committee Chair Chau

REVENUE

Committee Chair Chau gave the floor to Mr. Bryant, who presented the proposed FY 2021 revenue budget.

The following individuals presented comments and questions: Councilor Storey, Councilor Shaughnessy, Mayor Foley, Councilor Rwaganje, Committee Chair Chau

MAYOR, LEGAL & RISK MANAGEMENT, PUBLIC TRANSIT

Committee Chair Chau gave the floor to Mayor Foley, who presented the proposed FY 2021 budgets for the Mayor's Office, Legal & Risk Management and Public Transit.

The following individuals presented comments and questions: President Rairdon, Committee Chair Chau

REFERRAL

Committee Chair Chau noted for the record that there will be no meeting on Wednesday May 19, 2020, which was originally scheduled as a tentative Finance Committee meeting date if it proved necessary.

Motion to send the proposed FY 2021 budget to the City Council for consideration.
Moved by President Rairdon, seconded by Vice President Turcotte.
Committee Chair Chau opened the floor for comments on the motion. The following individuals spoke: Mayor Foley, President Rairdon, Mr. Bryant, Councilor Rwaganje.
Motion carried. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

Committee Chair Chau noted for the record that first reading of the budget would take place on June 1, 2020, seconded reading would take place on June 15, 2020, and the School Budget Referendum would take place on July 14, 2020.

ADJOURNMENT

Motion to adjourn at 9:10pm.
Moved by Councilor Rwaganje, seconded by President Rairdon.
Motion carried. Meeting adjourned. (Vote 7-0)

Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

WESTBROOK CITY COUNCIL
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY JUNE 1, 2020 AT 6:00 PM
WESTBROOK PERFORMING ARTS CENTER
471 STROUDWATER ST

CALL TO ORDER
Meeting called to order at 6:00pm by City Council President Gary Rairdon.

City Councilors Present: Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5); Claude Rwaganje (At-Large)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/HR Director); Michael T. Foley (Mayor); Suzanne Knight (Finance Director); Dena Lebeda (Tax Collector); Ashley Rand (Deputy City Clerk); Janine Roberts (Police Chief); Daniel Stevenson (Director of Economic Development)

PLEDGE OF ALLEGIANCE
President Rairdon led all present in the Pledge of Allegiance.

RECESS FOR EXCUTIVE SESSION

Motion to enter into Executive Session, as provided under 1 M.R.S.A., Chapter 12, Public Records and Proceedings, Section 405, Executive Session, as outlined below:

Sec. 6(C) to discuss an economic development matter where premature disclosure would prejudice the bargaining position of the City, and

Sec. 6(E) to consult with legal counsel concerning legal rights and duties.

Said Executive Session to include the City Council, Mayor, City Solicitor, City Administrator, Assistant City Administrator, and Deputy City Clerk, and additionally for the first item the Economic Development Director and the private developer, and for the second item the Tax Collector and Finance Director.

Motion to recess into executive session at 6:05pm.
Moved by Vice President Turcotte, seconded by Councilor Chau.
Motion carried by a show of hands. None opposed.

RECONVENE

The meeting reconvened at 7:30pm.

City Councilors Present: Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5); Claude Rwaganje (At-Large)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Rose Debris (Library Director); Eric Dudley (Director of Public Services); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/HR Director); Michael T. Foley (Mayor); Katherine Kelley (Wastewater Manager); Suzanne Knight (Finance Director); Lynn Leavitt (Sustainability Coordinator); Ashley Rand (Deputy City Clerk); Janine Roberts (Police Chief); Daniel Stevenson (Director of Economic Development)

MAYOR'S MESSAGE

1. Mayor Foley read his message into the record. The full text of the Mayor's Message is attached to these minutes.

2. Mayor Foley invited Lynn Leavitt (Sustainably Coordinator) up to the podium to present an update on the MS4 Storm Water Program.

STUDENT REPRESENTATIVE UPDATE

1. This is the last week of School for all passing students. Any student that wishes to improve their grade, they will have two additional weeks to work with their teachers.

2. Students will keep their laptops until next school year.

PUBLIC COMMENT

President Rairdon opened the floor for the first public comment portion of the evening's meeting. The following individuals spoke: Councilor Storey, John Hilton (16 Lawrence Street), Chief Roberts, Jodie Griffith (211 Longfellow Street), Councilor Rwaganje, Mayor Foley, Councilor Shaughnessy

ORDERS OF THE DAY (SECOND AND FINAL READING)

Included below are the City Council Orders which require second and final reading.

1. **Order 2020-52 Authorizing Acceptance & Expenditure of COVID-19 Assistance Grant Funds**
   Motion to approve second and final reading of Order 2020-52
   Moved by Vice President Turcotte, seconded by Councilor Chau.
   President Rairdon opened the floor for comments on the motion to approve Order 2020-52. No one spoke.
   Motion carried. Order 2020-52 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

2. **Order 2020-53 Authorizing Amendment No. 3 to County Road Pump Station Upgrade Project Agreement & Authorizing Expenditure**
   Order 2020-54 Authorizing Contract for Valuation Services
   Motion to approve second and final reading of Orders 2020-53- Order 2020-54
   Moved by Councilor Chau, seconded by Vice President Turcotte.
   President Rairdon asked if any Councilor wishes any item to be considered separately. No one spoke.
   President Rairdon opened the floor for comments on the motion to approve Orders 2020-53 through 54.

No one spoke.
Motion carried. Orders 2020-53 through 54 adopted. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

NEW BUSINESS

Included below are the Council actions on New Business, which includes business licenses requiring City Council approval, City Council Resolves and Orders receiving first and final reading, City Council Orders receiving the first of two required readings.

1. **PUBLIC HEARING**
   Proposal to pursue one of two options for the Cornelia Warren Outdoor Recreation Area:
   Option 1 – Upgrade the existing outdoor pool
   Option 2 – Remove the existing outdoor pool and replace it with a splash pad/park

   President Rairdon opened the public hearing at 8:20. The following individuals spoke: Mayor Foley Mr. Post, John Hilton (16 Lawrence Street), Lucy Sweet (171 Falmouth Street) Sofie Sweet (171 Falmouth Street), Peggy Perks (159 Lincoln Street), Alec Wall (720 Main Street), Sara Andre (52 Cottage Place, Recreation and Conservation Committee), Colleen Hilton (64 Berkley Street), Vice President Turcotte Read into the Record an email from Shanna Hill, Vice President Turcotte, Joanne Eldridge (35 Brook Street), Jodie Griffith (211 Longfellow Street), Thomas Valente (1 Plymouth Road), Phil Spiller (76 Sawyer Road), Ms. Rand read into the record an email from Rachel Burnet, Councilor Morse read into the record an email from Katy Rice, Council Chau, Hilarie Schmalke (311 Park Rd), Councilor Shaugnessy, Councilor Rwaganje, President Rairdon

   President Rairdon closed the public hearing at 9:21pm.

2. **Liquor License Application (New Owner) – EAT Management, LLC d/b/a Corsetti's, 125 Bridgton Road**
   Ms. Rand noted for the record, this item requires a public hearing.
   President Rairdon open the floor for public hearing. No one spoke. Public hearing closed.
   Motion to approve liquor license for EAT Management, LLC d/b/a Corsetti's, 125 Bridgton Road
   Moved by Councilor Chau, Seconded by Councilor Storey
   Motion carried by show of hands non opposed. Liquor License approved.

3. **Order 2020-55. Amending the Code of Ordinances Chapter 31, Traffic & Master Fine Schedule Regarding Traffic Fines.**
   Motion to approve the first and final reading for Order 2020-55.
   Moved by Vice President Turcotte, seconded by Councilor Chau.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Councilor Storey, Mayor Foley
   Motion carried. Legislation passed first and final reading. (Vote 7-1)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
   Nays: Storey

4. **Order 2020-56. Authorizing Repeal & Replacement of Chapter 19, Walker Memorial Library.**
   Motion to approve the first of two readings for Order 2020-56.
   Moved by Councilor Morse, seconded by Vice President Turcotte.

President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Mayor Foley, Ms. Rand read into the record an email from Karen Valley (12 Dearborn Street), Mayor Foley read into the record and email from the State of Maine Library Board, Kate Radke (Youth Services Librarian)
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

5. **Order 2020-57. Authorizing Expenditure for Walker Memorial Library Floor Replacement**
Motion to approve the first of two readings for Order 2020-57.
Moved by Vice President Turcotte, seconded by Councilor Rwaganje
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. No one spoke
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

6. **Order 2020-58. Authorizing Recreation and Conservation Commission Expenditure for Pride Preserve Project, Phase II**
Motion to approve the first of two readings for Order 2020-58.
Moved by Councilor Chau, seconded by Vice President Turcotte
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Mr. Bryant, Rachelle Apse (Presumpscot Regional Land Trust), President Rairdon
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

7. **Order 2020-59 Authorizing Award of Bid for Longfellow Street Sewer Replacement Project**
Motion to approve the first of two readings for Order 2020-59.
Moved by Councilor Morse, seconded by Councilor Chau
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: President Rairdon, Ms. Kelley, Mr. Bryant
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

8. **Order 2020-60. Authorizing Expenditure for Sewer Line Inspection Services**
Motion to approve the first of two readings for Order 2020-60.
Moved by Vice President Turcotte, seconded by Councilor Chau.
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. No one spoke
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

9. **Order 2020--61 Authorizing the Consolidation of the Maine Public Employees Retirement System (MePERS) Reserve Fund into the General Fund Balance and the Repeal of Orders 2015-77 and 2019-79**

Motion to approve the first of two readings for Order 2020-61.
Moved by Councilor Shaughnessy, seconded by Councilor Rwagnje
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Councilor Chau, President Rairdon
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

10. **Order 2020-62. Authorizing the Use of Undesignated General Fund Balance to Pay Off Lease Purchase Agreements and Authorize Capital Purchases**
Motion to amend order on the floor
Moved by Councilor Vice President Turcotte, seconded by Councilor Morse
Motion carried by show of hands, non-opposed.
Motion to approve the first of two readings for Order 2020-62 as amended.
Moved by Vice President Turcotte, seconded by Councilor Morse
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Mayor Foley, Vice President Turcotte
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

11. **Order 2020-63. Authorizing the Use of $968,105 of Undesignated General Fund Balance for the FY 2021 Payment to the Maine Public Employees Retirement System (MePERS)**
Motion to approve the first of two readings for Order 2020-63.
Moved by Councilor Rwagnje, seconded by Councilor Chau.
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. No one spoke
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

12. **Order 2020-64. Authorizing Amendment to Comprehensive Resource Management Agreement and Contract Member Municipality Waste Handling and Recycling Agreement with ecomaine**
Motion to approve the first of two readings for Order 2020-64.
Moved by Councilor Shaughnessy, seconded by Councilor Chau.
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Councilor Storey, Mr. Bryant, Mayor Foley, President Rairdon, Councilor Morse, Councilor Chau
Motion carried. Legislation passed first reading. (Vote 6-1)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
Nays: Storey

13. **Order 2020-65. Amending Chapter 41, Property Tax Assistance, Reducing the Age Eligibility for the Senior Property Tax Assistance Program from 70 to 68**
Motion to approve the first of two readings for Order 2020-65.
Moved by Councilor Rwaganje, seconded by Councilor Storey.
President Rairdon opened the floor for comments on the motion to approve first reading of the

legislation. The following individuals spoke: Mayor Foley, President Rairdon, Councilor Storey, Councilor Rwaganje
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

14. **Order 2020-66. Authorizing the Use of the Unused Balance of School Capital Bond Funds to Pay Debt Service Expenses in the FY 2020, FY 2021 and FY 2022 Budgets**
Motion to amend order on the floor
Moved by Councilor Vice President Turcotte, seconded by Councilor Morse
Motion carried by show of hands, non-opposed.
Motion to approve the first of two readings for Order 2020-66 as amended.
Moved by Vice President Turcotte, seconded by Councilor Morse
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. No one spoke.
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

15. **Order 2020-67. Approving the FY 2020-2021 Annual Budget & Appropriations**
Motion to approve the first of two readings for Order 2020-67.
Moved by Vice President Turcotte, seconded by Councilor Rwaganje.
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: Councilor Morse read into the record an email from Brenda Buccanan, Councilor Chau, President Rairdon, Ms. Rand read into the record an email from June Hunnefield, Councilor Morse, Ms. Debris, Mayor Foley, Councilor Rwaganje, Councilor Chau, Kate Radke (Youth Services Librarian)
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

16. **Order 2020-68. Approving the FY 2020-2021 School Budget Warrants**
Motion to approve the first of two readings for Order 2020-68.
Moved by Councilor Shaughnessy, seconded by Councilor Rwaganje.
President Rairdon opened the floor for comments on the motion to approve first reading of the legislation. The following individuals spoke: President Rairdon
Motion carried. Legislation passed first reading. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

17. **Order 2020-69. Approving Write-Off of Uncollectable Real Property Taxes**
Motion to table Order 2020-69.
Moved by Councilor Morse, seconded by Vice President Turcotte.
Motion carried. Item Tabled. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

PUBLIC COMMENT

President Rairdon opened the floor for the send and final public comment portion of the evening's meeting. The following individuals spoke: Vice President Turcotte, Mayor Foley, President Rairdon, Councilor Rwaganje

REFERRALS

There were no new referrals.

COMMITTEE REPORTS

There were no reports from City Council committees.

ADJOURNMENT

Motion to adjourn at 11:06pm.
Moved by Councilor Chau, seconded by Councilor Storey
Motion carried. Meeting adjourned. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
Fax: 877-688-9553

MAYOR'S MESSAGE
June 1, 2020

FY 2021 BUDGET
Tonight, Westbrook City Council will give first reading to the FY 2021 budget. Special thanks to the City Council Finance Committee, City department heads, and the School Committee and Administration for their collaboration on a budget which includes no tax rate increase. Second reading of the budget will occur on June 15, 2020, and the State Primary & School Budget Validation Referendum will be held on July 14, 2020.

WESTBROOK'S TAKEOUT & DELIVERY SUPPORT EFFORT CONTEST
Since the last Council meeting, we've announced three additional winners of the Westbrook Takeout & Delivery Support Effort Contest, each winning $100 gift certificates to local businesses – John Malloy received a gift certificate to Rivers Edge Deli, Melissa Kesti a gift certificate to The Daily Grind, and Alison Bishop a gift certificate to Fajita Grill. Today's drawing will be done in advance for today's meting and our next drawing will be next Monday. To enter the contest, visit the City website and upload photos of receipts from Westbrook restaurants totaling $100 or more. We hope this program will help to infuse money into our local economy and help our local businesses.

EXPANDED OUTDOOR DINING & BUSINESS OPERATIONS
As noted in my latest press release, the Westbrook Food Service Establishments and Retail Outdoor Expansion plan now authorizes administrative review for businesses to expand to outdoor areas. In addition, we have closed Vallee Square to vehicular traffic and have placed additional picnic tables throughout the area to expand outdoor dining and seating in the downtown area for our businesses.

OPENING PARKS & PLAY STRUCTURES
Also announced in my latest press release, all parks, athletic fields, play structures and courts have now been reopened.

PHASED REOPENING OF CITY FACILITIES
Also announced in my latest press release, City buildings and facilities will undergo a phased reopening to the public. Visit www.westbrookmaine.com for additional information.

NIGHT WORK BETWEEN BROWN STREET & PARK STREET
The City received notice that night work will be performed on the Maine DOT Cumberland Street project between Brown Street and Park Street on Wednesday June 3rd and Thursday June 4th. The work includes milling the roadway on these two nights. As this is a Maine DOT project, City ordinances do not have jurisdiction over the project.

WESTBROOK CITY COUNCIL
SPECIAL CITY COUNCIL MEETING MINUTES
MONDAY JUNE 15, 2020
WESTBROOK PERFORMING ARTS CENTER

READING THE CALL
Ms. Holmes noted for the record that this Special City Council Meeting was called by Mayor Foley on June 11, 2020. Notice was sent to all City Councilors and was posted to the City's website.

CALL TO ORDER
Meeting called to order at 7:00pm by City Council President Gary Rairdon.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Rosemary Bebris (Library Director); Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Eric Dudley (Director of Engineering & Public Services); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Jennie Franceschi (Director of Planning & Code Enforcement); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Dr. Peter Lancia (Westbrook School District Superintendent); Ashley Rand (Deputy City Clerk); Rebecca Spitella (Assistant Planner)

PLEDGE OF ALLEGIANCE
President Rairdon led all present in the Pledge of Allegiance.

MINUTES
There were no minutes for consideration.

MAYOR'S MESSAGE
Mayor Foley read his message into the record. The full text of the Mayor's Message is attached to these minutes.

STUDENT REPRESENTATIVE UPDATE
No Student Representatives were present.

PUBLIC COMMENT
President Rairdon opened the floor for the first public comment portion of the evening's meeting. The following individuals spoke: Vice President Turcotte, Judith Reidman (7 Enchanted Lane), Mayor Foley

ORDERS OF THE DAY (SECOND AND FINAL READING)
Included below are the City Council Orders which require second and final reading. Ms. Holmes noted for the record that pursuant to 1 M.R.S.A. § 403-A, all votes cast must be in the form of a roll call vote.

DRAFT

1. **Order 2020-56. Authorizing Repeal & Replacement of Chapter 19, *Walker Memorial Library.***
   Motion to approve second and final reading of Order 2020-56.
   Moved by Councilor Morse, seconded by Councilor Chau.
   President Rairdon opened the floor for comments on the motion to approve second and final reading. No one spoke.
   Motion carried. Order 2020-56 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

2. **Order 2020-57. Authorizing Expenditure for Walker Memorial Library Floor Replacement.**
   Order 2020-58. Authorizing Recreation and Conservation Commission Expenditure for Pride Preserve Project, Phase II.
   Order 2020-59. Authorizing Award of Bid for Longfellow Street Sewer Replacement Project.
   Order 2020-60. Authorizing Expenditure for Sewer Line Inspection Services.
   Order 2020-61. Authorizing the Consolidation of the Maine Public Employees Retirement System (MePERS) Reserve Fund into the General Fund Balance and the Repeal of Orders 2015-77 and 2019-79.
   Order 2020-62. Authorizing the Use of Undesignated General Fund Balance to Pay Off Lease Purchase Agreements and Authorize Capital Purchases.
   Order 2020-63. Authorizing the Use of $968,105 of Undesignated General Fund Balance for the FY 2021 Payment to the Maine Public Employees Retirement System (MePERS).
   Order 2020-64. Authorizing Amendment to Comprehensive Resource Management Agreement and Contract Member Municipality Waste Handling and Recycling Agreement with ecomaine.
   Order 2020-65. Amending Chapter 41, *Property Tax Assistance*, Reducing the Age Eligibility for the Senior Property Tax Assistance Program from 70 to 68.
   Order 2020-66. Authorizing the Use of the Unused Balance of School Capital Bond Funds to Pay Debt Service Expenses in the FY 2020, FY 2021 and FY 2022 Budgets.
   Order 2020-67. Approving the FY 2020-2021 Annual Budget & Appropriations.
   Order 2020-68. Approving the FY 2020-2021 School Budget Warrants.
   Motion to approve second and final reading of Orders 2020-57 through 68.
   Moved by Councilor Chau, seconded by Councilor Shaughnessy.
   President Rairdon asked if any Councilor wishes any item to be considered separately. President Rairdon asked that Orders 2020-58 and 2020-64 be considered separately.
   President Rairdon opened the floor for comments on the motion to approve second and final reading of Orders 2020-57, 59 through 63, and 65 through 69. No one spoke.
   Motion carried. Orders 2020-57, 59 through 63 and 65 through 69 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

   President Rairdon opened the floor for comments on the motion to approve second and final reading of Order 2020-58. Mr. Bryant requested an amendment to reduce the amount from $55,000 to $15,000.

   Motion to amend Order 2020-58, to reduce the amount from $55,000 to $15,000.
   Moved by Councilor Rwaganje, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to amend Order 2020-58. The following individuals spoke: President Rairdon
   Motion carried by a show of hands. None opposed.

   President Rairdon returned to the motion to approve Order 2020-58, now as amended.

Motion carried. Order 2020-58 adopted, as amended. (Vote 7-0)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
Nays: None

President Rairdon opened the floor for comments on the motion to approve second and final reading of Order 2020-64. Mr. Bryant noted that Casella Waste requested an amendment under Section 3.4, to add the statement "The charges associated with the management of unacceptable waste shall be the sole responsibility of the City."

Motion to amend Order 2020-64 to include the statement requested by Casella Waste.
Moved by Councilor Chau, seconded by Councilor Shaughnessy.
President Rairdon opened the floor for comments on the motion to amend Order 2020-64. No one spoke.
Motion carried by a show of hands. (Vote 6-1)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
Nays: Storey

President Rairdon returned to the motion to approve Order 2020-64, now as amended.
Motion carried. Order 2020-64 adopted, as amended. (Vote 6-1)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
Nays: Storey

NEW BUSINESS

Included below are the Council actions on New Business, which includes business licenses requiring City Council approval, City Council Resolves and Orders receiving first and final reading, City Council Orders receiving the first of two required readings, and all items to be considered in Executive Session. Pursuant to 1 M.R.S.A. § 403-A, all votes were cast by a roll call vote.

1. **Resolve 2020-19. Approving the MMA Workers Compensation Safety Incentive Program.**
   Motion to approve first and final reading of Resolve 2020-19.
   Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. No one spoke.
   Motion carried. Resolve 2020-19 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

2. **Resolve 2020-20. Setting the Hours of Voter Registration and the Polls.**
   Motion to approve first and final reading of Resolve 2020-20.
   Moved by Councilor Morse, seconded by Councilor Chau.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Councilor Chau, Ms. Holmes, Councilor Storey, Mayor Foley, Councilor Rwaganje, President Rairdon, Chief Roberts
   Motion carried. Resolve 2020-20 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

3. **Order 2020-70. Accepting Unappropriated Funds Report for 3rd Quarter FY 2020.**
   Motion to approve first and final reading of Order 2020-70.
   Moved by Councilor Rwaganje, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. No one spoke.
   Motion carried. Order 2020-70 adopted. (Vote 7-0)
   Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon, Storey
   Nays: None

4. **Order 2020-71. Authorizing Contractual Agreement with the Town of Scarborough for Shared Services of Animal Control Officer.**
   Motion to approve the first of two readings for Order 2020-71.
   Moved by Councilor Shaughnessy, seconded by Councilor Chau.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Mayor Foley, Mr. Bryant
   Motion carried by a show of hands. None opposed.

5. **Order 2020-72. Authorizing Contracts for Reconstruction of Cornelia Warren Four Season Rink.**
   Motion to approve the first of two readings for Order 2020-72.
   Moved by Councilor Rwaganje, seconded by Councilor Morse.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Mr. Bryant, President Rairdon, Councilor Rwaganje, Councilor Storey
   Motion carried by a show of hands. None opposed.

6. **Order 2020-73. Approving FY 2020-21 Annual Vendor List.**
   Motion to approve the first of two readings for Order 2020-73.
   Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. No one spoke.
   Motion carried by a show of hands. None opposed.

7. **Order 2020-74. Authorizing a Utility Easement on 5 Bradley Drive.**
   Motion to approve the first of two readings for Order 2020-74.
   Moved by Councilor Morse, seconded by Vice President Turcotte.
   President Rairdon opened the floor for comments on the motion to approve first and final reading of the legislation. The following individuals spoke: Mr. Bryant, President Rairdon
   Motion carried by a show of hands. None opposed.

PUBLIC COMMENT

President Rairdon opened the floor for the second and final public comment portion of the evening's meeting. The following individuals spoke: Councilor Shaughnessy, Vice President Turcotte, Councilor Rwaganje, Mayor Foley

REFERRALS

Motion to refer "Police Department Policy and Procedures" to the Public Safety Committee.
Moved by Councilor Rwaganje, seconded by Councilor Chau.

Motion carried. (Vote 6-1)
Ayes: Rwaganje, Shaughnessy, Morse, Chau, Turcotte, Rairdon
Nays: Storey

COMMITTEE REPORTS
There were no reports from City Council committees.

EXECUTIVE SESSION
Motion to recess into Executive Session at 8:03pm to discuss the City's legal rights and duties pursuant to 1 M.R.S.A. § 405-6(E), inviting the Mayor, City Solicitor, City Administrator, Assistant City Administrator and City Clerk to attend.
Moved by Councilor Chau, seconded by Councilor Rwaganje.
Motion carried by a show of hands. None opposed.

RECONVENE
City Council reconvened at 8:41pm.

City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: None

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Angela Holmes (City Clerk)

ADJOURNMENT
Motion to adjourn at 8:41pm.
Moved by Councilor Shaughnessy, seconded by Vice President Turcotte.
Motion carried by a show of hands. None opposed.

Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
Fax: 877-688-9553

MAYOR'S MESSAGE
June 15, 2020

FY 2021 BUDGET & UPCOMING ELECTION
Tonight, Westbrook City Council will give second and final reading to the FY 2021 budget. The State Primary & School Budget Validation Referendum will be held on July 14, 2020. We are excited to report that we have over 1,500 requests for absentee ballots.

REFERRAL – REVIEWING THE POLICE DEPARTMENT'S USE OF FORCE POLICY
A referral has been included on tonight's City Council agenda, asking for City Council's Public Safety Committee to review the Police Department's Use of Force policy. This referral has been made in response to the killings of George Floyd, Breonna Taylor, Ahmaud Arbery and many other Black lives. The City of Westbrook's Police Department is unique in its fundamental commitment to community engagement and community policing efforts, but we recognize that the time is ripe for a review of Use of Force policies in Police Departments across the United States. This referral is made to ensure that we in Westbrook continue to operate to the highest possible standard, and to keep the public informed about policy development, implementation and oversight in our community. The Westbrook Police Department under the direction of Chief Janine Roberts continues to demonstrate integrity in leadership, which welcomes accountability and feedback. In this light, we request a conversation with the Public Safety Committee to review our Use of Force policy and to have an open conversation about serving and protecting all members of our community.

WESTBROOK'S TAKEOUT & DELIVERY SUPPORT EFFORT CONTEST
Lisa Wallace was the latest winner of the Westbrook Takeout & Delivery Support Effort Contest, winning a $100 gift certificate to Jack's Thai Cuisine. Today's drawing will be done in advance for today's meting and our next drawing will be next Monday. To enter the contest, visit the City website and upload photos of receipts from Westbrook restaurants totaling $100 or more. We hope this program will help to infuse money into our local economy and help our local businesses. Coming in July, we will look to revamp this program and continue through the rest of the summer.

MORE BUSINESSES OPEN
We are excited more businesses are able to reopen here in the City after the most recent announcement from Governor Mills! Please continue to support your local businesses, they need our support now more than ever! Our Economic Development team will work to support Bars & Breweries here in the City so they can reopen for outside service as well as support all other business with anything they may need.

WESTBROOK CITY COUNCIL
CITY COUNCIL WORKSHOP MINUTES
MONDAY JUNE 22, 2020
ROCK ROW DEVELOPMENT SITE

CALL TO ORDER
A meeting was called to order at approximately 6:00pm by developers of the Rock Row project.

PRESENT
City Councilors Present: Claude Rwaganje (At-Large); Michael Shaughnessy (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: Anna A. Turcotte (Ward 3, Vice President)

Other City Officials Present: Rosemary Bebris (Library Director); Jerre Bryant (City Administrator); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Ashley Rand (Deputy City Clerk)

SITE WALK
City Councilors were led on a site walk of the Rock Row development site. They were provided with an overview of the project.

ADJOURNMENT
The meeting was adjourned at approximately 7:45pm.

DRAFT

MAYORAL PROCLAMATION
Westbrook Spirit of America Foundation Award

WHEREAS, the recognition of the Spirit of America Foundation Award was established to encourage volunteerism and is presented in the name of any Maine municipality; **and**

WHEREAS, the Spirit of America Foundation Award is presented to an individual dedicated to outstanding community service; **and**

WHEREAS, the City of Westbrook is being recognized as a Pacesetter in 2020; **and**

WHEREAS, Gerry Pineau's contributions to the City of Westbrook and surrounding communities has been nothing less than impressive when it comes to own duties, willingness to help others and most of all his volunteerism; **and**

WHEREAS, Gerry exhibits many wonderful attributes throughout the year, but last fall when the Town of Farmington had a natural gas explosion, Gerry's leadership skills went into overdrive when he immediately requested permission to assist the town's firefighters, whom he knew well and interacted with regularly. After the unimaginable event, Gerry volunteered making sure that the town had firefighter coverage given that the explosion injured many of his fellow firefighters; **and**

WHEREAS, along with volunteering his own time, he took it upon himself to assist all additional agencies and volunteers who came while Farmington was grieving the loss of a Captain and waiting the return of the Chief who was severely injured during the explosion. Gerry made sure everyone felt comfortable, ensuring that the accommodation was met while covering day to day operations; **and**

WHEREAS, Gerry also gives much of his time to the Westbrook community. He has been instrumental in growing our Fire Prevention and Life Safety educational programs, assisting with proper training for local schools and elderly housing complexes in Fire Safety protocols and prevention, and lastly, hands-on involvement with toy drives and collections of winter coats for local citizens less fortunate; **and**

WHEREAS, Gerry Pineau serves as an example to all the citizens of Westbrook and Maine communities. Through his high level of professionalism, dedication, leadership, and community service, he has made the City of Westbrook very proud; **and**

NOW, THEREFORE, I, Michael T. Foley, Mayor of the City of Westbrook, Maine do hereby recognize and congratulate Gerry Pineau for his outstanding accomplishments and extend to him our deepest appreciation for his dedicated work and volunteerism.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Westbrook to be affixed.

Michael T. Foley, Mayor
City of Westbrook, Maine

HEROES with heart

Join Us in Celebrating

2020 Hero with Heart Award Winners

Officer Tim Morrell & Firefighter Gerry Pineau

Monday July 6th at 7 p.m.

Westbrook Performing Arts Center

471 Stroudwater St. Westbrook

(CDC guidelines for this gathering will be in effect)

TIP Trauma Intervention Program Inc.

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-71

AUTHORIZING AGREEMENT WITH TOWN OF SCARBOROUGH FOR SHARED SERVICES OF ANIMAL CONTROL OFFICER

That the Westbrook City Council hereby authorizes the City of Westbrook to enter into a shared services agreement with the Town of Scarborough for Animal Control Officers services at a first-year cost of $36,477.50 with the option for annual renewal as outlined in the attached exhibit.

Funds available in budget line: 10002110-53405

First Reading: June 15, 2020 Second and Final Reading: July 6, 2020

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Shared services agreement with Town of Scarborough for Animal Control Officer

REQUESTED BY: Administration

DATE: 06/10/2020

SUMMARY:

This is an agreement with the Town of Scarborough to share Animal Control Officer services starting July 1, 2020. Agreement is attached.

BUDGET LINES AFFECTED (IF APPLICABLE): Funds will be transferred and available in the budget line: 10002110-53405

CR SMKnight

AGREEMENT FOR SHARED ANIMAL CONTROL OFFICER SERVICES
BETWEEN
THE TOWN OF SCARBOROUGH
AND
THE CITY OF WESTBROOK

AGREEMENT is made between the Town of Scarborough, Maine, a municipal corporation with a mailing address of 259 U. S. Route 1, P. O. Box 360, Scarborough, ME 04070-0360 ("Scarborough") and the City of Westbrook, a municipal corporation with a mailing address of 2 York Street, Westbrook, ME 04092 ("Westbrook"), collectively (the "Parties"), as follows:

WHEREAS, Scarborough has the means and capacity to provide Animal Control services to Westbrook; and

WHEREAS, Westbrook wishes to contract with Scarborough for the provision of Animal Control services; and

WHEREAS, Scarborough is willing and able to provide Animal Control Officer Services to Westbrook;

NOW THEREFORE, in consideration of the promises and the covenants set forth herein, the Parties agree as follows:

1. **Services to be Provided.**

Scarborough will provide a fully trained and certified Animal Control Officer (ACO) to Westbrook. The ACO will enforce Westbrook Ordinances and State Laws relative to the regulation and control of domestic animals and wildlife as outlined in Attachment A. The ACO will be an employee of Scarborough, which shall provide wages and benefits in accordance with Scarborough personnel policies. Scarborough shall provide copies of applicable wage and benefit schedules to Westbrook on an annual basis.

2. **Term.**

The initial term of this Agreement shall commence on July 1, 2020 and end on June 30, 2021. The parties agree to meet on, or before, December 31, 2020 to review the sufficiency of the services provided under this Agreement. **Following the initial period, this Agreement shall be automatically renewed without affirmative action by the Parties for successive one-year periods each July 1st until notice of termination as set forth in this Agreement is otherwise given. This Agreement may be extended for future additional terms by the mutual consent of the Parties. Such extensions shall be the subject of formal approvals by both Parties in writing and shall include such additional terms and conditions of such extension(s), including, but not limited to, changes in the annual fees or levels of service related to the provision of Animal Control Services.**

3. **Payments for Services.**

A. During the first year of the contract from 7/1/20 – 6/30/21, Westbrook shall pay Scarborough as the fee Animal Control Services the amount of $34,327.50 for the period or at the rate of $2,860.62 per month. This amount equals 50% of the personnel cost of the Animal Control Officer. The personnel cost shall be based upon the annual wage and benefits schedule as set forth in Section 1 of this Agreement.

B. Thereafter, the annual contract amount will increase by Westbrook's proportionate share of the ACO's personnel cost.

C. Additional Responsibilities/Contributions of Westbrook.

i. In addition to the personnel costs outlined above, Westbrook agrees to reimburse Scarborough for 50% of the actual Animal Control Officer's (ACO) vehicle maintenance and fuel costs. These costs will be actual but estimated to be $2,150 annually.

4. Primary Contact Person for Scarborough.

Scarborough's Deputy Police Chief shall be the primary contact person for the Animal Control Officer related to and coordination of the provision of ACO services contemplated under this Agreement by Scarborough to Westbrook. While responding or patrolling in Westbrook, ACO will report to Westbrook shift commander.

5. Westbrook's Coordination Responsibilities.

Westbrook shall be additionally responsible for the following:

A. Providing IMC and other IT access and support to the ACO necessary to perform ACO responsibilities.

B. Providing supervision, coordination, and support to the ACO when performing animal control duties.

C. Providing necessary equipment for ACO services unique or limited to Westbrook.

D. Maintaining existing contractual agreements with the Animal Refuge League.

6. Confidential Information.

A. The Parties acknowledge that during performance of this Agreement they each may be exposed to or acquire confidential information. Subject to the requirements of federal and state law, the Parties agree to hold such information in strict confidence and not to copy, reproduce, sell, assign, license, market, transfer, give or otherwise disclose such information to third parties or to use such information for any purpose other than for the provision of ACO Services

B. The Parties shall advise each of their employees, agents and representatives of their obligations to keep such information confidential. The Parties shall use reasonable efforts to assist each other in identifying and preventing any unauthorized use or disclosure of such information. Without limitation of the foregoing, the Parties shall make reasonable efforts to advise each other immediately in the event that either learns or has reason to believe that any person who has had access to such information has violated or intends to violate either the terms of this Agreement, or applicable law and will reasonably cooperate in seeking injunctive relief against any such person.

C. Nothing in this Agreement shall prohibit disclosure of public records or other information by either Party when such disclosure is required by Maine's Freedom of Access law, 1 M.R.S.A. sec. 401 et seq., allowed under the Intelligence and Investigative Record Act Sections 801-

809 of 16 M.R.S.A. Sec.. 801 et seq., the Criminal History Record Information Act, 16 M.R.S.A. Sec. 611, et seq., or by court order.

D. The Parties shall cooperate in responding to requests for public records sought in connection with or related to this Agreement and agree that the terms of Paragraph 6 shall survive the expiration or termination of this Agreement.

7. Scarborough's Supervisory Responsibilities.

Scarborough shall be solely responsible for supervising the performance of the Scarborough personnel who provide Westbrook with ACO Services. Westbrook supervisory public safety personnel may at any time communicate questions, concerns or complaints to, or seek clarifications from, the Scarborough supervisory personnel responsible for overseeing or providing Animal Control Services to Westbrook. In the event that such questions, concerns or complaints verbally brought to the attention of Scarborough are not satisfactorily resolved in a timely manner, Westbrook may communicate such questions or concerns in writing to the Scarborough Police Chief. The Police Chief shall take any such action as may be warranted under Scarborough's personnel policies, rules or regulations governing the Animal Control Officer and thereafter will communicate to Westbrook in writing on Scarborough's response and actions taken.

8. Limitations on Waiver.

The Parties shall not be deemed to have waived any provision of this Agreement unless expressed in writing and signed by the waiving Party. The Parties agree that they shall not assert in any action relating to the Agreement that any waiver occurred between the Parties that is not expressed in writing. The failure of any Party to insist in any one or more instances upon strict performance of any of the terms and provisions of the Agreement, or to exercise an option or election under the Agreement, shall not be construed as a waiver or relinquishment for the future of such terms, provisions, option or election, but the same shall continue in full force and effect, and no waiver by any Party of anyone or more of its rights or remedies under the Agreement shall be deemed to be a waiver of any prior or subsequent rights or remedy under the Agreement.

9. Termination of Agreement.

A. In Event of Breach.

Each Party shall have the right to terminate this Agreement in the event of a material breach or default by the other Party of the other Party's obligations hereunder that is not cured within thirty (30) days from the date of receipt by the breaching Party of written notice of such breach from the non-breaching Party. If the breach or default, by its nature, cannot be cured within such thirty (30) day period, then the breaching Party shall have such additional time (not to exceed thirty (30) additional days) as may be necessary to cure the breach or default, provided the breaching Party has exercised reasonable efforts and taken appropriate action to begin cure of the breach or default within the initial thirty (30) day cure period.

B. At the Convenience of the Parties.
This Agreement may be terminated by either Party for convenience by notifying the other Party in writing at least (6) six months prior to the date of termination. Between the time of notice and the date of termination, the Parties agree to work together to ensure continuation of ACO services.

10. Excuse from Performance due to Force Majeure.

Scarborough shall be excused from its performance obligations under this Agreement if Scarborough's provision of ACO services are prevented by act of God, act of war, riot, fire, explosion, flood or other catastrophe, or any other event beyond the control of, and that could not reasonably be foreseen or avoided by, Scarborough.

11. Indemnity, Immunity and Insurance.

A. The Parties shall continue to enjoy the immunities and protections under the Maine Tort Claims Act, 14 M.R.S. A. Sec. 8101 et seq., and all other state and federal laws and nothing in this Agreement shall be construed as a waiver of any such immunities and protections as they relate to third parties.

B. The Parties shall share this Agreement with their respective insurers to ensure that it conforms to each community's insurance requirements, policy limits and coverages, and the Parties in good faith thereafter agree to execute such reasonable amendments to this Agreement required by their insurers.

C. Subject to and without waiver of the limitations and protections under the Maine Tort Claims Act, 14 M.R.S.A. Sec. 8101 et seq., as those provisions relate to third parties, each Party shall indemnify and hold harmless the other from any and all liability, loss or damage arising out of the Party's performance or failure to perform any of its obligations set forth in this Agreement.

D. The Parties further agree to defend any claims brought or actions filed against the other Party with respect to the Party's performance or nonperformance of this Agreement, whether such claims or actions are rightfully or wrongfully brought or filed.

12. Maintenance of Records.

Scarborough shall maintain and retain as records available to Westbrook the books, documents, records and all other materials, in whatever form, as pertain to the services under this Agreement for such periods of time as required by state and federal law.

13. Governing Law and Severability.

This Agreement shall be governed by and interpreted under the laws of the State of Maine. The invalidity or unenforceability of any particular provision or part thereof of this Agreement shall not affect the remainder of said provision or any other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

14. Full Terms and Amendment.

This Agreement contains the entire agreement of the Parties with respect to the matters addressed therein and may only be amended in writing agreed to by both Parties.

15. Costs Associated with Disputes.

In the event of a dispute between the Parties under this Agreement, each Party shall be solely responsible for its own expenses, costs and attorney fees.

16. Ongoing Oversight of Agreement.

The Westbrook City Administrator and Scarborough Town Manager shall be responsible for the oversight and ongoing administration of this Agreement.

17. Filing of Copies of Executed Agreement.

Upon the execution of this Agreement, each Party shall provide a copy to their respective Clerks, and also file a copy with the Maine Secretary of State in accordance with 30A M.R.S.A. Sec. 2204.

WHEREFORE, the Parties, after duly processing the required procedures and voting to approve this Agreement, have authorized and directed their respective chief executives to execute this Agreement on each respective Parties behalf on the dates set forth below.

THE TOWN OF SCARBOROUGH

Dated: _____ _____

By: Thomas J. Hall, Town Manager

THE CITY OF WESTBROOK

Dated: _____ _____

By: Jerre Bryant, City Administrator

ATTACHMENT A

SPECIFICATIONS OF SERVICES TO BE PERFORMED

Scarborough agrees to provide Westbrook with Animal Control Services as outlined below:

1. Scarborough will provide all of the facilities, equipment and personnel sufficient and adequate to provide Westbrook with Animal Control Officer services
2. Investigate complaints concerning the regulation, control and licensing of dogs and other animals.
3. Investigate complaints concerning abuse or cruelty to animals.
4. Determine if any state laws or local ordinances have been violated, and take appropriate action.
5. Capture, confine, and transport animals for the purposes of quarantine euthanasia, medical treatment, or return to owners.
6. Instruct animal owners/keepers on the proper control, care and regulations concerning domestic animals.
7. Issue warnings and/or citations to animal owners/keepers and appear as a witness in court should the circumstances require such actions.
8. Conduct routine patrol within all areas of the community for the prevention and control of domestic and non-domestic animal related problems.
9. Rescue or aid in the rescue of trapped, wounded, sick or injured animals and seek appropriate medical assistance when deemed necessary.
10. Routinely confer with local businesses, concerned with animal care, to establish a rapport, offer assistance and gain information regarding new products and techniques.

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-72

AUTHORIZING CONTRACTS FOR RECONSTRUCTION OF CORNELIA WARREN FOUR SEASON RINK

That the Westbrook City Council hereby authorizes the two (2) attached contracts with Court Builders of America of Andover, MA for the reconstruction of the Cornelia Warren Four Season Rink, located at 58 Lincoln Street, at a total cost not to exceed $263,600.

Funds available in budget line: 22005100-58900-G1903

First Reading: June 15, 2020 Second and Final Reading: July 6, 2020

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: **Cornelia Warren Four Season Rink**

REQUESTED BY: Robyn Saunders, Project Manager

DATE: 06/04/2020

SUMMARY:

This request is for the City Council to authorize a Total expenditure of $115,088 through the execution of 2 contracts with Sports Court of New England for the Cornelia Warren Four Season Rink Project. The separation of contracts is due to CDBG funding requirements. The two contracts are attached and are explained as follows:

Contract #1 - To manufacture and install a dasher board system for this four season rink/soccer field project that is 100% funded by a grant from CDBG, of which $70,000 has already been paid directly by the CDBG program.
Remaining City expenditure for this contract = $50,000.

Contract #2 - To construct a concrete slab on which the outdoor sports floor will be installed, which is funded by grants from the Cornelia Warren Community Association, SoccerMaine, & US Soccer Foundation. A payment for $50,000 has already been paid per Council Order 2019-189.
Remaining City Expenditure for this Contract = $65,088.

The grant funds for this project were accepted as part of the Council Orders 2019-139 and 2019-189.

First reading requested 6-15-2020 with a second reading scheduled for 7-6-2020 to ensure on-site construction can begin on or by July 15, 2020.

BUDGET LINES AFFECTED (IF APPLICABLE):

Expenditure - 22005100 58900 G1903

TAS OK 6/10/20

CONTRACT #1

FORM OF AGREEMENT BETWEEN OWNER
AND CONTRACTOR FOR CONSTRUCTION
CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between the **City of Westbrook** (hereafter referred to as "Owner") and **Court Builders of America (CBA)**, d/b/a Sport Court New England, located at 15 Geneva Road in Andover, MA (hereafter referred to as "Contractor"). Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work at the **Cornelia Warren Four Season Rink** at 58 Lincoln Street, Westbrook, Maine as specified or indicated in the Contract Documents. The Work is generally described in the Drawings (attached) and Contractor's Bid (Invoice dated 11/15/2019) included as **Exhibit A**, which includes (but is not limited to) manufacture, delivery, and installation of:

A. An outdoor, multi-sport, enclosed board system as described in the Contractor's Bid in Exhibit A.

BAP 6.0 *SIGNATURE SERIES*
OUTDOOR HOCKEY DASHER BOARD SYSTEM

DASHER FRAMING & POLYETHYLENE FACING, CAP RAIL & KICK PLATE

- Rink Size: 180' x 80' x 15' radius – 496 lineal feet of 42" high galvanized steel frame dasher boards (Ring only – no boxes)
- 1/4" white high-impact fiberglass dasher facing
- 1/4" x 8" high white high-impact fiberglass kick plate
- 3/4" white UV-stabilized HDPE cap rail
- All panels pre-assembled. All panel steel framing hot-dip galvanized after fabrication with 5/8" drilled in epoxy anchors

GATES

- One 8'-0" double leaf equipment gate complete with heavy-duty adjustable hinges, slide bar, cane bolts and heavy-duty casters
- Two 3'-0" access gates with heavy duty hinges and latches
- 1" thick high–density polyethylene thresholds on all 3 player access gates

UPPER CONTAINMENT – PROTECTIVE NETTING

- 204 lineal feet (102 lineal feet for each end and two adjacent corners) of 4' high Kevlar™ netting with all vertical supports and horizontal cabling (Top & bottom of netting only)

SUPERVISION OF THE INSTALLATION

- Becker Arena Products, Inc. will furnish a supervisor for the installation under this contract.
- CBA will furnish a complete crew and tools for the installation of all materials.

B. Drawings consisting of sheets bearing the following general project titles:

- Cornelia Warren [Four Season Rink] Westbrook, Maine (WELMAR Recreational Products)
- 30 Lincoln St. 80' x 180' Multi-Game Rink (Sport Court New England)

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents may be the whole or only a part, is generally described as follows:

Cornelia Warren Four Season Rink
58 Lincoln Street
Westbrook, ME

ARTICLE 3 – RESPONSIBLE PARTIES

3.01 Owner's Representatives.

A. Owner designates the individual listed below as its Senior Representative, which individual has the authority and responsibility for avoiding and resolving disputes under this Contract:

Jerre Bryant, City Administrator
Westbrook City Hall
2 York Street
Westbrook, ME 04092
207-854-9105

B. The Engineer of Record is listed below, but the Owner designates for this project the individual listed below as its Owner's Representative and Engineer, which individual has the authority and responsibility set forth in the General Conditions of this Contract:

OWNER'S REPRESENTATIVE/ENGINEER	ENGINEER OF RECORD
Robyn Saunders, Project Manager	Eric Dudley, P.E., City Engineer
Westbrook City Hall	Westbrook Public Services
2 York Street	371 Saco Street
Westbrook, ME 04092	Westbrook, ME 04092
207-233-6305	207-854-0660

3.02 Contractor's Representative. The Project has been designed by the Contractor and/or its designee. The Contractor designates the individual listed below as its Senior Representative, which has the authority and responsibility for avoiding and resolving disputes under this Contract, as well as the authority and responsibility set forth in the General Conditions of this Contract.

Jim Arnold, President
Sport Court New England
Court Builders of America (CBA)
15 Geneva Road
Andover, MA 01810
978-828-9232

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, Completion and Readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Days to Achieve Substantial Completion and Final Payment*

A. The Work for Cornelia Warren Four Season Rink will be substantially completed within **8 weeks** of the Notice to Proceed. Construction on this Contract can start no later than **July 15, 2020**.

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner $250 for each day that expires after the times specified in Paragraph 4.02 until the Work is started or completed.

After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner $250 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs 5.01.A-C:

A. The Unit Price for the Work is presented in **Exhibit A**, a Lump Sum of:

One-Hundred Twenty Thousand Dollars ($ 120,000)

B. The City has already paid, on their behalf from Cumberland County Community Development Block Grant (CDBG) funds, a deposit of:

Seventy Thousand Dollars ($ 70,000)

C. The balance remaining or Contract Price to be paid to the Contractor is:

Fifty Thousand Dollars ($ 50,000),

on the City's behalf from Cumberland County's CDBG Program with the completion of the Work in accordance with the Contract Documents.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 1st day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided elsewhere in the Contract:

1. Progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract:

a. 90 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by the Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

b. 90 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

6.03 *Final Payment*

A. Upon Final Completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by the Engineer as provided in the General Conditions.

ARTICLE 7 – CONTRACTOR'S REPRESENTATIONS

7.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.

E. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

F. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

G. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Architect is acceptable to Contractor.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 8 – CONTRACT DOCUMENTS

8.01 *Contents*

A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 8, inclusive)

2. Performance bond (pages 610-1 to 610-3, inclusive)

3. Payment bond (pages 615-1 to 615-3 inclusive)

4. General Conditions (as included in the Project Manual)

5. Supplementary Conditions (as included in the Project Manual)

6. Specifications as listed in the table of contents of the Project Manual

7. Drawings consisting of sheets with each sheet bearing the following general project title:

- Cornelia Warren (Four Season Rink), Westbrook, Maine.
- 30 Lincoln St. 80’ x 180’ Multi-Game Rink.

8. Addenda (None).

9. Exhibits to this Agreement (enumerated as follows):

a. Contractor’s Bid (pages 9 to 10, inclusive).

b. Documentation submitted by Contractor prior to Notice of Award (pages 11 to XX, inclusive)

10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

a. Notice to Proceed (pages 550-1, inclusive).

b. Work Change Directives.

c. Change Order(s).

B. The documents listed in Paragraph 8.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 8.

D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.2 of the General Conditions.

ARTICLE 9 – MISCELLANEOUS

9.01 *Terms*

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

9.02 *Assignment of Contract*

A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns*

A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.05 *Contractor's Certifications*

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 9.05:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution:

2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

9.06 *Other Provisions*

A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC ® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. All portions of the Contract Documents have been signed, initialed, or identified by Owner and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____.

OWNER:

CITY OF WESTBROOK

Signed: _____

By: Jerre Bryant

Title: City Administrator

Attest:_____

Title:_____

Address for giving notices:

_____

_____

_____

CONTRACTOR:

COURT BUILDERS OF AMERICA

Signed:_____

By:_____

Title:_____

(If Contractor is a corporation or partnership, or a joint venture, attach evidence of authority to sign.)

Attest:_____

Title:_____

Address for giving notices:

_____

_____

_____

Agent for service or process:

_____

License No.: _____
(where applicable)

State Issuing License: _____

EXHIBIT A – CONTRACTOR'S BID

Sport Court New England®
Court Builders of America® (CBA)
PO Box 375
Andover, MA 01810
Phone 978-828-9232
Jim@SportCourtNE.com
http://www.sportcourtnewengland.com/

15 November 2019

Greg Post
Director of Community Services
City of Westbrook, Maine
City Hall
2 York Street
Westbrook, ME 04092
207-854-0676 ext. 5265
gpost@westbrook.me.us

Invoice

BAP 6.0 *SIGNATURE SERIES*
OUTDOOR HOCKEY DASHER BOARD SYSTEM
DASHER FRAMING & POLYETHYLENE FACING
CAP RAIL & KICK PLATE

Rink Size: 180' x 80' x 15' radius –
496 lineal feet of 42" high
BAP 6.0 ***Signature Series*** galvanized steel frame dasher boards (Ring only – no boxes)
1/4" white high-impact fiberglass dasher facing
1/4" x 8" high white high-impact fiberglass kick plate
3/4" white UV stabilized high-density polyethylene cap rail
All panels pre-assembled
All panel steel framing hot dip galvanized after fabrication
5/8" drilled in epoxy anchors

GATES
One 8'-0" double leaf equipment gate complete with heavy duty adjustable hinges, slide bar, cane bolts and heavy-duty casters
Two 3'-0" access gates with heavy duty hinges and latches
1" thick high–density polyethylene thresholds on player access gates

UPPER CONTAINMENT – PROTECTIVE NETTING
204 lineal feet (102 lineal feet for each end and two adjacent corners) of 4' high Kevlar™ netting with all vertical supports and horizontal cabling (Top & bottom of netting only)

SUPERVISION OF THE INSTALLATION
Becker Arena Products, Inc. will furnish a supervisor for the installation.
CBA will furnish a complete crew and tools for the installation of all materials.

TOTAL PRICE F.O.B. Westbrook, ME... $120,000

Deposit required... $70,000

Please remit to:

Court Builders of America
PO Box 375
Andover MA 01810

CONTRACT #2

FORM OF AGREEMENT BETWEEN OWNER
AND CONTRACTOR FOR CONSTRUCTION
CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between the City of Westbrook (hereafter referred to as "Owner") and Court Builders of America (CBA), d/b/a Sport Court New England, located at 15 Geneva Road in Andover, MA (hereafter referred to as "Contractor"). Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 – WORK

1. Contractor shall complete all Work at the **Cornelia Warren Four Season Rink** at 58 Lincoln Street, Westbrook, Maine as specified or indicated in the Contract Documents. The Work is generally described in the Drawings (attached) and two Contractor's Bids (one dated 11/15/2019, the other dated 5/14/2020) included as Exhibit A.1 and A.2, respectively, which includes (but is not limited to):

   A. An outdoor playing surface as described in Contractor's Bid in Exhibit A.1

   Sport Court outdoor playing surface

   - PowerGame premium surface, specified by U.S. Soccer Foundation.
   - Warranty for this product is 15 years.
   - Price includes shipping, installation and painted lines.

   B. Concrete work as described in the Contractor's Bid in Exhibit A.2

   Concrete subbase for
   Sport Court outdoor playing surface

   - Form + place 5" thick pad of 4,000-psi exterior grade concrete
   - Concrete reinforced with fiber mess + steel trowel finish
   - Pitch of pad:
     - ½" per every 10 feet, crowned at center
     - Pitch shall be toward sides, as opposed to end-to-end

   C. Drawings consisting of sheets bearing the following general project title:

   - Cornelia Warren [Four Season Rink] Westbrook, Maine (WELMAR Recreational Products)
   - 30 Lincoln St. 80' x 180' Multi-Game Rink (Sport Court New England)

ARTICLE 2 – THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only ENG partgenerally described as follows:

Cornelia Warren Four Season Rink
58 Lincoln Street
Westbrook, ME

ARTICLE 3 – RESPONSIBLE PARTIES

3.01 Owner's Representatives.

A. Owner designates the individual listed below as its Senior Representative, which individual has the authority and responsibility for avoiding and resolving disputes under this Contract:

Jerre Bryant, City Administrator
Westbrook City Hall
2 York Street
Westbrook, ME 04092
207-854-9105

B. The Engineer of Record is listed below, but the Owner designates for this project the individual listed below as its Owner's Representative and Engineer, which individual has the authority and responsibility set forth in the General Conditions of this Contract:

OWNER'S REPRESENTATIVE	ENGINEER OF RECORD
Robyn Saunders, Project Manager	Eric Dudley, P.E., City Engineer
Westbrook City Hall	Westbrook Public Services
2 York Street	371 Saco Street
Westbrook, ME 04092	Westbrook, ME 04092
207-233-6305	207-854-0660

3.02 Contractor's Representative. The Project has been designed by the Contractor and/or its designee. The Contractor designates the individual listed below as its Senior Representative, which has the authority and responsibility for avoiding and resolving disputes under this Contract, as well as the authority and responsibility set forth in the General Conditions of this Contract.

Jim Arnold, President
Sport Court New England
Court Builders of America (CBA)
15 Geneva Road
Andover, MA 01810
978-828-9232

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, Completion and Readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Days to Achieve Substantial Completion and Final Payment*

A. The Work for Cornelia Warren Four Season Rink will be substantially completed within **8 weeks** of the Notice to Proceed. Construction on this Contract can start no later than **July 15, 2020**.

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties

also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated funds damages for delay (but not as a penalty), Contractor shall pay Owner $250 for each day that expires after the times specified in Paragraph 4.02 until the Work is started or completed.

After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner $250 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs 5.01.A-D:

A. The Unit Price for the Work is presented in **Exhibit A.1 + A.2**, a Lump Sum of:

Ninety-Three Thousand Six Hundred Dollars ($ 93,600),

for the Sport Court outdoor playing surface in Exhibit A.1; and

Fifty Thousand Dollars ($ 50,000),

for the Concrete Work to be installed prior to the Sport Court outdoor playing surface in Exhibit A.2.

B. The City has already paid a deposit of:

Fifty Thousand Dollars ($ 50,000),

toward the Sport Court outdoor playing floor that shall be subtracted from the Contractor's Bid in Exhibit A.1.

C. The City has also received a discount from the US Soccer Foundation of:

Twenty-Eight Thousand Five Hundred and Twelve Dollars ($ 28,512),

toward the Sport Court outdoor playing floor that shall be subtracted from the Contractor's Bid in Exhibit A.1.

D. The balance remaining or Contract Price to be paid to the Contractor is:

Sixty-Five Thousand Eighty-Eight Dollars ($ 65,088),

for Work described in **Exhibit A.1 + A.2** with the completion of the Work in accordance with the Contract Documents.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 1st day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided elsewhere in the Contract:

1. Progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract:

a. 90 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by the Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

b. 90 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

6.03 *Final Payment*

A. Upon Final Completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by the Engineer as provided in the General Conditions.

ARTICLE 7 – CONTRACTOR'S REPRESENTATIONS

7.01 In order to induce Owner to enter into this Agreement Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed

by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.

E. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

F. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

G. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

H. Contractor has given Architect written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Architect is acceptable to Contractor.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 8 – CONTRACT DOCUMENTS

8.01 *Contents*

A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 8, inclusive)

2. Performance bond (pages 610-1 to 610-3, inclusive)

3. Payment bond (pages 615-1 to 615-3 inclusive)

4. General Conditions (as included in the Project Manual)

5. Supplementary Conditions (as included in the Project Manual)

6. Specifications as listed in the table of contents of the Project Manual

7. Drawings consisting of sheets with each sheet bearing the following general project title:

- Cornelia Warren (Four Season Rink), Westbrook, Maine.
- 30 Lincoln St. 80’ x 180’ Multi-Game Rink.

8. Addenda (None).

9. Exhibits to this Agreement (enumerated as follows):

a. Contractor’s Bids (pages 9 to 10, inclusive).

b. Documentation submitted by Contractor prior to Notice of Award (pages 11 to XX, inclusive)

10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

    a. Notice to Proceed (pages 550-1, inclusive).

    b. Work Change Directives.

    c. Change Order(s).

B. The documents listed in Paragraph 8.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 8.

D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.2 of the General Conditions.

ARTICLE 9 – MISCELLANEOUS

9.01 *Terms*

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

9.02 *Assignment of Contract*

A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns*

A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.05 *Contractor's Certifications*

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 9.05:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution:
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

9.06 *Other Provisions*

A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC ® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. All portions of the Contract Documents have been signed, initialed, or identified by Owner and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____.

OWNER:

CITY OF WESTBROOK

Signed: _____

By: Jerre Bryant

Title: City Administrator

Attest:_____

Title:_____

Address for giving notices:

_____

_____

_____

CONTRACTOR:

COURT BUILDERS OF AMERICA

Signed:_____

By:_____

Title:_____

(If Contractor is a corporation or partnership, or a joint venture, attach evidence of authority to sign.)

Attest:_____

Title:_____

Address for giving notices:

_____

_____

_____

Agent for service or process:

_____

License No.: _____
(where applicable)

State Issuing License: _____

EXHIBIT A.1 – CONTRACTOR'S BID

Sport Court New England®
Court Builders of America® (CBA)
PO Box 375
Andover, MA 01810
Phone 978-828-9232
Jim@SportCourtNE.com
http://www.sportcourtnewengland.com/

15 November 2019

Greg Post
Director of Community Services
City of Westbrook, Maine
City Hall
2 York Street
Westbrook, ME 04092
207-854-0676 ext. 5265
gpost@westbrook.me.us

Invoice

Deposit for Sport Court playing surface.
To be installed at Lincoln Street soccer and hockey rink.
PowerGame premium surface, specified by U.S. Soccer Foundation.
Warranty for this product is 15 years.
Price includes shipping, installation and painted lines.
Total charge is $93,600. Deposit... $50,000

Please remit to:

Court Builders of America
PO Box 375
Andover MA 01810

EXHIBIT A.2 – CONTRACTOR'S BID

Sport Court New England®
Court Builders of America® (CBA)
PO Box 375
Andover, MA 01810
Phone 978-828-9232
Jim@SportCourtNE.com
http://www.sportcourtnewengland.com/

14 May 2020

Robyn Saunders
Departments of Engineering + Planning
Project Manager
Cell: (207) 233-6305
RSaunders@westbrook.me.us
City of Westbrook, Maine
City Hall
2 York Street
Westbrook, ME 04092

Invoice

Concrete work to be installed at Lincoln Street soccer and hockey rink.
Measures approximately 180' x 80' totaling approximately 14,400 square feet.

- Form and pour 5 inches of 4000-psi exterior grade concrete.
- Concrete reinforced with fiber mesh; steel trowel finish.
- Pitch of pad will be 1/2 inch per every 10 feet, crowned at center.
- Pitch shall be toward sides, as opposed to end to end.

$50,000

Please remit to:

Court Builders of America
PO Box 375
Andover MA 01810

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-73

APPROVING THE FY 2020-2021 GENERAL FUND, RECREATION FUND & PARKING GARAGE FUND ANNUAL VENDOR LISTS

That the Westbrook City Council hereby approves the attached FY 2020-2021 Annual Vendor Lists for the General Fund, Recreation Fund and Parking Garage Fund for disbursements not to exceed the stated amounts.

First Reading: June 15, 2020 Second and Final Reading: July 6, 2020

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: APPROVING THE FY 2020-2021 GENERAL FUND, RECREATION FUND, AND PARKING GARAGE FUND ANNUAL VENDOR LISTS

REQUESTED BY: Finance Department

DATE: 06/05/2020

SUMMARY:

Approving the attached vendor lists for the FY 2020-2021 General Fund, Recreation Fund, and Parking Garage Fund disbursements not to exceed the stated amount to the stated vendors, their successors or assigns.

BUDGET LINES AFFECTED (IF APPLICABLE):

City of Westbrook FY2020-2021
General Fund Vendor List

Account Number	Account Name	Total Budget	Vendors
52100	Health Insurance	$2,715,807	Maine Municipal Employees Health Trust
52105	HRA Contribution	$115,000	Group Dynamic
52106	Dental Insurance	$176,901	Allegiant Care, Maine Dental Service Corporation, Northeast Delta Dental, Northern New England Benefit Trust
52200	Social Security/Medicare	$585,697	United States Treasury IRS
52300	ICMA	$194,502	ICMA Retirement Corporation, M&T Bank
52301	MPERS	$1,089,223	Maine Public Employees Retirement System
52600	Unemployment	$10,000	Maine Department of Labor, Treasurer State of Maine
52700	Workers Compensation	$576,189	Maine Municipal Association
52800	Other Employee Benefits	$104,800	Affiliated Healthcare Management, American Family Life Assurance Company (AFLAC), Dearborn National Life Insurance Company, Group Dynamic, ICMA Retirement Corporation, M&T Bank, VantageCare
52900	Wellness & Safety Program	$5,000	Amazon, Bayside Employee Heath Center, Quill Corporation, WB Mason, Wolf Technology Group
52901	Uniforms	$125,270	Admiral Fire & Safety, Allen Uniform Sales, Amazon, Bergeron Protective Clothing, Brand Company Inc, Cabela's, Cintas Corporation, Department of Justice, East Coast Emergency Outfitter, Emblems Inc, Galls, Hanging by a Thread, **Huntress Uniforms**, Industrial Protection Services, Lamey Wellehan, LA Police Gear, Mach V Group LLC, Maine-ly Red Wing, Municipal Emergency Services, Neptune Uniforms & Equipment, OfficerStore.com, Old Navy, Olympia Sports, Paul's Shoe Repair, Point Blank, Port City Graphics, Red Wing Shoe Store, REM Safety Supply, Renys, **Stadri Emblems**, The Fire Store, The Vest Man, Tri-State Police & Fire Equipment, Winterport Boot, Witmer Public Safety Group, Xtreme Screen & Sportwear
52902	Medical Exams/Physicals	$45,911	Bayside Employee Health Center, Cintas Corporation, Concentra Medical Partners, Industrial Hearing Testing, Occupational Health Centers of the Southwest, Saco Bay Physical Therapy, Philip Smith, Wendy Kjeldgaard
53300	Professional EE Training & Travel	$171,268	AAA Police Supply, Accuracy, Amazon, Atlantic Partners EMS, Combined Tactical Systems, County of Cumberland, Cumberland County Soil and Water Conservation District, Dedham Sportsmens Center, Dirigo Safety, Ebsco, FBI LEEDA, Gordon Graham, Government Finance Officers Association, Graham Research Consultants, Granite State Police Career Counseling, Harris Computer Systems, HRE LLC, Industrial Organizational Solutions, International Economic Development Council, Interpret Maine, Iowa College Acquisition Corporation, JPMA Staff Development Solutions, Kaplan University, Maine Board of Pesticide Control, Maine Building Officials & Inspectors Association, Maine Chiefs of Police Association, Maine Community College System, **Maine Government Finance Officers Association**, Maine Justice Academy, Maine Local Roads, Maine Municipal Association, Maine Municipal Tax Collectors and Treasurers Association, **Maine Turnpike Authority**, Maine Recreation & Park Association, Maine Town & City Clerks Association, Manpower, Munis, National Fire Protection Agency, National Recreation & Park Association, New England Association of City & Town Clerks, New England Medical Instruction, New England Sports Turf Managers Association, Northern New England Recreation & Park Association, Pine Point FTC, Praetorian Digital, Presumpscot River FF1 Academy, Roger Audette, Safety.BLR, Scott Mattox, Sirchie Acquisition Company, Southern Maine Library District, Southern Maine Regional Training Council, Sports Turf Managers Association, **SRT Concepts LLC**, Task Force 1, Tenzinga, Town of Gorham, Traditions Training, Training Technologies International, Treasurer State of Maine, Tri-County Training Association, Tyler Technologies, Ultramax, United Ambulance, United Language Group, University of Maine, VTEC Maine
53405	Contractual Services	$53,405	**217 Spurwink Corp**, Corey Electric, LDT Enterprises, Springborn Staffing, **Without A Trace Mobile Shredding**
53410	Consultants	$326,815	City of South Portland, Corey Electric, Credere Associates, Cumberland County Soil & Water Conservation District, Gorrill-Palmer Consulting Engineers, Industrial Organizational Solutions, Milone & MacBroom, Sebago Technics, Stantec, Terradyn Consultants, Tideview Group, Verrill Dana, Wright Pierce
53450	Legal Services	$160,000	Bergen & Parkinson, Bernstein Shur Sawyer & Nelson, Drummond Woodsum, Jensen Baird Gardner & Henry, Monaghan Leahy, Moncure & Barnicle, Perkins Thompson, Preti Flaherty Beliveau & Pachios, Verrill Dana, Woodman Edwards Danylik Austin Smith & Jacques
53451	ProfConsult - Arbitrators	$2,000	Maine Labor Relations Board
53460	ProfConsult - Auditor	$37,421	Wipfli LLP
53520	ProfConsult - IT/Technology	$148,000	DSCI, EXACOM, TPx Communications
53615	Interpretive Services	$1,700	Catholic Charities Maine, Interpret Maine, Language Line Services, The New Translation and Interpretation
53616	Lab Services	$9,675	Armor Forensics, City of Portland, Environmental Systems Research Institute (ESRI), HETL Chem Forensic
53617	GIS Project	$41,000	Bradstreet Consultants, CAI Technologies, Cartographic Associates, Woodard & Curran
53618	Postclosure Care Costs	$17,500	Sevee & Mahar Engineers
53619	Records Management	$12,500	Gaylord Archival, General Code, Kofile Technologies, WB Mason
53621	ProfService - Collections	$46,500	Samuel Sherry, Town of Gorham
53624	Analysis Programs	$3,500	Amazon, Environmental Systems Research Institute (ESRI), GovConnection, Howard Consulting & Investigations, Katana Forensics, **Lexis Nexis**, Logotech, Thomas Howard
53712	Background/App Screen	$2,000	Backgrounds Online, Maine Information Network
53714	Registrar Fees	$9,000	Cumberland County Registry of Deeds
53715	Refuse Collection	$500	Pine Tree Waste
53717	Veterinary Services	$838,656	Animal Emergency & Specialty Care, Animal Specialty Care Center of Maine, Dehler Animal Clinic
54105	Water & Sewer (Utility)	$32,800	Portland Water District
54110	Hydrant Fees	$150,912	Portland Water District
54200	Cleaning Supplies/Services	$227,300	BSC Cleaning Services, Commercial Cleaning Company, GDI Services Inc

54300	Repairs/Maintenance (NonCap)	$260,300	A-1 Lockbox, Able Air Corp, Above and Beyond, Air Cleaning Specialists of New England, Allied Equipment, **Amazon**, ARI Herta, Arkie Rogers Septic Service, Automation, Automotive Garage Tools, B&B Towing, Blue Planet Graphics, Boom Technologies, Brackett Machine, Brackett's Sharpening Service, Bucky's Auto Glass, Burns Fencing, C N Wood North, Carpet Specialist, Chad Little Outdoor Power, Chadwick Baross, Christopher Harnois, Christopher Hodges, Cintas Corporation, Cirus Controls, Clean Air Technologies, Clean Harbors Environmental Services, Component Repair & Supply, Consolidated Electrical Distributors, Corey Electric, Crown Equipment Corporation, Crown Lift Trucks, CRS Component Repair, Cummins Northeast, **Custom Float Services**, Custom Restraint & Strap Co, Custom Truck One Source, Daigle & Houghton, Darlings Plumbing & Heating, Dews Door Company, Diane Stevens, Election Systems & Software, Environmental Projects, F W Webb Company, Freightliner of Maine, G & E Roofing, Gilman Electrical Supply, Gorham Machine & Fabrication, Gould Service, Grainger, Hale Trailer, Hall Implement, Harnois Paint Company, Harrison Shrader Enterprises, Hartford Communications, Hews Auto Body, Hillside Lumber, Home Depot, Honeywell International, Howard P Fairfield, Hydraulic Hose & Assemblies, Industrial Protection Services, IPS LLC, ISCS Hydraulics, John Jackman Welding, Jordan Equipment, J-Pro, K L Jack & Co, Kamco Supply Corp of Boston, Kaza Electric, Knowles Industrial Service Corp, Konecranes, L P Appliance, Lenox Cleaning Systems, Lock Stock & Barrel, Maaco, Maine Building Specialties Co, Maine Fabrication, Maine Kenworth, Maine Radio, Maintenance Technologies, **Market Square Architects**, MB Tractor & Equipment, MC Faulkner, McFarland Spring Corp, Messer Truck Equipment, Morrison & Sylvester, MSC Aquisition Company, National Engineering & Testing Service, Nations Rent, New England Battery Distributors, **New England Detroit Diesel**, **New England Diesel Service**, New England Kenworth, Noregon Vehicle Data, North American Equipment, Northeast Emergency Apparatus, Northeast Technologies, Northeast Test Consultants, Northland Holder, Nortrax, O'Conner GMC, Overhead Door Co, Palmer Spring Company, Patriot Mechanical, Petroleum Maintenance Systems, Phillips & Sons Body Shop, Plumbmaster, Portland Glass, Portland North Truck Center, Portland Pump Company, Power Products, Prime Electric Motors, Pro-Tech Refrigeration, Radio Communications Management (RCM), **R B Allen**, RBG, Roberts Auto Body, Robinsons Transmission, Rowe Ford, R Stewart Heavy Hauling, S A McLean, Sherwin Williams, Sign Pro, Simard and Sons, Sportsmans Hardware, Stevens Electric & Pump Service, Stewarts Towing, Stoneham Ford, Sunbelt Rentals, SupplyWorks, The Lift Guy, TransAxle, Triple M Poly, Tripp Mahindra Equipment, **Tri State Packing**, TSI Inc, Upfitters, Viking Cives, Wagon Masters, Walsh Printing & Graphics, Weirs Motor Sales, Whited Ford Truck Center, Whited Peterbilt of Maine, Wood CRW Corp, Workout Fitness Store, Wymans Auto Body, Yankee Ford, Yerxa's Oil & Power Equipment
54310	Monitor Radio Repairs	$8,000	Radio Communications Management (RCM)
54311	Copier/Postage Service Agreements	$3,357	Androscoggin Savings Bank, EverBank Commercial Finance, Gorham Leasing Group, MailFinance, TIAA Commercial Finance, Quadient Finance
54312	Building Service Agreements	$119,870	3M Company, AAA Fire Extinguisher, ACS Firehouse Software, Air Cleaning Specialist of New England, Atlantic Air, Business Equipment Unlimited, **Cellular Alarm Service**, CivicPlus, Connectivity Point Design, Corey Electric, Cunningham Security Systems, Environmental Systems Research Institute (ESRI), ESO Solutions, G & E Roofing Co, Handyman Services, Harris Computer Systems, Honeywell International, Johnson Controls Security Solutions, Knowles Industrial Service Corp, Kone Cranes, KYOCERA Document Solutions, Lee Baxter Enterprises, Maine Information Network, Maine State Library, Minerva, Modern Pest Services, MyRecDept.com, Nature's Design, Norris Communications, Northeast Test Consultants, Otis Elevator Company, Patriot Mechanical, Portland Computer Copy, **R B Allen**, Secretary of State, Spectrum, Sprinkler Systems Inspection, Stevens Electric, The Great Outdoors, Treasurer State of Maine, Tritech Software Systems, Tyco Fire and Security Management, Vision Internet Providers, Zoll Medical Corp
54330	Tech Consult - Maintenance	$380,221	3M Company, AccuFund, ACS Firehouse Software, Advance Technology, Airgas, Aladtec, Automotive Garage Tools, B&B Towing, **BEK**, Bibliotheca, Brewer Tree, Business Equipment Unlimited (BEU), CAI Technologies, Cartographic Associates, CivicPlus, Conduent Government Systems, Connected Office Technologies, Critical Alert Systems, Daniel Henderson, Donald Littlefield, Eastern Excavation, Ebsco, Environmental Systems Research Institute (ESRI), **Envisionware**, ESO Solutions, EXACOM, Fire Tech & Safety, Greater Portland Council of Governments (GPCOG), Handyman Services, Harris Computer Systems, Harrison Shrader Enterprises, Henderson Grant Consulting, Honeywell International, Johnson Controls Security Solutions, Knight Property Services, Knowles Industrial Service Corp, KYOCERA Document Solutions, Lee Baxter Enterprises, Maine Geek 2 Go, Maine Infonet Collaborative, Maine Information Network, Maine State Library, Minerva, Modern Pest, MyRecDept.com, Nature's Design Landscaping, Norris Communications, Northeast Technologies, Otis Elevator, Peter Wannemacher, Pine Tree Waste, Portland Computer Copy, Praetorian Digital, R Stewart Heavy Hauling, Radio Communications Management (RCM), Reporting Systems, Secretary of State, Shaw Brothers Construction, Spectrum, Spillers, Stryker Sales Corp, Synernet, The Great Outdoors, The Lift Guy, Treasurer State of Maine, Tritech Software Systems, TW Enterprises, Tyco Fire and Security Management, Tyler Technologies, **Userful**, Vision Government Solutions, Vision Internet Providers, VJB Services, WatchGuard, Wolf Technology Group, Woodard & Curran, Woods Excavating, Zoll Medical Corp
54340	Vehicles - Maintenance/Repairs	$111,200	Admiral Fire & Safety, Advanced Emergency Products, Aftermath Services, Airgas, Automotive Garage Tools, Autotronics, B&B Towing, Baker Connections, Bill Dodge Auto Group, Blue Planet Graphics, Brackett Machine, Brenntag North America, BWE LLC, Castle Power Products, Chem Fast, Chemsearch, Cintas Corporation, CRS Component Repair, Cummins Northeast, Custom Strap and Restraint, Daigle & Houghton, DTL Inc, East Coast Service Center, Eastern Industrial Automation, Ed's Batteries, Elliot Auto Supply Co, Espo LLC, Factory Motor Parts, Fastenal, Finger Lakes Chemicals, Fleet Pride, FW Webb, Genuine Parts Co, Greenwood Fire Apparatus, Home Depot, Horizon Solutions, Hutchins Motors, Hydraulic Hose & Assemblies, Jordan Equipment, J-Pro, Justin Michaud, Kevin Russell & Associates, Kimball - Midwest, KL Jack & Co, Kussmaul Electronics, Lawson Products, Maietta Enterprises Inc, Maietta Towing, Maintenance Connection, Matheson Tri-Gas, McFarland Spring Corp, Messer Truck Equipment, MHQ Municipal Vehicles, Minuteman Trucks, Mitchell 1, Morrison & Sylvester, MSC Aquisition Company, NAPA, NCH Corporation, New England Detroit Diesel, NH Bragg, Northeast Emergency Apparatus, O'Connor Motor Co, O'Reilly Automotive Stores, Palmer Spring, Pape Chevrolet, Pleasant Hill Auto Sales, Portland North, Radio Communications Management (RCM), Reliance Equipment, Ron Morin, Rowe Ford, Snap On Tools, Southworth Milton Cat, Sparkle Wash, Sportsmans Hardware, Sugarloaf Ambulance, Sun Stoppers, SupplyWorks, Tessco, Tom & Jerry's, United Rental, WatchGuard, Whited Ford, Wholesale Public Safety, Williams Bros, Wurth Co, Yankee Ford
54350	Radio Repairs & Maintenance	$3,000	Radio Communications Management (RCM), TMDE Calibration Labs
54390	Small Equipment - Maintenance/Repairs	$21,125	AD Electric, Corey Electric, Critical Alert Systems, DTL Inc, Fire Tech & Safety, Genuine Parts Co, Harrison Shrader Enterprises, Hartford Communications, Highway Tech, Industrial Protection Services, Maine Radio, Mitchell's Electric Service, NAPA, Radio Communications Management (RCM), Sportsmans Hardware, Stryker Sales Corporation, TMDE Calibration Labs

54420	Lease - Vehicle/Equipment	$2,200	Androscoggin Savings Bank, Canon Financial Services, Gorham Savings Leasing Group, Seacoast Motorcycles, Tax Exempt Leasing Corp, TD Equipment Financing
54440	Equipment Rentals/Contracts	$257,978	217 Spurwink Corp, Airgas, Ambrose Equipment Company, Anderson Equipment, Associated Septic Services, Automotive Garage Tools, B&B Towing, Blow Brothers, Brewer Tree, Chad Little Outdoor Power, Colonial Tree & Landscaping, Critical Alert Systems, Donald Littlefield, DTL Inc, Dura Edge, Eastern Excavation, Gorham Sand & Gravel, Hall Implement, Handyman Equipment Rental, John Deere Landscapes, Knight Property Services, Land Pride, Lynox Welding Supply, Maietta Lawn Care, Maine Oxy, Matheson Tri-Gas, MB Tractor & Equipment, Natures Design Landscaping, Nortrax, Organic First Lawn Care, Pine Tree Waste, Pioneer Manufacturing Company, Pioneer Turf Services, R Stewart Heavy Hauling, Rent-It, Royal Flush Portable Restrooms, Shaw Brothers Construction, Southern Maine Tree, Sports Turf Specialties, Sportsmans Hardware, The Lift Guy, Thirsty Turf Irrigation, Toro, Town of Gorham, Turf Products Company, TW Enterprises, United Rental, Windham Equipment Rental, Without a Trace Mobile Shredding, Woods Excavating, Yerxa's Oil & Power Equipment
54599	Demolition Costs	$3,000	CPRC Management, Phillips Body Shop and Towing, Pine Tree Waste
55200	General Liability/Property Insurances	$334,565	Paquin & Carroll Insurance
55201	Insurance Deductible	$50,000	Trident Insurance
55310	Postage	$25,750	Creative Digital Imaging, FedEx, Formax, Full Court Press, Hygrade, Informe Vitals, Mailroom Finance, MPX, NeoPost, Pitney Bowes, Quadient Finance, TotalFunds, UPS, USPS, Walz Group
55320	Telephone & Communications	$101,556	American Messaging Services, AT&T, Charter Communications, Consolidated Communications, Corey Electric, DSCI, FirstLight Fiber, FirstNext, Otelco Telecommunications, Oxford County Telephone Service Co, Spectrum, SpyGlass, TPx, Treasurer State of Maine, Verizon Connect NWF, Verizon Wireless, Wolf Technology Group
55400	Marketing/Advertising, Recruitment & Recycling Education	$86,000	21st Century Media Newspaper, Alert All Group, Boston Globe, Charter Communications Holdings, Crestline, Current Publishing, Dale Rand, Discount Mugs, DTL Inc, Facebook, Full Court Press, Google Ads, Grainger, Home Depot, JobsInTheUS, Macro Promos, Maine Resource Recovery Association, MaineBiz, MaineToday Media, **M & H Signs**, MTM Acquisition, New England Business Media, New England Promotional Marketing, Pinnacle Promotions, **Pinscher Designs**, Portland Press Herald, Port City Graphics, SJ Acquisition, Spectrum, Sportsmans Hardware, Staples, Sticker Mule, Sun Journal, SupplyWorks, The Forecaster, Toter, Walsh Printing, WB Mason, WCSH, WGME, WMTW, Xtreme Screen & Sportswear
55500	Printing Services	$16,150	Award Champs, Awards & Recognition, **Crown Trophy**, Dale Rand Printing, **Deluxe Small Business Sales**, Election Systems & Software, Full Court Press, Hero's Industries Inc,Maine Municipal Association, Marks Printing House, Nelco, Port City Graphics, R & W Engraving, Signature Coins and Custom Center, Spillers, Swan Island Press, The Creative Companies, Tyler Business Forms, Walsh Printing, WB Mason
55800	Travel	$100	Maine Turnpike Authority, NH DOT
55900	Park Band Concerts	$5,000	**13 Black**, **American Ride**, **Andrew Penk**, Bob Charest Band, David Goode, Dirty McCurdy, Jose Duddy, **Legolas Erica Brown and The Bluegrass Connection**, Pardon Me Doug, Stolen Mojo, The Delta Knights Band, Westbrook City Band
56000	General Supplies	$43,430	217 Spurwink Corp, Amazon, Amsan, Batteries & Bulbs, **BJ's Wholesale Club**, Blow Bros, Cintas Corporation, **Deluxe Small Business Sales**, Demco, DTL Inc, Hero's Industries Inc, Home Depot, Lowes, Oldcastle Lawn and Garden, **Owl Stamp Company**, Reliance Label Solutions, Secretary of State, Signature Coins and Custom Center, Spillers, Sportsmans Hardware, Staples, SupplyWorks, Swenson Granite Works, The Creative Companies, Transact Supplies, Tucker Library Interiors, **Uline**, Vanguard ID, WB Mason
56010	Meeting Expense	$4,250	Duck Pond Variety Westbrook, Mister Bagel Westbrook, Rivers Edge Deli, Starlite Catering
56010	Community Policing Supplies	$1,000	Bakers Bench, BJ's Wholesale Club, Doughboys, Duck Pond Variety Westbrook, Hannaford, Market Basket, Mister Bagel Westbrook, Rivers Edge Deli, Sam's Club, Shaws, Starlite Catering
56020	Evidence Supplies	$5,500	Dash Medical Gloves, Ecomaine, Evident Inc, HETL Chem Forensic, Home Depot, Lowes, Safariland LLC, Sirchi, Treasurer State of Maine, Uline, WB Hunt, WB Mason
56040	Medical Supplies	$49,660	Bound Tree Medical, **MaineHealth**, **Maine Medical Center**, McKesson Medical, Teleflex LLC, Zoll Medical Corporation
56041	Medical Oxygen	$2,900	Matheson Tri-Gas
56042	Foam	$625	Industrial Protection Services
56043	Tires	$36,500	BDS Waste Disposal, Commercial Tire, Goodyear Tire, Rowe Ford Sales
56044	Chemical Supplies & Paint	$33,000	Davey Tree Expert Company, DTL Inc, Pioneer Manufacturing Company, Seabreeze Property Services, Sherwin Williams, Sportsmans Hardware, Whitney Tree
56045	Landscaping/Agricultural Supplies	$70,000	A-1 Lockbox, Amazon, Anthem Sports, Beacon Athletics, Benson Farm, Bill Dodge Auto Group, Broadway Gardens, Brookline Machine Company, Chad Little Outdoor Power, Clean Harbors, Corey Electric, Custom Float Services, Dead River, Dura Edge, Ed's Batteries, F R Carroll, Gorham Country Club, Grainger, Green Thumb Farms, Grondin Construction, H2O Irrigation Specialist, Hall Implement, Handyman Equipment Rental, Home Depot, Irrigation Doctor, John Deere Landscapes, Knight Property Services, Kwiki Goals, Land Pride, Lowes, Mainely Small Engines, MB Bark, MB Tractor & Equipment, O'Donal's Nursery, Oldcastle Lawn & Garden, Organic First Lawn Care, PA Lyford, Pierson Nurseries, Pike Industries, Pioneer Manufacturing Company, Pioneer Turf Services, Reed Custom Soils, Shaw Brothers Construction, SiteOne Landscape Supply, Sports Field, Sports Turf Specialties, Sportsmans Hardware, SupplyWorks, Swenson Granite, Thirsty Turf Irrigation, Toro, Tuckahoe Turf Farms, Turf Products, TW Enterprises, Yerxa's Oil & Power Equipment
56046	Cemetery Supplies	$4,500	Collette Monument, John Deere Landscapes, Maine Memorial, Perma-Line, Richardson Monument, Sportsmans Hardware, Swan's Concrete Products
56049	Children's Program Supplies	$3,900	Amazon, Baker & Taylor Entertainment, Hannaford, Home Depot, Lowes, SupplyWorks
56050	Adult Program Supplies	$750	Amazon, Baker & Taylor Entertainment, Hannaford, Home Depot, Lowes, SupplyWorks
56051	Cleaning Supplies	$35,700	Blow Bros, BSC Cleaning Services, Chem Quest, Compass Trades, Demco, DTL Inc, Gaylord Brothers, Genuine Auto Parts, Highsmith, Home Depot, Lowes, NAPA, Oldcastle Lawn and Garden, Reliance Label Solutions, Sportsmans Hardware, SupplyWorks, The Creative Company, Tucker Library Interiors, Vanguard ID, WB Mason
56052	Other Program Supplies	$450	Amazon, Baker & Taylor Entertainment, Hannaford, Home Depot, Lowes, Swank Motion Pictures, SupplyWorks

56060	Specialty Supplies/Materials	$18,000	AH Harris & Sons, Burns Fencing, Consolidated Electrical Distributors,Donten's Welding, Gagne & Son Concrete, Gilman Electrical Supply, Hammond Lumber Company, Handyman Services, HD Supply Contruction Supply, Home Depot, John Deere Landscapes, Northeast Test Consultants, Oldcastle Law & Garden, Pine Environmental Services, R J Grondin & Sons, SiteOne Landscape Supply, Sportsmans Hardware, SupplyWorks, Tractor Supply
56061	Downtown Supplies	$25,000	Amazon, Apex Lighting Solutions, Associated Septic Services, Batteries & Bulbs, BBI Waste Industries, Blow Bros Inc, Broadway Gardens, Burns Fencing, Consolidated Electrical Distributors, Display Sales, Ferguson Enterprises, Gilman, Gorham Flag Center, Home Depot, Lowes, MB Bark, ME O'Brien & Sons, O'Donal's Nursery, Oldcastle Lawn & Garden, Pine Environmental Services, Rileighs Outdoor LLC, Royal Flush Portable Restrooms, Sportsmans Hardware, SupplyWorks, Traffic Control Industries, Wintergreen Corporation
56062	Traffic/Regulatory Signs	$15,000	AtWork Personnel, Mitchell's Electric, Perma-Line Corp, Voss Signs, Vulcan Signs, White Signs
56095	Protective Clothing		Admiral Fire & Safety, Bergeron Protective Clothing, Compass Trades, East Coast Emergency Outfitters, Fire Tech & Safety of New England, Harrison Shrader Enterprises, Mach V Group, Northeast Rescue Systems, OfficerStore, The Fire Store, Witmer Public Safety Group
56099	Misc Supplies	$1,000	Mckeeman and Sons Service Company, **Staples**, WB Mason
56210	Natural Gas	$76,500	Global Companies, Unitil Service Corporation
56220	Electricity	$214,900	Central Maine Power Company, Constellation Energy
56221	Electricity - Street Lighting	$365,000	Central Maine Power Company
56222	Electricity - Traffic Lights	$7,650	Central Maine Power Company
56240	Oil	$6,000	CN Brown, Dead River Company, Suburban Propane
56260	Fuel - Gas	$100,041	Dead River Company, Dennis K Burke, Petroleum Traders Corporation, Sportsmans Hardware
56261	Fuel - Diesel	$78,065	Dead River Company, Dennis K Burke, Fleet Pride, Petroleum Traders Corporation
56262	Equipment Oil	$12,000	Brenntag Petroleum, BWE LLC, Dennis K Burke, Gale Group, Genuine Parts Company, NAPA, O'Reilly Automotive Stores
56400	Books & Materials - Children	$16,500	Amazon, Baker & Taylor Entertainment, **Bull Moose**, Casablanca Comics, Ingram Library Services, Junior Library Guild, MT Library Services, Smart Apple Media, The Creative Company
56401	Books & Materials - Adult	$23,000	Amazon, Baker & Taylor Entertainment, **Bull Moose**, Casablanca Comics, Cengage Learning, Center Point, Gale Group, Ingram Library Service
56440	Subscriptions	$16,750	217 Spurwink Corp, Adobe Photo Shop, Book Page, Ebsco, Emergency Services Marketing Corp, FBI National Academy Associates, Image Trend, International Association of Chiefs of Police, International Association of Electrical Inspectors, MaineToday Media, MTM Acquisition,National Fire Protection Agency, Northern New England Law Publishers, Pack Track, Praetorian Group, SJ Acquisition, Swan Island Press, Thomson Reuters, USA Today, West Publishing Corporation, Without A Trace Mobile Shredding
56500	Technology/Computer Supplies	$3,450	Amazon, Business Equipment Unlimited, Higgins Office Products, Maine Information Network, Staples Business Advantage, Tyler Business Forms, WB Mason
56600	Children's Audio Visual/Channel 2 Supplies	$23,000	Access AV, Adobe, Amazon, B&H Photo Video, Baker & Taylor Entertainment, Blackstone Publishing, **Bull Moose**, Community Television Association of Maine, Headlight AV, Ingram Library Services, Leightronix, Midwest Tape, Overdrive, Pro AV Systems, Random House, Recorded Books, Standing Oak Media, Tightrope Media
56601	Adult AV Supplies	$16,000	Amazon, Audio Editions, Baker & Taylor Entertainment, Blackstone Audio, Bull Moose, Ingram Library Services, Midwest Tape, Random House, Overdrive, Recorded Books
56700	Auto Parts	$124,500	Admiral Fire Supply, Admiral Fire & Safety, Allied Equipment, American Steel, Anderson Equipment, Autotronics, Baker Connections, Bill Dodge, Blue Planet Graphics, Bracket Machine, Brookline Machine Company, Bucky's Auto, Cavallaro Auto Repairs, Central Equipment, Chad Little Outdoor Power, Chadwick Baross, CN Wood North, Cohel Steel, Crown Lifts, CRS Component Repair, CRS Hydraulic Repair, Cummins Northeast, Custom Restraint & Strap, Diagle & Houghton, DTL Inc, East Coast Service Center, Eastern Bearings, Eastern Industrial Automation, Ed's Batteries, Elliott Auto Supply Co, Factory Motor Parts, Freightliner of Maine, FW Webb, Genuine Parts Company, Goldstein Steel, Grainger, **Hale Trailer**, Hall Implement Co, Hartford Communications, Howard P Fairfield, Hutchins Motors, Hydraulic Hose & Assemblies, Jordan Equipment, J-Pro, KL Jack & Co, Mainely Batteries, MB Tractor & Equipment, Messer Truck Equipment, Mill Metals Corporation, Minuteman Trucks, McFarland Spring Corp, Mitchell 1, Morrison & Sylvester, Motion Industries, MSC Acquisition Company, NAPA, New England Battery, New England Detroit Diesel, **New England Diesel Service**, Noregon Vehicle Data, Northeast Emergency Apparatus, Nortrax, O'Connor Motor Co, O'Rielly Automotive Stores, Palmer Spring, Pape Chevrolet, Peterbuilt Whited Ford, Portland North Truck Center, Portland Radiator, Roberts Auto Body, Rowe Ford Sales, SA McLean, Snap On Tools, Southworth Milton Cat, Sportsmans Hardware, Stryker Sales Corporation, TK Equipment, Transaxle, Tripp Mahindra Equipment, **Tri State Packing**, United Rental, UPS, Ver-Mac, Viking Cives, Whited Ford, Wholesale Public Safety, William Bros Division, Yankee Ford, Yerxa's Power Equipment
56800	Cutting Edges	$28,000	Allied Equipment, Atlantic Broom, Brackett Machine, C N Wood North, Howard P Fairfield, Hydraulic Hose & Assemblies, Jordan Equipment, Nortrax, SA McLean, Viking Cives, Winters Products
56900	Downtown Contractual	$8,000	Brackett Machine, Consolidated Electrical Distributors, Corey Electric, Gilman, Graybar, Mitchell's Electric
57301	Small Equipment	$33,350	Advance Auto Parts, Amazon, Ambrose Equipment Company, Anthem Sports, Beacon Athletics, Best Buy, Brackett Machine, Calwen Inc, Chad Little Outdoor Power, Cornwall Tools, Election Systems & Software, Factory Motor Parts, Fire Tech & Safety of New England, Genuine Parts Company, GovConnection, Grainger, Hall Implement, Handyman Equipment Rental, Harbor Tool & Supply, Harrison Shrader Enterprises, Higgins Office Products, Home Depot, Horizon Solutions, Hydraulic Hose & Assembly, Interstate Battery, JayPro Sports, John Deere, J-Pro, JS Tool Sales, Land Pride, Lowes, Mac Tools, MB Tractor & Equipment, MHQ Municipal, Mitchell 1, NH Bragg, NAPA, Noregon Vehicle Date, Nortrax, Office Depot, O'Reilly's Automotive Stores, Palmer Spring, Pearl Northwest, Pine Environmental Services, Pioneer Manufacturing Company, Pioneer Turf Services, Radio Communications Management (RCM), Shaw Brothers, SiteOne Landscape Supply, Snap On Tools, Sportsmans Hardware, Sports Turf Specialties, SupplyWorks, Thirsty Turf Irrigation, Toro, Transcor Information Technologies, Turf Products, United Equipment Rental, WB Mason, Windham Rental Center, Witmer Public Safety, Yerxa's Oil & Power Equipment
57340	Hardware - New	$95,526	3M Company, Amazon, Apple Store, BEK, Bibliotheca, Business Equipment Unlimited (BEU) , GovConnection, Higgins Office Products, Lenovo, Microsoft, Netrix, Northeast Technologies, TechSoup Global, WatchGuard
57350	Software - New	$5,000	Adobe, DSCI, GovConnection, Higgins Office Products Inc, Microsoft, Netrix, TPx, When to Work Inc

57390	Other Equipment	$19,500	Admiral Fire & Safety, Brand Company, Dingee Machine Company, DTL Inc, Fire Tech & Safety of New England, Genuine Parts Company, Golden West Industrial Supply, GovConnection, Grainger, Harrison Shrader Enterprises, Home Depot, Hub Furniture, NAPA, Navy Surface Warfare Center, Northeast Emergency Apparatus, Pine Environmental Services, Sportsmans Hardware, Stryker Sales Corp, SupplyWorks, WB Mason, Windham Rental Center
58100	Dues & Memberships	$108,922	**Amazon Prime**, American Institute of Certified Public Accountants, American Planning Association, American Public Works Association, American Society of Civil Engineers, Animal Refuge League of Greater Portland, Association of Public Safety Communications Officials International (APCO International), American Society of Composers Authors & Publishers (ASCAP), Critical Alert Systems, Cumberland County Fire Chiefs Association, Cumberland County Municipal Clerk's Association, Eaton Peabody Consulting, FBI National Academy Associates, Government Finance Officers Association, Greater Portland Council of Governments, Human Resources Association of Southern Maine, International Association of Arson Investigation, International Association of Electrical Inspectors, International Association of SRO's, International Chiefs of Police, International Institute of Municipal Clerks, International Public Management Association, Labor Employee Relations Association, Maine Arborist Association, Maine Better Transportation Association, Maine Building Officials and Inspectors Association, Maine Chiefs of Police Association, Maine Development Foundation, Maine Government Finance Officers Association, Maine International Trade Center, Maine Labor and Government Human Resources Association, Maine Municipal Association, Maine Municipal Tax Collectors and Treasurers Association, Maine Polygraph Association, Maine Real Estate & Development Association, Maine Recreation & Park Association, Maine Society of CPAs, Maine Town & City Clerk's Association, Mayor's Coalition, National Association of School Resource Officers, National Safety Council, National Association of Town Watch (NATW), New England Association of City and Town Clerks (NEACTC), National Emergency Number Association (NENA), New England Park Association, New England Sports Turf Managers Association, New England State Police Information Network, Portland Convention & Visitors Bureau, Portland Regional Chamber of Commerce, Ruth's Reusable Resources, **Secretary of State**, Society for Human Resource Management, Southern Maine District II Planning Council, Southern Maine Emergency Medical Services Council, Sports Turf Managers Association, The United States Police Canine Association, Thomson Reuters, Treasurer State of Maine, Visit Portland, Westbrook City Band, Westbrook Historical Society
58110	Bank Fees	$8,496	Bangor Savings Bank
58115	State Fees	$750	State of Maine
58310	Debt Service	$1,634,560	Bank of New York Mellon, Maine Bond Bank, US Bank
58320	Debt Service - Interest	$549,329	Bank of New York Mellon, Maine Bond Bank, US Bank
58900	Other Expenditures	$14,500	Hygrade Business Group, **Staples**, WB Mason, **Xtreme Screen & Sportswear**
58911	Employee Recognition	$10,000	Admirals Fire & Safety, Award Champs, Awards & Recognition, Canteen Service Co, Creative Awards, Dale Rand Printing, Day's Jewelers, DLK Floral, Dough Boys, DownEast Engraving, DTL Inc, Fireside Inn & Suites, Harmons Bartons, Hero's Industries Inc, Italian Heritage Center, Lapayette Portland West, Mister Bagel, R & W Engraving, Signature Coins and Custom Center, Sportsmans Hardware, Treasurer State of Maine, Trophy Warehouse of New England, WB Mason
58912	Flowers	$750	DLK Floral, Harmons Bartons
58920	Canine Expenditures	$5,000	Amazon, Clover Acres Kennel, Dehler Animal Clinic, DTL Inc, Elite K-9, Hollis Animal Clinic, Law Enforcement Dogs of Maine, Sportsmans Hardware, Thomas Chard
58930	Road Salt/Calcium	$189,400	Greater Portland Council of Governments, International Salt, Lowes, Monson Companies, Morton Salt, SiteOne Landscape Supply
58931	Disposal Fee - Catch Basin	$38,700	CPRC Management, Pine Tree Waste
58932	Tipping Fees	$521,400	Pine Tree Waste
58934	Hazardous Waste Collection	$7,500	Clean Harbors, EcoClean, Environmental Projects, Environmental Services, Northeast Test Consultants, Pine Tree Waste, PTI
58935	Bituminous Concrete	$150,000	AH Harris & Sons, AtWork Personnel, Auburn Concrete, B & L Enterprises, Brewer Tree Service, Burns Fencing, Clean Harbors, Coastal Road Repair, CPRC Management, Dayton Sand & Gravel, Dearborn Construction, Dirigo Slip Form, DTL Inc, Eastern Excavation, EcoClean, EJ Prescott, Ferguson Waterworks, Fine Line Pavement Striping, FR Carroll, Gagne & Son Concrete, Glidden Excavation and Paving, Gorham Sand & Gravel, Granite State Curb Setters, Grondin and Sons, Handyman Rental, HD Waterworks, Hertz Rental, Hissong Ready-Mix, Industrial Concrete Services, Kennebec Rental, KISC, KL Jack & Co, Les Wilson and Sons, Littlefield Stump Grinding, Monson Companies, Nortrax, Pavement Treatments Inc, Pike Industries, Plowman Construction, Poirier Guidelines, Pre-Cast of Maine, Ricci and Sons, Risbara Brothers, RJ Grondin & Sons, Shaw Brothers Construction, Sportsmans Hardware, Street Scan, Swenson Granite, T Buck Construction, Thyng Paving, Tri State Curb, TW Enterprises, White Brothers, Williams Brothers Construction, Woods Excavation, Zebra Striping
58936	Cold Mix/Patch	$6,000	AH Harris & Sons, B & L Enterprises, Carroll Materials, CPRC Management, Dayton Sand & Gravel, Eastern Excavation, Gagne & Son Concrete, Gorham Sand & Gravel, HD Supply Construction Supply, Pike Industries, RJ Grondin & Sons, Shaw Brothers Construction, Sportsmans Hardware
58937	Traffic Paint/Striping	$51,000	Atlantic Pavement Markings, Coastal Road Repair, DTL Inc, FineLine Pavement Striping, Markings, Pine Tree Environmental Services, Poirier Guidelines, Sherwin Williams, Sportsmans Hardware, Zebra Striping
58938	Culverts/Pipes	$7,500	B & L Enterprises, Coastal Road Repair, Core & Main, Eco Clean, EJ Prescott, Ferguson Waterworks, W H Shurtleff Company
58939	Winter Sand & Gravel	$23,500	Gorham Sand & Gravel, International Salt, Mortan Salt, Pike Industries, Shaw Brothers Construction
58999	County Taxes	$1,513,868	County of Cumberland
59501	Utility	$10,000	Avesta, Central Maine Power, Consolidated Communications, Portland Water District, Unitil
59502	Non Food Items	$16,000	Goodwill, Hannaford, Jamezy, Moonlight Cleaners, Sindibad Market, WB Mason
59503	Emergency Shelter	$7,000	City of Portland, Motel 6, Ramada Inn, Super 8 Motel of Westbrook
59504	Rental Assistance	$300,000	Landlords
59506	Fuel	$1,000	Dave's Oil, Dead River, Dodge Oil, Downeast Energy, Unitil
59507	Burials	$5,000	Advantage Funeral Services, AT Hutchins, Desmond Funeral Service, Dolby Blais & Segee, Hobbs Funeral Home
59509	Food	$20,000	Arabic Market, Asli Grocery Market, Hannaford, Jamezy, Mavis Food Mart, Sinibad Market
59510	Medical Supplies	$15,000	Black Bear Medical, Hannaford
59511	Translation	$6,000	Maine Welfare Directors Association
59651	Greater Portland Transit District	$795,835	Greater Portland Transit District

59652	RTP	$21,000	Greater Portland Transit District

City of Westbrook FY2020-2021
Recreation Fund Vendor List

Account Number	Account Name	Total Budget	Vendors
52901	Uniforms	$2,750	Amazon, Nametagcountry.com, Swimoutlet.com, Xtreme Screen & Sportswear
53300	Training	$6,500	American Red Cross, Expert Online Training, Maine Recreation & Park Association, National Swimming Pool Foundation
53410	Consultants	$28,500	217 Spurwink Corp, Bowl New England, Brunswick Waldorf School Association, Casco Bay Island Tix, Childrens Museum of Maine, Duck Pond Variety, EB Childrens Mental Health, Expert Online Training, Full Court Press, Hannaford, Hospital Administrative District, Joshua Gelston, Kurtz McKinnon Creative, Magic Falls Rafting Co, Maine Premier Soccer, Maine Recreation & Park Association, Maine USATF, Maine Warrior Gym, Maine Wildlife Park, National Spiritualist Association of Churches, Portland Maine Baseball, Portland Sea Dogs, Portland Spiritualist Church, Sarah Kurtz McKinnon, Smiling Hill Farm, Spare Time, Starlite Catering, Thomas Lindstedt, Treasurer State of Maine, University of Southern Maine, Urban Air, USA Softball, Westbrook High School Basketball Boosters, Westbrook Seals, Westbrook Soccer League, Without A Trace Mobile Shredding, Woodlot Management & Products, Xtreme Screen & Sportswear
54105	Water & Sewer	$8,000	Portland Water District
54300	Repairs & Maint	$10,000	Adolph Kiefer and Associates, **Amazon**, AME Construction, Burns Fencing, Christman Pool Service, DTL Inc, General Fitness Services, Grainger, Harcros Chemicals, Harnois Paint Company, Home Depot, Kamco Supply Corp of Boston, Lincoln Aquatics, Lock Stock & Barrel, Lowes, **Market Square Architects**, McKeeman and Sons Service Company, Mike's Pool Service, NuCO2, Puraqua Products, **Radio Communications Management (RCM)**, Sportsmans Hardware, SupplyWorks
54330	IT Repairs & Maint	$8,600	CivicPlus, Microsoft, Mindbody, MyRecDept.com, R B Productions, Tyler Technologies, Wolf Technology Group

56000	General Supplies	$11,000	217 Spurwink Corp, A-1 Lockbox, AED Superstore, Amazon, Awards and Recognition LLC, BJ's Wholesale Club, Christman Pool Service, Christmas Tree Shops, Cintas Corporation, CPRC Management, Deluxe Small Business Sales, DLK Floral, DTL Inc, Full Court Press, General Fitness Services, Global Industrial, Grainger, Harmons Bartons, Home Depot, Joshua Gelston, Krames Staywell, Lowes, Maine Recreation & Park Association, MF Athletic Co, Mike's Pool Service, North West Health, Radio Shack, Sherwin Williams, Sportsmans Hardware, **Staples**, Starlite Catering, SupplyWorks, Swimoutlet.com, Thomas J Lindstedt, Tractor Supply, WB Mason, Without A Trace Mobile Shredding, Woodlot Management & Products, Xtreme Screen & Sportwear
56010	Other Supplies	$6,000	A-1 Lockbox, Amazon, Award Champs, BJ's Wholesale Club, Cintas Corporation, Consolidated Electrical Distributors, DTL Inc, Duck Pond Variety, Full Court Press, Gilman Electrical Supply, Grainger, Guitar Center, Joshua Gelston, Kids Gone Raw, Lowes, MF Athletic Co, Rite Aid, Shaws, Sherwin Williams, Sportsmans Hardware, Starlite Catering, Walmart, WB Mason, Xtreme Screen & Sportwear
56044	Chemical Supplies	$12,000	Adolph Kiefer and Associates, Christman Pool Service, DTL Inc, Grainger, Harcros Chemicals, Lincoln Aquatics, Mike's Pool Service, NuCO2, Sportsmans Hardware, Suburban Propane, Suburban Sales & Service
56049	Children's Program Supplies	$10,000	Amazon, Artist and Craftsman, BJ's Wholesale Club, Blow Bros, Brunswick Waldorf School Association, Hannaford, LetStickTogether, Lowes, Maine Recreation & Park Association, Maine Warrior Gym, National Spiritualist Association of Churches, Portland Maine Baseball, Portland Sea Dogs, Portland Spiritualist Church, Sebago Lake State Park, South Portland Urban Air, Staples Business Advantage, Sunset Ridge Golf Club, Sweetser, Treasurer State of Maine, University of Maine, Walmart, WB Mason

City of Westbrook FY2020-2021
Recreation Fund Vendor List

57301	Small Equipment	$13,000	Amazon, Chad Little Outdoor Power, DTL Inc, General Fitness Services, Gorham Country Club, Grainger, Hall Implement, Handyman Equipment Rental, John Deere Landscapes, Mainely Small Engines, MF Athletic Co, Pioneer Manufacturing Company, Sportsmans Hardware, TRX Training
58900	Misc Expenses	$10,000	A-1 Lockbox, Abracadabra Productions, Amazon, Aquatic Technology, Associated Septic Services, Authorize.Net, Blow Bros, Christman Pool Service, Colorado Time Systems, CPRC Management, CyberSource Corporation, DTL Inc, Everlast Climbing Industries, Full Court Press, Home Depot, Maine Recreation & Park Association, Mister Bagel, Priority Payment Systems, Rockin Horse Stables, Royal Flush Portable Restrooms, Sherwin Williams, Sportsmans Hardware, SupplyWorks, Treasurer State of Maine, Wight Sporting Goods, Xtreme Screen & Sportwear

City of Westbrook FY2020-2021
Parking Garage Fund Vendor List

Account Number	Account Name	Total Budget	Vendors
54105	Water & Sewer (Utility)	$500	Portland Water District
54300	Repairs & Maint	$15,000	A-1 Lockbox, Burns Fencing, Clean Harbors Environmental Services, Consolidated Electrical Distributors, Corey Electric, Cunningham Security Systems, Darling Plumbing & Heating, Dews Door Company, DTL Inc, **Ed's Batteries**, G & E Roofing Co, Gilman Electrical Supply, Glass Operating, Harnois Paint Company, Home Depot, Kamco Supply Corp of Boston, Lee Baxter Enterprises, Lock Stock & Barrel, Lowes, Maine Building Specialties Co, Otis Elevator Company, Overhead Door Company, Patriot Mechanical, Portland Glass, Sherwin Williams, Sportsmans Hardware, Sprinkler Systems Inspection Co, Walsh Printing & Graphics
54312	Building Service Agreements	$94,725	**AAA Fire Extinguisher Co**, Clean Harbors Environmental Services, Corey Electric, Cunningham Security Systems, Darling Plumbing & Heating, Dews Door Company, G & E Roofing Co, Glass Operating, Glidden Excavating & Paving, Kamco Supply Corp of Boston, Maine Building Specialties Co, **National Elevator Inspection Services**, Otis Elevator Company, Overhead Door Company, Patriot Mechanical, Portland Glass, Suburban Security
55320	Telephone	$2,800	AT&T, Consolidated Comunications, FirstNext, Otelco
56220	Electricity	$12,000	Central Maine Power
57200	Building Improvements	$35,000	Clean Harbors Environmental Services, Corey Electric, Cunningham Security Systems, Darling Plumbing & Heating, Dews Doors Company, G & E Roofing Co, Glass Operating, Harnois Paint Company, Kamco Supply Corp of Boston, Maine Building Specialties Co, Overhead Door Company, Patriot Mechanical, Portland Glass

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-74

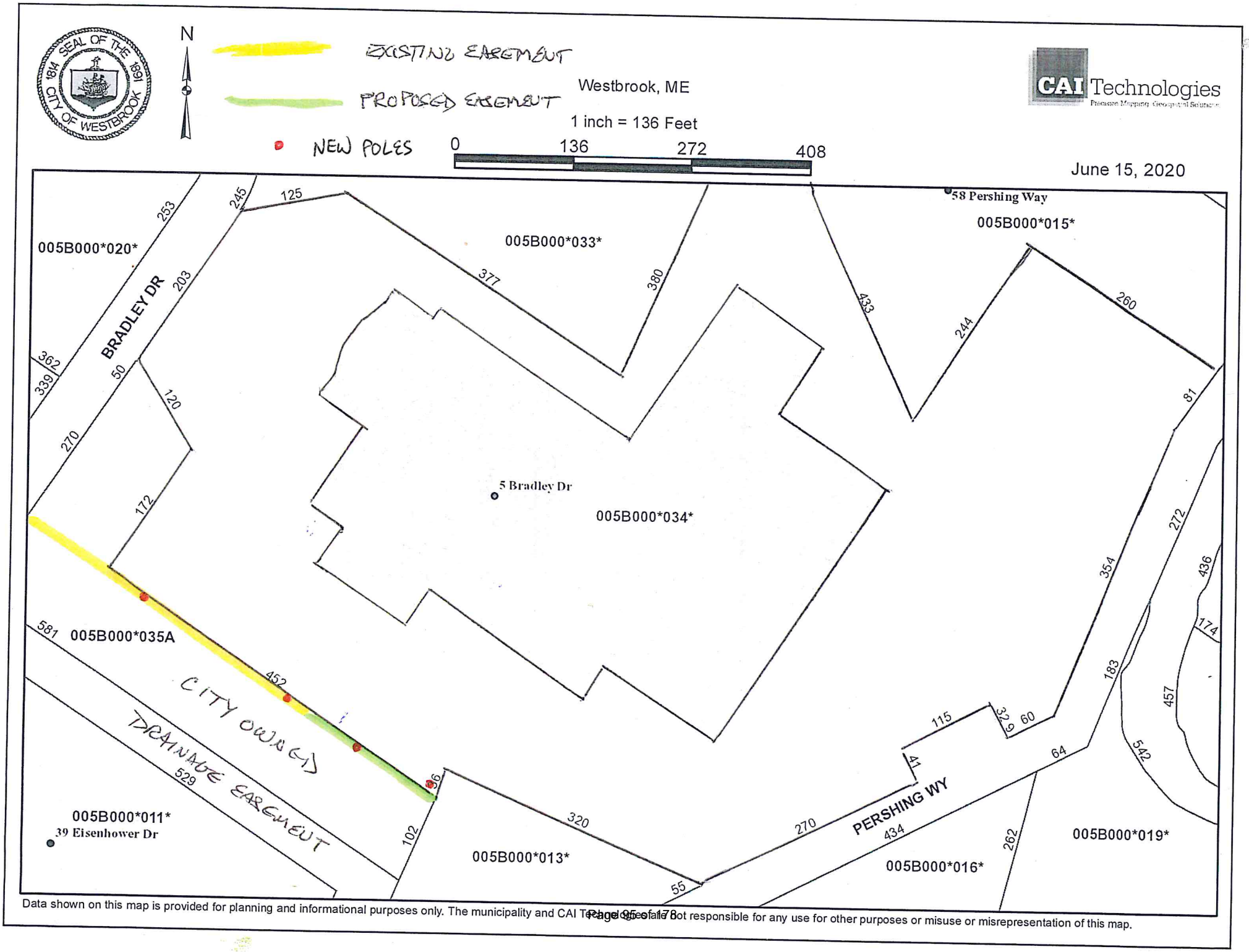
APPROVING A UTILITY EASEMENT AT 5 BRADLEY DRIVE

That the Westbrook City Council hereby authorizes the extension of an existing utility easement adjacent to 5 Bradley Drive to Central Maine Power Co., or the current easement holder, as generally depicted on the attached parcel map, for the purpose of providing increased power service to this location, with a full Utility Easement Agreement to be provided prior to second reading.

First Reading: June 15, 2020 Second and Final Reading: July 6, 2020

Attest:

City Clerk Mayor



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Resolve: 2020-21

APPOINTING WARD CLERKS FOR THE JULY 14, 2020 ELECTION

That the Westbrook City Council hereby appoints Christopher Callaway and Jeremy Pelletier as Ward Clerks for the State Primary & Referendum Election and Municipal School Budget Validation Referendum held on July 14, 2020.

First and Final Reading: July 6, 2020

Attest:

City Clerk

Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Appointing Ward Clerks for Upcoming Election

REQUESTED BY: Angela Holmes, City Clerk

DATE: 07/01/2020

SUMMARY:

This is a request to appoint Christopher Callaway and Jeremy Pelletier as Ward Clerks for the upcoming election on July 14, 2020. Several of our existing Wardens & Ward Clerks will be unable to participate in the upcoming election due to health risks and concerns. Chris and Jeremy have both worked as Wardens and/or Ward Clerks in the past, and have generously agreed to serve as Ward Clerks once again.

BUDGET LINES AFFECTED (IF APPLICABLE):

N/A

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-75

AUTHORIZING STREET CLOSURE ON VIVIAN STREET

That the Westbrook City Council hereby authorizes the closure of Vivian Street between Central Street and Olive Street for two (2) days, July 20 – 21, 2020 to facilitate water line installation work.

First and Final Reading: July 6, 2020

Attest:

City Clerk

Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Request to Close Vivian Street for Utility Work

REQUESTED BY: Katherine Kelley

DATE: 06/26/2020

SUMMARY:

This is a request to close Vivian Street between Central Street and Olive Street for two (2) days, July 20th - 21st. This request is submitted on behalf of Chris Wilson of Les Wilson and Sons, who will be performing water line installations on Vivian Street during this time.

Alternate routes are available in this area to detour traffic. The street will be open to local traffic only, but would be closed to thru traffic. This street closure is recommended by the Wastewater Division.

BUDGET LINES AFFECTED (IF APPLICABLE):

N/A

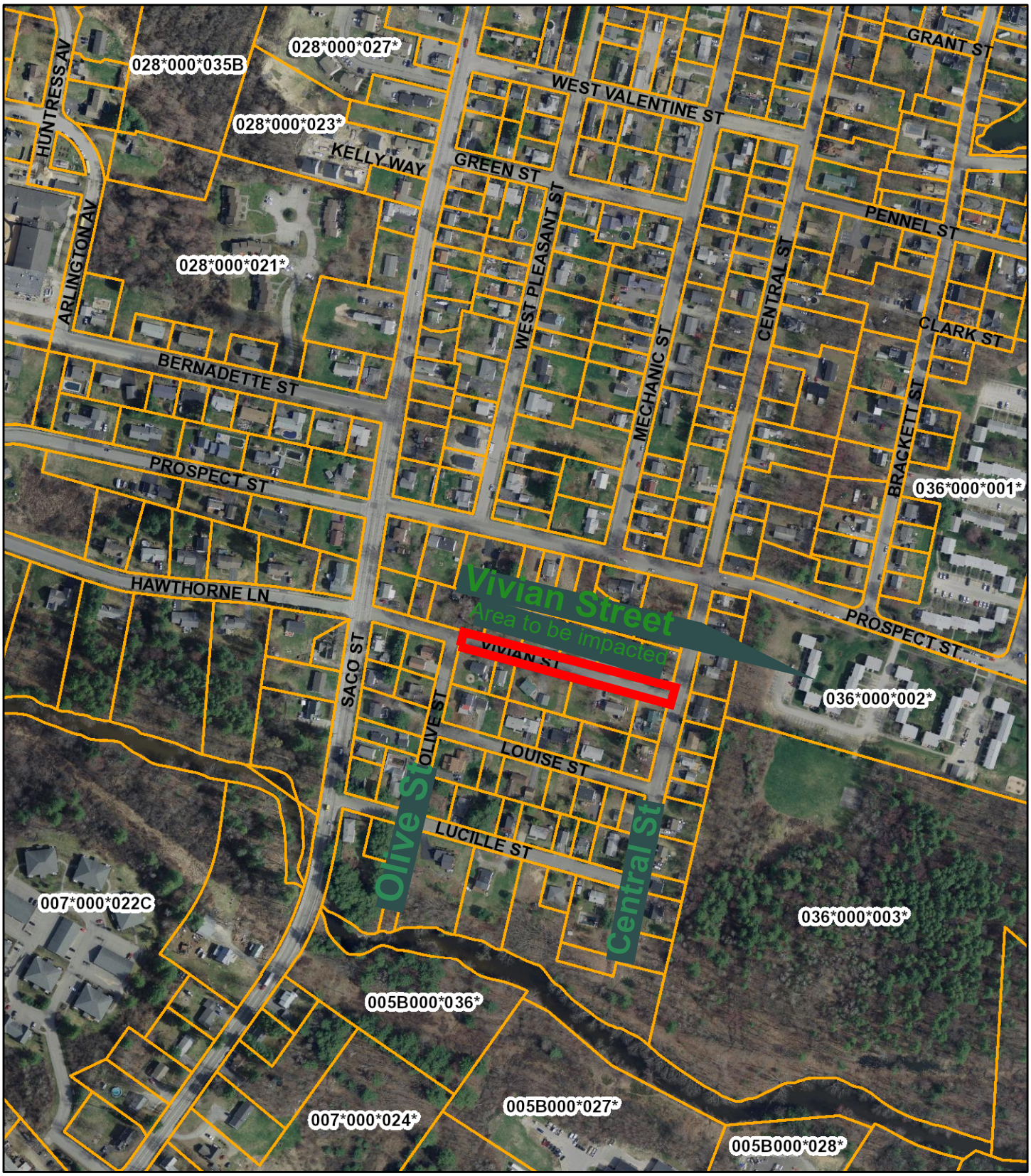
Vivian Street

Westbrook, ME

1 inch = 350 Feet

0 350 700 1050

July 1, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Permit # _____

City of Westbrook

Engineering Department

Application for Permit to Excavate in Public Places

Name of property owner where work is being performed Jon Leahy

Address Vivian Street

Telephone # 939-4005 Email Chrisdigsdirt@gmail.com

Proposed Starting Date 5/10/20

Proposed Completion Date 6/10/20

Purpose of Excavation New sewer and water taps for 2 adjacent houses.

Name of Applicant performing work Les Wilson & Sons Inc

Address PO Box 1028, Westbrook, ME 04098

Telephone # 207-854-4583 Email chrisdigsdirt@gmail.com

24-Hour Emergency Telephone # 207 939 4005

Name of Applicant's Liability & Property Damage Insurance Peerless

Address c/o Cross Insurance, 2331 Congress St, Portland, ME 04102

Policy # CBP8659430

Dig Safe Authorization # 20201809424 Date 4/30/20

Telephone 1-888-344-7233

The applicant shall show an 8 ½" x 11" sketch matched "Exhibit A", trench locations, trench widths, trench depths, existing utilities, proposed location of barricades, warning signs, detour signs and detour routes.

NOTE: If any street is to be blocked off, Council approval is required. Once approval is granted, the applicant must notify the Police Department, Fire Department and Public Services. If gas lines are damaged, the applicant must call 911.

Applicant's Signature _____ Date 4/30/20

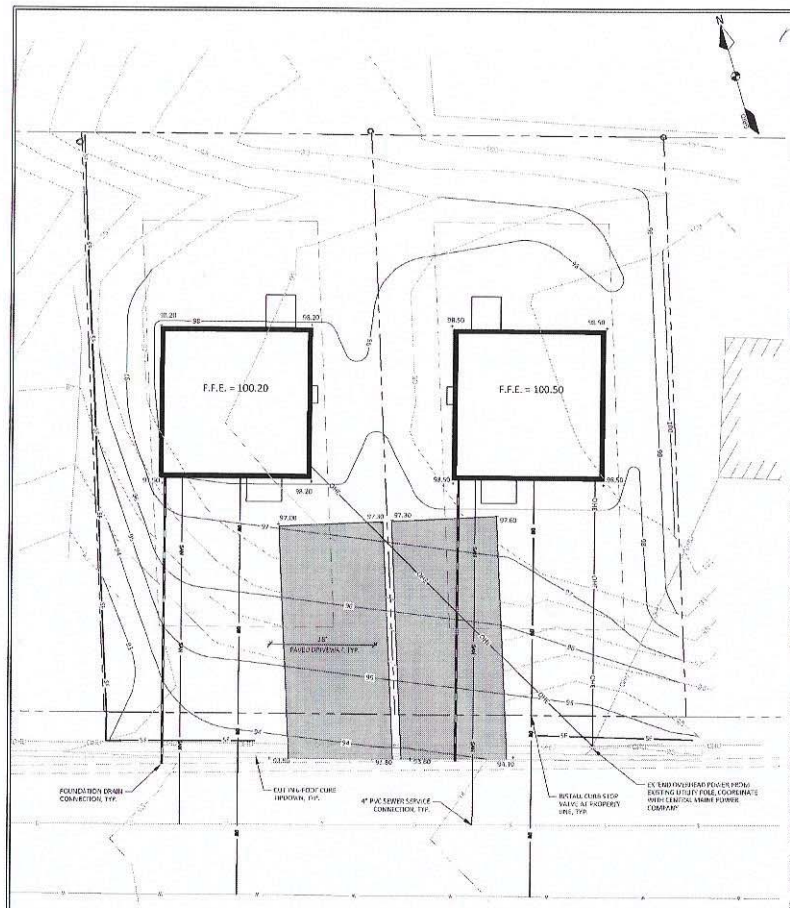
(Only one signature required)

☐ Approved City Engineer _____ Date _____

☐ Disapproved Public Services Director _____ Date _____

Wastewater Manager _____ Date _____

In accordance with Chapter 29, Article IV code of Ordinances City of Westbrook



LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	SETBACK	
	GRANITE MONUMENT	
	IRON PIN/DRILL HOLE	
	CENTERLINE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
	TREELINE	
	CATCHBASIN	
	DRAINAGE MANHOLE	
	CULVERT/STORMDRAIN	
	UNDERDRAIN	UD
	SEWER MANHOLE	
	SANITARY SEWER PIPE	S
	WATER MAIN	W
	WATER VALVE	
	HYDRANT	
	UTILITY POLE	
	LIGHT POLE	
	UNDERGROUND UTILITIES	GU
	TRANSFORMER PAD	
	GAS MAIN	G
	GAS VALVE	
	SILT FENCE	SF

GRAPHIC SCALE 1" = 20'

EROSION AND SEDIMENTATION CONTROL NOTES:

IN ORDER TO EFFECTIVELY PREVENT AND CONTROL EROSION RELATED TO SOIL DISTURBANCE, THE FOLLOWING BEST MANAGEMENT PRACTICES (BMPS) SHALL BE EMPLOYED:

1. POLLUTION PREVENTION

MINIMIZE DISTURBED AREAS AND PROTECT NATURAL VEGETATION, WHERE ACCEPTABLE. PROTECT NATURAL RESOURCES IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 50 FEET AND 250 FEET OF ANY PROTECTED NATURAL RESOURCE, EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 50 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, FURTHER

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-76

AUTHORIZING REALLOCATION OF PROCEEDS OF THE CITY'S 2015 GENERAL OBLIGATION BOND FOR CUMBERLAND MILLS SIGNALIZATION PROJECT TO FUND OTHER CAPITAL PROJECTS AND AUTHORIZES EXPENDITURES

That the Westbrook City Council hereby authorizes the reallocation of $325,000 of proceeds of the general obligation bond issued by the City on December 1, 2015 pursuant to Section 18 of the City Council Order 2015-120 adopted October 19, 2015, to fund the following list of capital projects:

Cumberland Street Resurfacing	$244,008
Cumberland Street Sidewalk	$ 48,000
Saco Street Retaining Wall	$ 37,623
FY 19/20 Capital Paving Funds	($ 4,631)
Net Need for Reallocated Funds	$325,000

and further authorizes the expenditure of unspent bond proceeds of the same issue in the amounts of $48,000 for the Cumberland Street Sidewalk, $500,000 for the Cumberland/Bridge Street Intersection and an additional $3,726 for the Saco Street Retaining Wall.

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

	Total	Other Funding	City Funded	
Project Requesting Funding:				
Cumberland Street Paving	976,030	732,022	244,008	YES
Cumberland Street Sidewalk	48,000	-	48,000	YES
* Cumberland/Bridge Intersection	500,000	500,000	-	YES
Saco Street Retaining Wall	75,246	37,623	37,623	YES
Sub Total	**1,599,276**	**1,269,645**	**329,631**	*****
Other CIP Project Status:				
** Cumberland Mills Signalization	2,110,000	1,707,500	402,500	NO
Cumberland Mills Paving	655,850	225,000	430,850	NO
Bridge Street Paving	289,000	216,750	72,250	NO
Catch Basin Cleaner	147,000	-	147,000	NO
Brown St Culvert	140,000	-	140,000	NO
Bucket Truck	142,000	-	142,000	NO
*** Street Sweeper	205,000	-	184,443	YES

* This project is funded as part of the Rock Row BPI Agreement with the City and MDOT, with no local funding required

** Cumberland Mills Signalization bid came in at $2,887,720 which would increase the local of this project by an additional $777,720

*** This Purchase has already been approved and funded (Order # 2020-062) as part of the buyour of the Lease/Purchase Agreements and other authorized Capital purchases.

**** Funding for Recommended $329,631: Reallocate $325,000 (Project # 04407) previously bonded for Cumberland Mills Signalization Project, and the difference of $4,631 will come from the Capital Paving (Project # B1901).

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-77

AUTHORIZING MEMORANDUM OF UNDERSTANDING REGARDING MECHANIC STREET PARKING LOT

That the Westbrook City Council hereby authorizes the Mayor, or his designee, to enter into a Memorandum of Understanding with TDB, LLC for a lease of the Mechanic Street Parking lot and the ownership of a parking structure as outlined in the attached exhibit.

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Memorandum of Understanding - Vertical Harvest Project

REQUESTED BY: Daniel Stevenson

DATE: 06/24/2020

SUMMARY:

I am excited to introduce a proposed new development in the heart of Westbrook's downtown. The proposed $60 million investment, located on the city-owned Mechanic Street lot, would be a public/private partnership between the City of Westbrook and the developer, TDB LLC. The proposed project has three major components: (1) construction of a 4 story, 70,000 square foot state of the art hydroponic greenhouse, operated by Vertical Harvest, that will have the capacity to grow and sell 1 million pounds of fresh produce annually to our local community, businesses, schools and organizations (2) approximately 50 middle-market apartments and (3) approximately 430 space parking garage. The proposal includes the developer investing approximately $40 million combined in the taxable greenhouse and apartments, while the City will invest approximately $15 million in the parking garage, paid for with TIF revenue generated from the development. Under the proposal, the City would own the parking garage and the developer would be responsible for its operations and maintenance costs.
The project is considered one structure and due to the complexity and master plan approach to the development of the site, a single team of consultants are proposed to be engaged to execute the design an engineering work including S.W. Cole. This will reduce cost redundancies and create a streamlined approach to the project. We request the Council authorize the MOU that states roles and responsibilities of the developer and City as part of the partnership. At a subsequent Council meeting, staff will bring forward a final cost proposal from S.W. Cole for consideration and vote for the City's due diligence costs associated with project. Note:Vertical Harvest will displace imported food, increase food security and quality for our community, purchase $1million annually in supplies from local companies and spearhead economic activity with up to 60 new jobs. One-half of the new jobs will be targeted for adults with disabilities at competitive wages.

BUDGET LINES AFFECTED (IF APPLICABLE):

DOWNTOWN WESTBROOK MIXED-USE DEVELOPMENT MEMORANDUM OF UNDERSTANDING ("MOU")

PARTIES: City of Westbrook, ME ("City")
TDB LLC ("TDB")

PURPOSE: Development of the Mechanic Street Parking Lot owned by the City ("Property") with the following improvements referred to as the "Development Plan":

- Approximate 70,000 sq.ft. Hydroponic Greenhouse farming facility ("Greenhouse")
- Approximate 430 space structured parking facility with ground floor retail and community space ("Parking Structure")
- Approximate 50 Rental Residential Apartment Units ("Apartments")

See attached Conceptual Renderings

LEGAL STRUCTURE: 1. The City shall enter into a ground lease (see terms below) with TDB for the following:

- Land Area and Common Area required for the Greenhouse
- Land Area/Air Rights and Common Area required for the Apartments.

2. The City shall own the Parking Structure.

3. The City shall enter into a Development Agreement with TDB to manage the design, engineering and the construction of the Parking Garage, pursuant to which the City shall retain approval rights and participate, at its discretion, in all design and construction management meetings.

4. The City shall enter into a Management Agreement with TDB for operating management of the Parking Garage pursuant to which the City shall retain approval rights and participate, at its discretion, in all management meetings

SCHEDULE:

Finalize MOU Documentation:	6/30/2020
City Council Vote:	7/6/2020 & 8/3/2020
Targeted Commencement of Construction:	4rd Quarter 2020.

DOWNTOWN WESTBROOK MIXED-USE DEVELOPMENT MEMORANDUM OF UNDERSTANDING ("MOU")

GROUNDLEASE BUSINESS TERMS:

Term:	99 years.
Consideration:	$1 and Execution of the Development Plan based on commercially reasonable terms and conditions.
Terms & Conditions:	Other commercially reasonable terms and conditions and acceptable to financial and lending institutions.

PLAN OF FINANCE PARKING STRUCTURE: The Parking Structure shall be financed by General Obligation ("GO") Bonds issued by the City, the debt service of which is solely payable from the Tax Increment Revenue generated by the Tax Increment Financing District anticipated for the property. The City shall reserve the ultimate right to determine the means of sale of the bonds based on commercially reasonable terms.

PLAN OF FINANCE GREENHOUSE AND APARTMENTS: TDB shall be responsible for arranging private financing for the Greenhouse and Apartments.

DUE DILIGENCE: The City shall provide TDB with all available due diligence information on the Property and shall obtain, at the City's expense the following items:

- ALTA Survey of the Property showing all easements and utility lines and other
- Environmental Site Assessment (Phase I and as necessary a Phase II) Report on the Property
- Geotechnical Report on soil conditions for the Property, including soil borings based on the Development Plan. The scope of the Geotechnical Report shall be reviewed and approved by TDB and its construction manager, Wright Ryan.

All of the costs associated with the due diligence items/reports shall be reimbursed by the TIF described above in the Plan of Finance section of this MOU.

An estimate of the City's due diligence costs for the Environmental Site Assessment work is as set forth in the letter from S.W. Cole Engineering,

Inc., dated June __, 2020, attached to this MOU as Exhibit 1. This Exhibit is only an estimate, with final costs to be approved by the City Council prior to undertaking any work.

In order to allow for a coordinated approach to the development, the City shall use S.W. Cole Engineering, Inc. and the design team utilized by TDB, LLC. This will reduce cost redundancies and will provide for a streamlined design approach and process for the project.

DEVELOPMENT AGREEMENT:

TDB shall enter into a Development Agreement with the City for managing and overseeing the architectural design, engineering and construction of the Parking Structure. The terms of the Development Agreement shall be based on commercially reasonably market based terms to be mutually agreed upon by both Parties.

The City shall be responsible for paying the design, engineering and pre-constructions costs directly associated with the Parking Structure in accordance with a budget to be approved by the City. All of the pre-development costs shall be reimbursed by the TIF described above in the Plan of Finance section of this MOU.

TDB shall be responsible for paying the design, engineering and pre-constructions costs directly associated with the Greenhouse and Apartments.

MANAGEMENT AGREEMENT:

TDB shall enter into a Management Agreement with the City for managing the daily operations and routine maintenance of the Parking Structure and all common areas related to the Apartments and Greenhouse. The terms of the Management Agreement shall be based on commercially reasonably market based terms to be mutually agreed upon by both Parties. TDB shall be responsible for routine maintenance of Parking Structure and shall be responsible for all capital costs related to the Parking Structure. Both routine maintenance and capital costs items shall be included in annual budgets to be reviewed by the City and approved annually by TDB.

EXCLUSIVITY:

The City and TDB mutually agree that this is an exclusive relationship to execute the Development Plan at the Property. Neither Party shall entertain, advertise, negotiate or enter into any agreement with a third

party that would compete with or be in lieu of the Development Plan at the Property.

(Note: the City can't enter into confidential agreements under the FOAA.)

MISCELLANEOUS — This agreement is binding upon the Parties and shall be replaced by a ground lease, a Development Agreement and Management Agreement based on the terms herein. Each of the parties shall pay its own legal fees and other costs in connection with this transaction.

TERMINATION — This agreement shall terminate on December 31, 2021 if construction has not commenced on the project. The Parties may terminate the Agreement sooner than that date by mutual agreement if they fail to reach final agreement on the ground lease, Development Agreement or Management Agreement, or if the City fails to approve the TIF required for financing of the garage structure.

Agreed to and Accepted by:

City of Westbrook

By: _____
Michael Foley
Its Mayor

Date: _____

TDB LLC

By: _____

Date: _____

20-0413
June 23, 2020
Rev 1 June 24, 2020

City of Westbrook
Attention: Daniel B. Stevenson – Economic Development Director
C/O Harriman
Attention: Mark Burnes, AIA - Principal
80 Exchange Street, Suite 300
Portland, Maine 04101

Subject: Budget Estimates for Professional Services
Preliminary Geotechnical Engineering Investigation and Phase I ESA
Proposed Parking Garage, Housing and Greenhouse Structure
William S. Clarke Drive and Mechanic Street
Westbrook, Maine

Dear Mark and Dan,

As requested, we have prepared the following budget estimates for a preliminary geotechnical investigation (possibly including geophysical services) and a Phase I Environmental Site Assessment (ESA) based on the project information provided to date:

1) **Preliminary Geotechnical Investigation** – Estimate $14,000 to $16,000
As discussed, we anticipate 4 test borings across the site to refusal surfaces (up to 1 day of drilling). S.W.COLE would pre-mark the borings, notify Dig Safe and arrange a private utility locating firm prior to drilling and subcontract the drilling contractor. We recommend 2 groundwater level monitoring wells be installed. We plan to screen the soil samples with a PID for volatile organics during drilling to assist in the environmental assessment. We will provide limited geotechnical laboratory lab testing, make an evaluation of potential foundation types and prepare a preliminary geotechnical report including recommendations for additional services.

As discussed recently with Harriman, if the preliminary investigation includes 2

additional test borings (up to 6 total test borings), we recommend an additional $4,000 to $5,000 be added to the estimate above for up to 1 additional day of drilling and associated field coverage, lab testing, logs and reporting.

2) **Geophysical Investigation** – Estimate $5,500 to $6.500
As discussed, as part of the preliminary geotechnical investigation we would subcontract and coordinate 1 day of on-site geophysical shear wave velocity testing in order to obtain seismic soil site class and to perform on-site seismic refraction testing to obtain a linear bedrock surface profile along 2 to 3 test lines the length of the site. The test boring information will be used as data points in the bedrock profiles.

3) **Phase I ESA** – Estimate $2,900 to $3,900
S.W.COLE will conduct a Phase I ESA scope of services using ASTM E 1527-13 Standard Practice for Environmental Site Assessments: *Phase I Environmental Site Assessment Process* as guidance. The Phase I ESA will include four components: records review, a reconnaissance of the Site, interviews with persons familiar with the Site, and preparation of a written report, including recommendations for additional services. This estimate does not include laboratory environmental soil and/or water testing. Depending upon conditions encountered, we may recommend laboratory testing. We would provide an estimate for the lab testing, as needed. As the project progresses, we have the capability of providing additional environmental services including soil and groundwater environmental sampling, subcontracted laboratory testing, site soil and groundwater management plans during construction, and preparation of VRAP plans.

At this time, the drilling firm indicated they can begin explorations within about 2 weeks provided all subsurface utilities are marked at the site which we understand will be provided by others. We can begin the Phase I ESA upon notice to proceed. The Preliminary Geotechnical and Phase I ESA reports can be provided within about 3 weeks after field work.

We appreciate the opportunity to be part of the project team and can provide references and a list of similar projects upon request. We will prepare formal Agreement(s) for requested services. I look forward to hearing from you. Call my cell (207-615-2760) or email (pkohler@swcole.com) if you need any additional information or have any questions.

Best Regards

Paul F. Kohler, P.E. – Sr. Vice President
S. W. Cole Engineering, Inc.
286 Portland Road
Gray, Maine 04039

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-78

AMENDING LAND USE ORDINANCE REGARDING SIGN REGULATIONS

That the Westbrook City Council hereby amends the Westbrook Code of Ordinances Land Use Ordinance Section 404, *Sign Regulations*, as outlined in the attached exhibit.

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: LUO Amendment - 404 Sign Regulations - Repeal and Replace

REQUESTED BY: Jennie Franceschi

DATE: 06/17/2020

SUMMARY:

See Attached Memo

BUDGET LINES AFFECTED (IF APPLICABLE):

NONE

Westbrook, Maine
PLANNING & CODE ENFORCEMENT

Planning & Code Enforcement
2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

MEMO

DATE: June 12, 2020

TO: Mayor, City Council
FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Asst. Planner
Cc: City Administrator, City Clerk, City Solicitor

RE: Amendment to the Land Use Ordinance – Chapter IV Section 404 Sign Regulations

Attached: Proposed amendment for consideration from Planning Board Public Hearing of 5/5/2020

Executive Summary: The Planning Board provided the City Council the following recommendation: *7-0 Vote to Amend the LUO to per the attached documentation.* (Chapter IV Section 404 Sign Regulations)

Ordinance Description

The proposed amendment establishes standards for temporary noncommercial signage on public property and within the public rights-of-way.

Additionally, the amendment reorganizes Section 404 Sign Regulations to provide clarity on vague language, removes inconsistences between general provisions and individual district standards and provide consistent layout and regulation between districts.

Therefore, due to the extensive reorganization of the section, the document before is a repeal and replace, however we have provided an edited version for you to be able to see what was done to the document.

Ordinance History

February 3, 2020 – Referral from City Council
March 3, 2020 – Planning Board Workshop
May 5, 2020 – Planning Board Public Hearing
July 6, 2020 - City Council 1st Reading

Staff Comments

City Council made a referral to the Planning Board to review the City Ordinance regarding temporary signage. Currently, regulations for temporary signs is limited and temporary signage on public property is not clearly defined or addressed. Through review of State statute and the Ordinances of neighboring municipalities, Staff has drafted a new Ordinance within the general provisions of Section 404 titled 'Temporary Signage on Public Property and Within a Public Right-of-Way'. Further description of this section is provided later in this memo. Regulations on temporary signage not located on private property was expanded within each clustered district.

During the process of drafting the new temporary sign Ordinance, it became clear the entire existing Sign Ordinance is disorganized and, at points, overly vague or contradictory making it difficult to interpret. This can create confusion for both applicants and Staff in ensuring all new signs are in compliance with regulations and that regulations are being enforced in a consistent manner. Therefore, Staff is proposing a complete rewrite of Section 404 to reorganize the Ordinance, relocate a General Provisions section at the onset of Section 404, where now they are scattered throughout Section 404 and provide a consistent terminology and layouts of Sections 404.4 – 404.6. The proposed amendment is a complete repeal and replace of Section 404. For reviewing purposes, Staff is providing Council with two documents; The first document is a clean copy of the proposed new Ordinance. The second document shows the amendment in its entirety with strikethroughs and new language to view the adjustments to the current ordinance. All NEW language is shown in **RED** and all REMOVED language is ~~strikethrough~~, leaving **BLACK** language as current wording. The changes may appear substantive however most of the strikethroughs are moving the language to consolidated section, which then that moved language appears in **RED**.

Notwithstanding the new regulations for temporary signage on public property/within the public right-of-way, the bulk of the rewrite is administrative in nature (i.e. reorganization, removing duplicative language, typos and providing clarity on vague standard language).

Below is a detailed summary of the changes proposed. Amendments that are new regulations or altering the standards of a district are highlighted in yellow for the Council's consideration.

404.1 – Purpose – Move purpose statement under General Provision to the beginning of the section and update purpose statement.

404.2 – Application Process – Codifying our process and placing of criteria in the appropriate section.

A. Language was moved from the City Center District section to the beginning of the document to clarify the process.

B. Removed language that was inconsistent with current procedures on sign area computation.

C. Provision added that night renderings can be requested for proposed illuminated signs at the request of Staff during the review process, which is a current practice, as needed.

404.3 – General Provisions

A. Relocated standard from City Center District (404.3.1.1.D.) to General Provisions as this standard applies to all signs.

B-D. Relocated from 404.4 – 404.6. These standards apply to all signs in the City. The amendment relocates these regulations from the end of the Sign section, where they can be missed by applicants who are reading the Ordinance, to the General Provisions Section. No changes in standard were made, other than retitling previous section 404.4 "Light Source Regulated" to "Illumination" to be consistent with wording throughout the section.

E. New Section. The intent of this section is to regulate noncommercial signage, including political or campaign signage, on public property. Per state law, commercial signage is prohibited from public property as it is considered off-premise signage (standard G.1). The

intent of the Ordinance is to allow temporary signage that does not impede pedestrian or vehicular safety or pose a threat to public or private property due to staking of signs or damage of falling signs that are made from heavy materials. This is achieved by limiting the sign size to 2'x3' in size (state law permits noncommercial signage to be up to 8' x 4' in size), prohibiting illumination due to the proximity of signs to/within public rights-of-way, and restricting signs from specific parks, facilities and intersections that are areas of concern for public safety or welfare.

Standards 1, 6 and 9 are State statue and cannot be altered.

F. Banners within the public right-of-way are currently regulated within the City Center District 404.3.1.3.H (Temporary Community Event Signs) and Section 404.7 (Temporary Community Event Signs). Although these are titled the same, one is referring to banner signs that are hung on light poles and the other is regulating banners across the public right-of-way. The proposed amendment relocates and consolidates these standards to General Provisions section as well as amends the reviewing authority for banners across a public way to the Director of Public Services instead of the Code Enforcement Officer. Banners across the public way must meet DOT standards and are currently subject to the approval of the Director of Public Services. Some revisions to the language were made for clarity, however the standards were not altered.

G. Nonconforming Signs. Nonconformance and discontinuance is addressed within the Residential Districts, City Center District and as a general standard (404.8). This amendment consolidates those existing standards of nonconformance and now applies them uniformly across all districts.

Currently, nonconforming signs in the Highway Services, Gateway Commercial, Industrial Park, Prides Corner Smart Growth Area and Manufacturing Districts are not afforded the ability to alter or relocate their nonconforming signs without bringing the sign into full compliance with current standards. Signs in the rest of the City may alter or relocate their signs, provided they are reduced in size a minimum of 25%, lessoning the nonconformity. As this provision is currently provided to the majority of the City, Staff felt it was overly restricting to prohibit this allowance to signs in commercial districts and have included it in this amendment.
Additionally, provisions for continuance and discontinuance were added to be consistence with the nonconformance provisions of Section 203. The discontinuance provision as written currently exists only within the City Center District section. The proposed amendment would apply this language equally to all signs throughout the City, which is consistent with our Nonconforming Use provisions.

H. Variance. A prohibition on variances from the sign ordinance exists under Section 404.8. The amendment places those provisions into separated Nonconformance and Variance provisions for ease of reference.

404.4 – Residential Districts

Amendments within this section were made for the following reasons:

1. Revision to section title for clarity

2. Reorganization of section by General, Sign Type, Illumination and Material
3. Reorganized sign type as Ground Mounted, Temporary and Building Mounded to be consistent with other sections within the Ordinance.
4. Removed 'occupant and street number' as this is redundant. Commercial signage would be regulated by the building mounted signage regulation and residential occupant/street number signs are noncommercial signage and therefore not regulated.
5. Added clarification to temporary subdivision signs that the subdivision must be an approved subdivision prior to sign installation. The Ordinance is clear that the intent of this provision is to allow signs during the construction of the subdivision. Added a max sign square footage on a permanent sign that is consistent with the Business sign in this district size of 16 sq. ft.
6. Removal of size restriction for nonconforming and conditional uses (current 404.2.D). Legally Nonconforming and Conditional Use operations are permitted and should be afforded the same signage as all other legally existing buildings.
7. Added clarity that temporary signs do not require a permit from CEO
8. Retitling Business Sign to "Building Mounted" as the district does not permit freestanding signs other than what was previously outlined. General reorganization of section
    a. Language to Sign Allowance 3.a moved from previous H.(1).b with slight wording revision for clarity. No changes were made to the standard.
    b. Message Boards – New Language. Message Boards are currently permitted within residential districts and are held to the standards outlined in Section 404.G (Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner SGA). The proposed amendment added the City-Wide message board standards in this section rather than having to reference another section of the Ordinance. No changes were made to the standards. Clarity has been provided for the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
9. Remove language identifying business signs as temporary (existing 404.2.H.(1).a). The current wording of this provisions is confusing and unclear. Differentiation is not provided as to which signs are temporary vs permanent therefore this section was removed.
10. Previous H.(1).b. Business Signs; Stationary - Provision is separated to differentiate sign and lighting standards in the proposed sections 'Sign Allowance' and 'Illumination'
11. Nonconforming sign provisions removed – relocated to the new General Provisions section.
12. Illumination – language moved from previous H.(1).b. No changes were made to these standards.
13. Materials – New Section. Standards are consistent with provisions of other districts

404.5 – Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner Smart Growth Area

Amendments within this section are as follows:

1. Reorganization of section for clarity, readability and sign type classification.
2. Changeable Message Boards – Changeable message boards are currently permitted within these districts under the Illumination provision (existing 404.3.E). The proposed amendment relocates the message board standards from the Illumination provision to be included as a permitted sign type. No changes to the standards were made. Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
3. Revising "Informational" signs to "Directional" signs to remain consistent throughout Ordinance.
4. Relocated "Time and Temp Sign" to be included within the header of Sign Type
5. New Sections – Awning Signs and Temporary Signs

a. Awning signs – this type of signage is not expressly included within the commercial districts and is therefore regulated as a general "building mounted" sign. The standards proposed were modeled from the standards outlined in the City Center District.
b. Temporary signs are not currently addressed within the Commercial Districts. The standards proposed are modeled from the standards outlined in the City Center District

6. New Standard – Prohibited materials clarified to be consistent with materials permitted in other districts as well as the general standards to address public safety (i.e. signs intended to distract motoring vehicles).

404.6 – Signs in the City Center District

This section of the Sign Ordinance is particularly disorganized. Amendments within this section include the following:

1. Preambles should not be in ordinance and is replaced with the purpose statement.
2. Reorganization and renumbering of section to consolidate standards to General Provisions, Sign Types, Illumination and Materials sections, in the order that is consistent with the provisions of the other districts
3. Section 404.3.1.1.B Traffic safety and Illumination – section separated. Illumination standards moved to Illumination section. Statement on district setbacks do not apply to signs removed as there are no setbacks in the CCD, so this provision is unnecessary.
4. Sign Permits (404.3.1.1.D – E) – Provision relocated to 404.1 General Provisions as this process is applicable to all sign applications in the City, with the exception of the insurance requirement which is specific to signs that are only permitted in the CCD.
5. Sections 404.3.1.1.G – H are standards that pertain to building mounted signage. Relocated to proposed 404.6.C.1
6. Section 404.3.1.1.I are standards related to temporary signage. Provision relocated to proposed 404.6.C.11, Sign Types Allowed)
7. Section 404.3.1.1.J - K is stricken as nonconforming sign discontinuance and alterations are addressed in the General Provisions, 404.1.
8. Section 404.3.1.1.L – Definitions. Staff is recommending to relocate definitions for 'Commercial Message', 'Nonconforming Sign' and 'Signs' to Section 201, Definitions, and removing 'Animated Sign', 'Temporary Community Events', 'Public Way', 'Visible' and 'Window Sign' as these terms are either not utilized within the Ordinance or are vernacular in nature and are not necessary in the ordinance.
9. 404.3.1.2 – Illumination. Illumination is addressed throughout the City Center District Standards. The proposed consolidates all Illumination Standards with slight rewording to eliminate duplicative language. No changes are proposed to the lighting standards from what they currently are. At the direction of the Code Enforcement Officer, the proposed amendment also broadens the current requirements to Nationally Registered Testing Laboratory listed rather than specifying Underwriters Laboratory.
10. 404.3.1.3 – Sign Types Allowed.
    a. Building Mounted – relocation of standards from general section (as stated in comment 4 above.)
    b. Message Board - Clarity was provided that the intent of the message board is to maintain an unlit background with lettering or text to prevent glare in the public rights-of-way.
    c. Temporary Community Event Signs – Provision moved to General Provision (proposed 404.1.H.1, Banners within the Public Right-of-Way)
    d. Temporary Signs located on Private Property – relocation of standards from general section (as stated in comment 5 above)
11. Sign Materials – Reorganized and clarified materials to be of solid construction.

Sections 404.5 – 404.8

Relocated to General Provisions, proposed 401.D, E, F, I and J, respectively, as described above in this memo.

404 Sign Regulations

404.1 **Purpose:** A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Section 404.

404.2 **Application Process.**

A. **Permit Required.** Except as otherwise provided herein, a sign or advertising devise of any nature may not be erected on a lot or affixed to the exterior of any building or structure without first obtaining a sign permit from the Code Enforcement Officer.

B. **Computation of Area**. The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)

C. **Submission Requirements**. All permit applications shall include:

1. A color drawing showing all sign dimensions and building dimensions as necessary, types of materials, wording, colors to be used, along with any proposed illumination and a visual depiction of where the sign would be located on the site.
2. Day and night renderings for illuminated signs may be required.
3. A fee shall be assessed for the review and administration of all sign permits as set forth in the Master Fee Schedule.

D. **Permit Decision.** Once the CEO is in receipt of a complete application, the CEO shall approve, approved with conditions, or deny the application.

1. The applicant can proceed with sign installation once the Code Enforcement Officer has issued the sign permit.
2. Applicant to contact the Code Enforcement Office once sign is install for verification by CEO that sign was installed per approved plans.

404.3 **General Provisions**.

A. **Location/Setback.** A sign requiring a sign permit shall be set back a minimum of ½ the minimum yard depth of the underlying zoning district.

B. **Illumination**. In all districts, a lighting fixture that directly or indirectly illuminates a sign, must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent properties. This does not apply to signs illuminated by neon or illuminated tube type signs.

C. **Highway Guide Signs**. The City of Westbrook or the Westbrook/Gorham Community Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be ten feet by twenty feet (10” x 20”), with directions focused on general areas rather than as advertisement for specific businesses.

D. **Consolidated Service Club Sign**. Service clubs in the city may have a consolidated sign

in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:

1. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.

2. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.

3. Illumination. May not be internally illuminated.

E. **Temporary Signs on Public Property or within the Public Right-of-Way.** Temporary signs shall be allowed on public property or within the public right-of-way, with no permit required, for a period of no more than twelve (12) weeks in a calendar year provided the following criteria are met:

1. Only noncommercial signage is permitted on public property or within the public right of way. Signs bearing a commercial message are prohibited.

2. A temporary sign may not exceed two feet by three feet (2'x3') in size.

3. A sign under this paragraph must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

4. A temporary sign shall not result in a sight, traffic, health or welfare hazard to pedestrian or vehicular traffic due to placement, or manner of construction or display.

5. Any damage to public property or utilities that is caused by a temporary sign, including but not limited to sign installation, is the responsibility of the sign owner. The Director of Public Services shall determine whether damage has occurred and the cost of repair. The sign owner will then be notified in writing and payment is required within 30-days of the date of notice.

6. A temporary sign may not be placed within 30-feet of another temporary sign bearing the same or substantially the same message.

7. Illumination of a temporary sign is prohibited

8. For the purpose of temporary signs located within the Shoreland Zone, signs shall be considered to be a structure and must comply with all Shoreland Standards, including but not limited to, setbacks and permitting. No signs are permitted below the normal high-water line of a water body or within a wetland.

9. Signs shall not be erected or maintained on the following:
    a. A traffic control sign or device
    b. A public utility pole or fixture
    c. A rotary traffic island
    d. A tree on public property or within a public right-of-way

e. A control-of-access right of way area
f. A median less than six (6) feet wide

10. Temporary Signs are prohibited from being affixed to the grounds of the following locations:
    a. Saccarappa Park, Warren Memorial Sculpture Garden, Riverbank Park, Westbrook Commons.
    b. Temporary signs located on the Westbrook Community Center parcel (010-029B) unless such signs are set back a minimum of two hundred fifty (250) feet from Bridge Street.
    c. Public school grounds.
    d. Cemeteries.

11. Removal Process: Removal of unlawful signs shall be conducted in accordance with Maine State Statutes Title 23 Part 1Chapter 21 Section 1917.

F. **Banner Signs in the Public Right-of-Way**.

1. The Director of Public Services may permit a system of decorative banners or banners identifying community events open to the public to be placed by a business group or civic group on light poles on public property along Main Street, William Clark Drive, or Bridge Street. Signage shall not be deemed permanent.

2. The Director of Public Services may permit a person or organization to install a banner sign across a public right-of-way under the following conditions:

    a. Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund-raisers or similar activities.

    b. State and Local Law. The installation of the banner must meet all the requirements of state and local law. The person requesting the installation of the banner must provide a sketch showing the dimensions, method of installation, materials, and text of the banner. The Director of Public Services shall establish the dates of installation and removal.

    c. See Chapter 29 Art. VII for Process on Banner Signs in the Public Right of Way.

G. **Nonconforming Signs**. Nonconforming signs shall be subject to the following provisions

1. **Continuance.** Nonconforming signs may continue to exist, so long as the use remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean conditions.

2. **Discontinuance.** Any sign, along with its supports, which no longer advertises an existing business, primary product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having beneficial use of the building or premises upon which such sign may be found within twelve (12) months after the activity has ceased.

3. **Alteration or Relocation.** The Code Enforcement Officer may approve the alteration or relocation of a lawfully nonconforming sign so long as it is reduced in size by at least twenty-five percent (25%) of the original sign size. This could be achieved through eliminating signs or reducing the overall size of the sign. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least twenty-five percent (25%) until such time as the sign size is no longer non-conforming. Alteration could include a change in illumination, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition

    a. The repair or replacement of a panel within a nonconforming sign is permitted without reduction provided no other components of the sign, including but not limited to sign frame, supports and illumination are altered or relocated.

    b. The Code Enforcement Officer may permit the repair of a nonconforming sign without reduction provided the repair is to the benefit of public health and safety, or the damage was caused by a weather or other third-party event that is no fault of the property owner.

4. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required to bring any signs into conformance with the provisions of this ordinance, except as follows:

    a. Individual lawfully nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a twenty percent (20%) increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.

H. **Variance.** The granting of a variance from the Sign Ordinance provisions is prohibited.

404.4 **Signs in Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural Districts**. The following provisions apply to signs in residential zoning districts:

A. General
    1. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

B. Sign Types
    1. Ground Mounted Signs
        a. Bulletin Board or Identification Sign.
            i. One (1) bulletin board or identification sign for a permitted non-residential building or use, containing not more than six (6) square feet of signboard area.
            ii. For churches, schools, and public institutions, two (2) bulletin boards or identification signs are permitted for each building. Each sign may contain not more than ten (10) square feet of signboard area.

iii. A bulletin board or informational sign must be set back at least one-half (1/2) of the required front yard depth.

b. Rental Area. On the premises of an apartment building or rental housing area, there may be one (1) identifying sign containing not more than six (6) square feet of signboard area.

c. Subdivision Sign.

i. Temporary. A temporary sign is allowed without a permit to advertise an approved subdivision site while construction is under way. The sign may not contain more than twelve (12) square feet of signboard area.

ii. Permanent. A permanent sign is permitted to identify a neighborhood that has been created as the result of a subdivision approved by the Planning Board. The sign may not be placed in the right-of-way, nor block safe sight distances along a road. Total area of sign shall not exceed 16 square feet.

2. Temporary Signs not located on Public Property or within the Public Right-of-Way

a. Real Estate Signs. One (1) "For Sale," "For Rent," or "For Lease" sign is allowed without a permit on the property, containing not more than six (6) square feet of signboard area and advertising only the premises on which the sign is located. Where the property fronts on two streets, one (1) sign is permitted facing each street.

b. Construction Sign. On the premises of a building under construction or renovation, one (1) sign not exceeding five (5) square feet of signboard area is allowed without a permit per contractor, subcontractor, or architect actually employed on the premises. Total area of all signs shall not exceed thirty-two (32) square feet.

3. Building Mounted Signs.

a. Sign Allowance

i. On the premises of a business which is legally operating in a residential zoning district, other than those described in Section 404.4.A, there may be one (1) sign advertising that business containing an area of not more than sixteen (16) square feet.

ii. All signs or advertising devices must be permanently affixed to the structure in which the business is located. Unless otherwise permitted, signs shall not contain any visible moving or movable parts.

4. Changeable Message Board. Changeable message board signs are allowed and are calculated within the allowable sign area for the business. Changeable message boards may change not more than once every 5-minutes and shall maintain an unlit background with only the illumination of the lettering or text.

C. **Illumination.** The lighting of neon or other illuminated tube-type signs or advertising device is not allowed in Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural districts.

D. **Materials.**
1. Signs shall be constructed of sturdy material.
2. No sign shall be constructed of banners, ribbons, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

404.5 **Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner Smart Growth Area**. The following provisions apply to signs in the Highway Services District, Gateway Commercial District, Industrial Park District, Manufacturing District and Prides Corner Smart Growth Area: (Ord. of 03-07-05; 05-15-06; 06-22-09)

A. **General.**
1. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

2. Number of Signs. Maximum Height. On each lot, not more than two (2) signs are permitted affixed to each exterior face of a building fronting on a public street or parking lot for each occupant. The topmost element of any sign may not be higher than ten (10) feet above the cornice line of the building. (Ord. of 6-22-09)

3. Overhanging Signs. Signs may not overhang the public right-of-way.

B. **Total Sign Allowance**

1. **Highway Services and Gateway Commercial Districts.**
   a. The total area of all signs for properties located in the Highway Services and ~~the~~ Gateway Commercial Districts that are forty thousand (40,000) square feet or less in land area shall not exceed five hundred (500) square feet.

   b. The total area of all signs ~~and~~ for properties located in the Highway Services and Gateway Commercial Districts that are ~~of~~ more than forty thousand (40,000) square feet of land area shall not exceed five hundred (500) square feet for the first 40,000 square feet of land area plus one hundred (100) square feet for each additional forty thousand (40,000) square feet of land area.

2. **Industrial Park District.** The total area of all signs for ~~a~~ properties in the Industrial Park District shall not exceed three hundred (300) square feet.

3. **Manufacturing District and Prides Corner Smart Growth Area.** The total area of all signs for properties located in the Manufacturing District and Prides Corner Smart Growth Area shall not exceed two hundred and fifty (250) square feet. (Ord. 01-26-06; 05-15-06; 6-22-09; 11-19-12)

C. Sign Types Allowed

1. Building Mounted Signs
   a. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet.

2. Ground Mounted Signs.
   a. Sign Allowance. Where buildings are set back at least forty (40) feet, one (1) free-standing sign may be erected within the open space fronting upon a public street. The topmost element of a free-standing sign may be no more than twenty- five (25) feet above the average level of the ground between the supports of the sign. The sign must not obstruct the view of oncoming pedestrian or motor vehicle traffic.

      i. Divided Building. Where a building is divided by partitions and is occupied by separate entities, and where the building is constructed so that part of it is located within forty (40) feet of a public way and one or more of the entities within is entirely located at least forty (40) feet back from that way, there may be one (1) free-standing sign within the open space fronting upon the way. Only those entities located at least forty (40) feet back may utilize space on this sign.

   b. Computation of Sign Area. A free-standing sign may have an area of not more than one hundred (100) square feet. Any exterior linear dimension of a free-standing sign may not exceed sixteen (16) feet. (Ord. 05-15-06; 08-21-06; 6-22-09)

3. Changeable Message Boards.
   a. Changeable message board signs are permitted provided they are a permanent component of the sign and are calculated within the allowable sign area for the structure. Messages shall change at intervals of no more than once every five (5) minutes. Changeable message boards shall maintain an unlit background with only the illumination of the lettering or text. The total size of a changeable message board area shall not exceed sixty (60) square feet.

4. Directional Signs. Directional signs no larger than four (4) square feet, and containing no advertising are permitted on private property to direct traffic flow, indicate parking space, or provide other essential information to guide vehicular or pedestrian traffic flow with respect to that property.

5. Time and Temperature Signs. Time and temperature signs are permitted and must be included in the total square footage allotment for the structure.

6. Awning signs.
   a. Awning signs are permitted and are calculated within the allowable sign area for building mounted signage.
   b. Awnings may not be internally illuminated but may include lighting located beneath the awning directed downward for the purpose of illuminating the building entrance only.
   c. Awnings are allowed no lower than nine (9) feet above the average grade of the ground beneath it

d. Awning signs may include the street address and/or business name only.
   i. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.

7. Temporary Signs not located on Public Property or within the Public Right of Way. The following signs are allowed on a temporary basis as follows and, unless otherwise stated, shall be securely affixed to the ground during the time allowed.

   a. Real Estate Signs. One real estate sign of no more than sixteen (16) square feet is allowed without a permit per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.

   b. New Business Sign. One (1) sign is permitted advertising the opening of a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days. Such sign shall be building mounted.

   c. Construction Signs. One (1) sign relating to construction projects for new or renovated buildings is allowed without a permit. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.

D. Illumination. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable message board signs which must comply with the standards as stated in this section.

E. Prohibited Materials. Signs shall be constructed of sturdy material. No sign shall be constructed of banners, ribbons, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

404.6 Signs in the City Center District. The following provisions apply to signs in the City Center District: (Ord. of 6-1-09; 6-22-09; 4-5-10)

A. **Purpose.** The purpose of regulating signs is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and the community environment.

B. **General.**

1. Traffic safety
   a. No sign, whether new or existing, shall be permitted that causes a visual obstruction or a traffic, health or welfare hazard or results in a nuisance due to illumination,

placement, or manner of construction or display.

b. No sign, except traditional barber poles for licensed and operating barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of pennants, ribbons, streamers, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

2. Business Signs. Business signs are allowed and shall be constructed, installed and maintained so as to ensure public safety. Such signs shall be clearly incidental, customary to, and commonly associated with and in the same site as the building or establishment to which it refers and shall be limited in subject matter to name, design, picture or trademark of the establishment. It shall not include any general commercial advertising materials unrelated to a principal business within the building. Signs not directly related to the business shall be prohibited. All such signs shall be appropriate in scale and appearance. Business signs on adjacent buildings located on the same parcel shall be of compatible design and character. Sign types and placement are further described herein.

3. Insurance. For any sign proposed to be placed on (sandwich board sign only) or that shall extend into (blade and/or awning only) the public right-of-way a permit is required on an annual basis and shall be accompanied by proof of general liability insurance coverage in the amount of $400,000.00 or any higher limit of liability imposed by the Maine Tort Claims Act in order to protect the City of Westbrook from any and all liability for personal or property damage to the public by reason of the erection and maintenance of such sign on and into the public right- of-way and shall maintain such insurance as long as such sign exists on and into the public right-of-way. The City shall be named as an additional insured on such insurance policy.

4. Sign Area Computation. Signs shall be measured from the outermost part of the sign, but not to include wall supports. Sign area includes borders or framing not required to affix a sign to a building. Sign area does not include the base for a ground mounted monument sign or the supportive pole(s) of a pylon sign. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.

C. Sign Types Allowed.

1. Building Mounted. Building mounted signs include those that are painted or flush-mounted directly on an exterior building façade. Backlit characters and internally lit characters are considered flush mounted for the purpose of this Ordinance.

a. Signage Limitations
   i. The total area of all building mounted signs may not exceed five percent (5%) of the exterior wall facing a public way or parking lot on which the sign(s) is to be placed.
   ii. On any exterior wall facing a public way or parking lot, one (1) sign is permitted per individually owned and operated business within the building based on the sign area allowed per this subsection.
   iii. No sign shall extend above the roofline or parapet of the building on which it is placed.

b. Identification Sign.
   i. All buildings are required to display one (1) street number sign per exterior face of building fronting on a public way or parking lot.
   ii. Such sign may be no more than one and one-half (1.5) square feet in size, and it
   iii. must be located on the first-floor façade area of a building or on a sign.
   iv. Such sign shall not count toward the overall sign allowance.

2. Ground Mounted Signs. Sign area for ground mounted signs shall be no more than eighteen (18) square feet including all tenant signage.

   a. Monument Signs. Ground mounted monument signs are signs mounted to the ground by a solid (opaque) base structure made of wood (painted or varnished and weather treated), brick, or stone. Such sign shall be no taller than six (6) feet including the base.

   b. Pylon Signs. Pylon signs are signs mounted to the ground by poles made of materials consistent with this section. Such sign shall be no taller than nine (9) feet including the base.

3. Blade. Blade signs are attached directly to the building and extend perpendicular from the building wall
   a. Blade signs may be no more than fifty (50) square feet in size,
   b. Shall be placed no lower than ten (10) feet above the average grade beneath the sign, and
   c. Shall be no higher than twenty (20) feet above the average grade beneath the sign.
   d. Blade signs shall extend no further into a right of way than the lessor of four (4) feet or the backside of the curb abutting a public street.
   e. Blade signs may be permitted every twenty-five (25) feet of linear frontage on a freestanding building.

4. Changeable Message Board. A changeable message board sign is a sign attached to and associated with a freestanding (ground mounted or pylon) sign.
   a. Changeable Message board signs are permitted where freestanding signs area permitted and are calculated within the allowable sign area for the proposed freestanding sign.
   b. Such signs shall be no taller than twelve (12) inches including framing and shall include no more than two (2) lines of text.
   c. Such sign may include a changeable message but the message may not change more than once every five (5) minutes.
   d. The time and temperature may be posted and are part of the maximum allowable sign area of the message board.
   e. The changeable message board shall maintain an unlit background with only the illumination of lettering or text permitted.

5. Sandwich Board Signs.
   a. One (1) small A-frame sandwich board sign is allowed per twenty-five (25) feet of linear building frontage on Main Street or Bridge Street.
   b. Such signs shall not count toward the number of signs allowed per exterior face of

building.

c. Such signs are allowed when there is at least four (4) feet of clear travel space on a public sidewalk.
d. Sandwich board signs may be no more than eight (8) square feet in size and shall not extend into the four (4) feet of clear travel space.
e. Such signs may have writing on both sides,
f. May not be illuminated,
g. Shall have no moving parts,
h. Must be placed adjacent to the business which it supports, and
i. Shall not block pedestrian movement along a sidewalk or vehicular visibility.
j. Such signs shall face on-coming sidewalk traffic and not the street.
k. In the event that these provisions are violated or in the event of inclement weather, the Code Enforcement Officer may have such signs removed from the public way.
l. Sandwich board signs shall be temporary in nature and shall advertise temporary events.

6. Entry Point Tenant Listing Sign. One (1) small tenant listing sign is allowed per individual building and may list multiple tenants. Such sign may be no more than one and a half (1.5) square feet.

7. Directional Signs.
   a. Such signs may be freestanding or building mounted and shall not count toward the number of signs allowed per exterior face of building.
   b. Directional signs shall contain no business advertising and are permitted on private property in order to direct traffic flow, indicate the location of parking, or provide other essential information necessary to guide vehicular or pedestrian traffic flow within the private property.
   c. Such signs shall be no larger than two (2) square feet. Tenant listing signs shall not be considered directional signs.

8. Window Signs.
   a. Window signs shall be permitted on the first or ground floor only.
   b. In no event shall window signs cover more than twenty-five (25) percent of the area of any individually framed window.
   c. Window signs shall not be included in the sign area when calculating the total area of all building mounted signs.

9. Awning.
   a. Awnings may not be internally illuminated but may include lighting located beneath the awning directed downward for the purpose of illuminating the building entrance only Awnings are allowed no lower than nine (9) feet above the average grade of the public sidewalk beneath it, and
   b. Shall not extend more than four (4) feet into a public right-of-way, and
   c. Shall not extend into the curb abutting a public street.
   d. Awnings may include the street address and/or business name only.
   e. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.
   f. In addition to these standards, awnings located within the Village Review Overlay Zone shall conform to the standards as outlined in Section 403, Village Review Overlay Zone. (Ord. 4-5-10)

10. Open Flag.
    a. A standard flag, no larger than 3'x5' in size suspended from a pole that is attached to a structure indicating that an establishment is "open for business".
    b. An Open Flag may not impede pedestrian travel within the public right-of-way.
    c. One (1) open flag is permitted per individually owned and operating business within a building.
    d. Open Flags are allowed every twenty-five (25) feet of linear frontage on a freestanding building.

11. Temporary Signs not located on Public Property or within the Public Right of Way. The following signs are allowed on a temporary basis as follows and, unless otherwise stated, shall be securely affixed to the ground during the time allowed.

    a. Real Estate Signs. One real estate sign of no more than eight (8) square feet is permitted without a permit per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.

    b. New Business Sign. One (1) sign is permitted advertising the opening of a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days. Such sign shall be building mounted.

    c. Construction Signs. One (1) sign relating to construction projects for new or renovated buildings is permitted without a permit. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.

D. Illumination.

1. Illumination Methods Allowed:
    a. Individual internally lit characters;
    b. individual backlit characters or "halo" effect;
    c. gooseneck fixture;
    d. spotlight fixture.

2. Illumination Types Allowed:
    a. LED;
    b. neon;
    c. incandescent.

3. Illumination Standards:
    a. In order to conserve energy and reduce light pollution, on properties abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.

b. All lighting must be Nationally Registered Testing Laboratory (NRTL) listed and stamped.
c. Energy efficiency should be considered a priority in sign design and lighting.

4. External Illumination
   a. Signs shall be illuminated only by steady, stationary, shielded light sources. A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of- way or onto adjacent properties. This does not apply to signs illuminated using neon.

5. Internal Illumination.
   a. Sign Cabinets. Signs may be illuminated from within if the only components illuminated are the characters and limited graphics used to convey the name of the business and its purpose and/or the street number. The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos. No other portion of the sign face may be illuminated. See section 404.6.D for permitted materials. (Ord. of 4-5-10). Internally illuminated flex face signs are not allowed.
   b. Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.

E. Sign Materials.

1. Non-Internally Illuminated.
   a. Unless otherwise stated, Signs shall be solid and be constructed of the following materials: wood (painted or varnished and weather treated), stone, metals, concrete, and/or composite material providing similar density.
   b. Signs may incorporate a vinyl wrap, or layer, which displays the graphics proposed, used in lieu of paint. This material standard does not apply to the components of a changeable message board.
2. Internally illuminated.
   a. Internally lit routed faced vinyl characters and/or logos are permitted
   b. Sign Cabinets may consist of an illuminated vinyl sign face. Internally illuminated flex face signs are not permitted, unless:
      i. Used to identify the major tenant of buildings over three (3) floors, as measured from the street level. Such signs are subject to the following:
         (a) The sign shall be placed at the top floor;
         (b) The sign may not be placed on facades facing a property line that directly abuts a residentially zoned property; and
         (c) The sign may be internally illuminated or back lit.

3. Awnings. Metal or canvas awnings are permitted.
4. Window signs. Vinyl window decals are permitted.
5. Open Flags. Fabric flags are permitted.

Commentary: Add the following Definitions to Section 201 which were part of Section 404.

201 Definitions.

Commercial Message. Any wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, a primary product or service, or other commercial activity.

Nonconforming sign: Any sign that was lawful prior to the adoption, amendment, or revision of this Ordinance but that does not conform to the current requirements of this Ordinance.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Temporary Signage: A sign that is intended to be used for a brief period of time and in compliance with the ordinance standards.

Commentary: The following changes are to code section numbers or labels and do not change any standards.

319 Elms Contract Zoning District:

K. Signage. As regulated by Section 404.6 Signs in the City Center District.

320 Contract Zone 10 – Gateway West (Established 5-6-13; Amended by Ord. 2016-34 on 5-2-16)

N. Signage

(2) Other Signage. Any other signage shall comply with the requirements of Section 404.6 (the provisions for signs in the City Center District) of the Land Use Ordinances.

322 Contract Zone -12 – Rock Row Contract Zone

C. Signage Standards. The Sign Regulations of Section 404 of the Ordinance apply to signage in this Rock Row Contract Zone except as modified by this Section 322.5 C.; although the underlying zoning district for the Development is Gateway Commercial, signage in the Development shall be regulated as though it is located in the City Center District, under Section 404.6 of the Ordinance except as modified herein by this Section.

1. General.
   a. Traffic Safety and illumination. Section 404.6. of the Ordinance notwithstanding, 1) changeable signs shall be allowed as permitted under State law and subject to Section 322.5.C.2.k of the Ordinance, and 2) there is no limitation on the hours during which illuminated signs may operate.

   b. Sign Height. Section 404.6. of the Ordinance notwithstanding, the topmost element of any sign may not be higher than ten (10) feet above the cornice line of any building.

   c. Temporary Signs. Section 404.6.C.11. of the Ordinance notwithstanding:

      1) the maximum area of Real Estate Signs per lot is 144 square feet per lot or building proposed for lease, sale or rent, and such signs shall not be of a banner construction;
      2) the maximum area of a new business sign is 144 square feet and must be attached to the structure, and such signs shall not be of a banner construction; and

3) construction signage may be placed continuously along fencing on public ways that the Development fronts upon so long as such signage does not exceed a height of four feet above the abutting street or sidewalk, whichever is taller, and may be of a banner construction.

2. Sign Types Allowed.

a. Building Mounted Signs.

1) Storefront Building Mounted Sign. Section 404.6.C.1. of the Ordinance notwithstanding,
   a) One Building Mounted sign per tenant on the storefront façade fronting upon a public or private way or a parking area, and for tenants of building corners, an additional sign on the other storefront façade fronting upon another public or private way or parking area, is permitted.
   b) Maximum sign area shall be at the ratio of one (1) square foot per one linear foot of tenant frontage, with a maximum sign area of 10% of the relevant façade wall area.

b. Ground Mounted Signs.
   1) Section 404.6.C.2. of the Ordinance notwithstanding, one ground-mounted sign is permitted per lot

c. Blade Sign.
   1) Section 404.6.C.3. of the Ordinance notwithstanding, one blade sign per tenant is permitted;

f. Entry Point Tenant Directory Sign. Section 404.6.C.6. of the Ordinance notwithstanding, an Entry Point Tenant Directory Sign is permitted for occupants located on the second floor and above for each multi-story building in the Development, which sign may be built similar to a monument sign, shall have a maximum sign height of 6 feet including the base, and shall have a maximum letter height for the building/development name or logo of 8 inches, and for all other lettering, of 4 inches.

i. Canopy or Awning Sign. Section 404.6.C.9. of the Ordinance notwithstanding, canopy or awning signs may include graphics and/or the tenant's logo if the tenant's storefront has no building mounted signs including but not to limited blade signs, and each such canopy or awning may have a length of up to the full length of the storefront. Proof of general liability insurance to protect the City of Westbrook is not required.

<u>Chapter IV – Special Standards and Overlay Districts</u>

407 <u>Residential Growth Area 1 Business Office Overlay Zone</u>

407.5 Performance Standards

Signs: The regulations in Section 404.4 Signs in Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural Districts, shall apply to all uses in Section 407.

404 Sign Regulations

404.1 **Purpose:** A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Section 404.

404.2 **Application Process.**

A. **Permit Required.** Except as otherwise provided herein, a sign or advertising devise of any nature may not be erected on a lot or affixed to the exterior of any building or structure without first obtaining a sign permit from the Code Enforcement Officer.

B. **Computation of Area**. The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)

C. **Submission Requirements**. All permit applications shall include:

1. A color drawing showing all sign dimensions and building dimensions as necessary, types of materials, wording, colors to be used, along with any proposed illumination and a visual depiction of where the sign would be located on the site.
2. Day and night renderings for illuminated signs may be required.
3. A fee shall be assessed for the review and administration of all sign permits as set forth in the Master Fee Schedule.

D. **Permit Decision.** Once the CEO is in receipt of a complete application, the CEO shall approve, approved with conditions, or deny the application.

1. The applicant can proceed with sign installation once the Code Enforcement Officer has issued the sign permit.
2. Applicant to contact the Code Enforcement Office once sign is install for verification by CEO that sign was installed per approved plans.

404.3 **General Provisions**.

~~A. **Sign Restrictions**. A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Sections 404.2 – 404.7.~~

~~B. **Computation of Area**. The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Each face of a sign shall be counted separately when determining the sign area. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)~~

A. **Location/Setback.** A sign requiring a sign permit shall be set back a minimum of ½ the minimum yard depth of the underlying zoning district.

B. **Illumination**. In all districts, a lighting fixture that directly or indirectly illuminates a sign, must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent properties. This does not apply to signs

illuminated by neon or illuminated tube type signs.

C. **Highway Guide Signs**. The City of Westbrook or the Westbrook/Gorham Community Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be ten feet by twenty feet (10" x 20"), with directions focused on general areas rather than as advertisement for specific businesses.

D. **Consolidated Service Club Sign**. Service clubs in the city may have a consolidated sign in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:

1. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.

2. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.

3. Illumination. May not be internally illuminated.

E. **Temporary Signs on Public Property or within the Public Right-of-Way.** Temporary signs shall be allowed on public property or within the public right-of-way, with no permit required, for a period of no more than twelve (12) weeks in a calendar year provided the following criteria are met:

1. Only noncommercial signage is permitted on public property or within the public right of way. Signs bearing a commercial message are prohibited.

2. A temporary sign may not exceed two feet by three feet (2'x3') in size.

3. A sign under this paragraph must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

4. A temporary sign shall not result in a sight, traffic, health or welfare hazard to pedestrian or vehicular traffic due to placement, or manner of construction or display.

5. Any damage to public property or utilities that is caused by a temporary sign, including but not limited to sign installation, is the responsibility of the sign owner. The Director of Public Services shall determine whether damage has occurred and the cost of repair. The sign owner will then be notified in writing and payment is required within 30-days of the date of notice.

6. A temporary sign may not be placed within 30-feet of another temporary sign bearing the same or substantially the same message.

7. Illumination of a temporary sign is prohibited

8. For the purpose of temporary signs located within the Shoreland Zone, signs shall

be considered to be a structure and must comply with all Shoreland Standards, including but not limited to, setbacks and permitting. No signs are permitted below the normal high-water line of a water body or within a wetland.

9. Signs shall not be erected or maintained on the following:
   a. A traffic control sign or device
   b. A public utility pole or fixture
   c. A rotary traffic island
   d. A tree on public property or within a public right-of-way
   e. A control-of-access right of way area
   f. A median less than six (6) feet wide

10. Temporary Signs are prohibited from being affixed to the grounds of the following locations:
    a. Saccarappa Park, Warren Memorial Sculpture Garden, Riverbank Park, Westbrook Commons.
    b. Temporary signs located on the Westbrook Community Center parcel (010-029B) unless such signs are set back a minimum of two hundred fifty (250) feet from Bridge Street.
    c. Public school grounds.
    d. Cemeteries.

11. Removal Process: Removal of unlawful signs shall be conducted in accordance with Maine State Statutes Title 23 Part 1Chapter 21 Section 1917.

F. **Banner Signs in the Public Right-of-Way**.

1. The Director of Public Services may permit a system of decorative banners or banners identifying community events open to the public to be placed by a business group or civic group on light poles on public property along Main Street, William Clark Drive, or Bridge Street. Signage shall not be deemed permanent.

2. The Director of Public Services may permit a person or organization to install a banner sign across a public right-of-way under the following conditions:

   a. Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund-raisers or similar activities.

   b. State and Local Law. The installation of the banner must meet all the requirements of state and local law. The person requesting the installation of the banner must provide a sketch showing the dimensions, method of installation, materials, and text of the banner. The Director of Public Services shall establish the dates of installation and removal.

   c. See Chapter 29 Art. VII for Process on Banner Signs in the Public Right of Way.

G. **Nonconforming Signs**. Nonconforming signs shall be subject to the following provisions

1. **Continuance.** Nonconforming signs may continue to exist, so long as the use

remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean conditions.

2. **Discontinuance.** Any sign, along with its supports, which no longer advertises an existing business, primary product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having beneficial use of the building or premises upon which such sign may be found within twelve (12) months after the activity has ceased.

3. **Alteration or Relocation.** The Code Enforcement Officer may approve the alteration or relocation of a lawfully nonconforming sign so long as it is reduced in size by at least twenty-five percent (25%) of the original sign size. This could be achieved through eliminating signs or reducing the overall size of the sign. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least twenty-five percent (25%) until such time as the sign size is no longer non-conforming. Alteration could include a change in illumination, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition

   a. The repair or replacement of a panel within a nonconforming sign is permitted without reduction provided no other components of the sign, including but not limited to sign frame, supports and illumination are altered or relocated.

   b. The Code Enforcement Officer may permit the repair of a nonconforming sign without reduction provided the repair is to the benefit of public health and safety, or the damage was caused by a weather or other third-party event that is no fault of the property owner.

4. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required to bring any signs into conformance with the provisions of this ordinance, except as follows:

   a. Individual lawfully nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a twenty percent (20%) increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.

H. **Variance.** The granting of a variance from the Sign Ordinance provisions is prohibited.

~~404.2~~ **404.4 Signs in ~~Residential~~ Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural Districts**. The following provisions apply to signs in residential zoning districts:

A. General

1. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

B. Sign Types

1. Ground Mounted Signs

~~Name of Occupant and Street Number. One (1) sign is permitted displaying the name of the occupant of the premises, the street number, or both. A sign may not exceed one square foot in area for each visible face of the sign. It may have not more than two (2) faces. It may be attached to a building, or it may be erected on a rod or post not more that six (6) feet high and at least three (3) feet away from the street line. The sign may include the identification of an occupation. It may only relate to the person or services available on the premises.~~

~~B.~~ a. Bulletin Board or Identification Sign.

i. One (1) bulletin board or identification sign for a permitted non-residential building or use, containing not more than six (6) square feet of signboard area.

ii. For churches, schools, and public institutions, two (~~1~~ 2) bulletin boards ~~of~~ or identification signs are permitted for each building. Each sign may contain not more than ten (10) square feet of signboard area.

iii. ~~It~~ A bulletin board or informational sign must be set back at least one-half (1/2) of the required front yard depth.

~~C.~~ b. Rental Area. On the premises of an apartment building or rental housing area, there may be one (1) identifying sign containing not more than six (6) square feet of signboard area.

c. Subdivision Sign.

i. Temporary. A temporary sign is allowed without a permit to advertise an approved subdivision site while construction is under way. The sign may not contain more than twelve (12) square feet of signboard area.

ii. Permanent. A permanent sign is permitted to identify a neighborhood that has been created as the result of a subdivision approved by the Planning Board. The sign may not be placed in the right-of-way, nor block safe sight distances along a road. Total area of sign shall not exceed 16 square feet.

~~D. Non-conforming Use. On the premises of a non-conforming use or a conditional use, there may be one (1) sign containing not more than ten (10) square feet of signboard area.~~

2. Temporary Signs not located on Public Property or within the Public Right-of-Way

~~E.~~ a. ~~For Sale~~ Real Estate Signs. One (1) "For Sale," "For Rent," or "For Lease" sign is allowed without a permit ~~permitted~~ on the property, containing not more than six (6) square feet of signboard area and advertising only the premises on which the sign is located. Where the property fronts on two streets, one (1) sign is permitted facing each street.

~~F.~~ b. ~~Building Under~~ Construction Sign. On the premises of a building under

construction or renovation, one (1) sign not exceeding five (5) square feet of signboard area is allowed without a permit ~~permitted~~ per contractor, subcontractor, or architect actually employed on the premises. Total area of all signs shall not exceed thirty-two (32) square feet.

~~G. Subdivision Sign.~~

~~(1) Temporary. A temporary sign is permitted to advertise a subdivision site while construction on the sale of the completed homes is under way. The sign may not contain more than twelve (12) square feet of signboard area.~~

~~(2) Permanent. A permanent sign is permitted to identify a neighborhood that has been created as the result of a subdivision approved by the Planning Board. The sign may not enter the right-of-way, nor block safe sight distances along a road.~~

~~H.~~ 3. ~~Business~~ Building Mounted Signs.

~~(1)~~ a. Sign Allowance

i. On the premises of a business which is legally operating in a residential zoning district, other than those described in Section 404.2 ~~4~~.A, there may be one (1) sign advertising that business containing an area of not more than sixteen (16) square feet. ~~The sign must be attached to the building in which the business is situated.~~

ii. All signs or advertising devices must be permanently affixed to the structure in which the business is located. Unless otherwise permitted, signs shall not contain any visible moving or movable parts.

4. Changeable Message Board. Changeable message board signs are allowed and are calculated within the allowable sign area for the business. Changeable message boards may change not more than once every 5-minutes and shall maintain an unlit background with only the illumination of the lettering or text.

~~a. Temporary. A sign erected under Section 404.2.H is temporary and does not become a non-conforming use. If this ordinance is amended so that such signs become illegal, the owner of the premises on which the sign is constructed must remove it or make it conform to the amended Ordinance.~~

b. ~~Stationary~~. ~~All signs or advertising devices must be permanently affixed to the structure. They may not contain any visible moving or movable parts except as described in Section 404.3.G below. The lighting of neon or other illuminated tube-type signs or advertising device is not allowed in residential districts.~~

~~2. Legal Non-conforming business. Legally existing non-conforming signs may continue to be used and may be repaired, but the Code Enforcement Officer must find that the sign is not otherwise altered, enlarged or relocated. Where the Code Enforcement Officer finds that such a sign is otherwise altered or relocated:~~

~~a. The Code Enforcement Officer may approve the alteration or relocation of a nonconforming free-standing sign so long as it is reduced in size by at least 25% of the original sign size. Where there are additional alterations or relocations beyond that~~

~~there must be an additional reduction in size of at least 25% until such time as the sign size is no longer non-conforming.~~

~~(b) The Code Enforcement Officer may approve the alteration or relocation of nonconforming building mounted signs so long as the sign area is reduced in size by at least 25% of the original sign area. This could be achieved through eliminating signs or reducing the overall size of building mounted signs. Where there are additional alterations or relocations beyond that there must be an additional reduction of at least 25% until such time as the sign size is no longer nonconforming.~~

(c) ~~Internally illuminated signs may only be turned on (illuminated) during hours when the business is open to the public and message boards may change not more than once every 24 hours.~~

~~(Ord. of 9-13-10)~~

C. **Illumination.** The lighting of neon or other illuminated tube-type signs or advertising device is not allowed in Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural districts.

D. **Materials.**
1. Signs shall be constructed of sturdy material.
2. No sign shall be constructed of banners, ribbons, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

~~404.3~~ **404.5 Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner Smart Growth Area**. The following provisions apply to signs in the Highway Services District, Gateway Commercial District, Industrial Park District, Manufacturing District and Prides Corner Smart Growth Area: (Ord. of 03-07-05; 05-15-06; 06-22-09)

A. ~~Stationary~~ **General.**
1. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

~~B.~~ 2. Number of Signs. Maximum Height. On each lot, not more than two (2) signs are permitted affixed to each exterior face of a building fronting on a public street or parking lot for each occupant. The topmost element of any sign may not be higher than ten (10) feet above the cornice line of the building. (Ord. of 6-22-09)

3. Overhanging Signs. Signs may not overhang the public right-of-way.

~~C. Area of Sign~~. B. **Total Sign Allowance** ~~The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet.~~

1. **Highway Services and Gateway Commercial Districts.**

a. The total area of all signs for ~~a property in the Highway Services District and for~~ properties located in the Highway Services and ~~the~~ Gateway Commercial Districts that are forty thousand (40,000) square feet or less in land area shall not exceed five hundred (500) square feet.

b. The total area of all signs ~~and~~ for properties located in the Highway Services and Gateway Commercial Districts that are ~~of~~ more than forty thousand (40,000) square feet of land area ~~in the Gateway Commercial district~~ shall not exceed five hundred (500) square feet for the first 40,000 square feet of land area plus one hundred (100) square feet for each additional forty thousand (40,000) square feet of land area.

2. **Industrial Park District.** The total area of all signs for ~~a property~~ properties in the Industrial Park District shall not exceed three hundred (300) square feet.

3. **Manufacturing District and Prides Corner Smart Growth Area.** The total area of all signs for ~~a property~~ properties located in the ~~remaining districts~~ Manufacturing District and Prides Corner Smart Growth Area shall not exceed two hundred and fifty (250) square feet. (Ord. 01-26-06; 05-15-06; 6-22-09; 11-19-12)

C. Sign Types Allowed

1. Building Mounted Signs
   a. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet.

~~D.~~ 2. ~~Free-Standing~~ Ground Mounted Signs.

a. Sign Allowance. Where buildings are set back at least forty (40) feet, one (1) free-standing sign may be erected within the open space fronting upon a public street. The topmost element of a free-standing sign may be no more than twenty- five (25) feet above the average level of the ground between the supports of the sign. The sign must not obstruct the view of oncoming pedestrian or motor vehicle traffic.

i. Divided Building. Where a building is divided by partitions and is occupied by separate entities, and where the building is constructed so that part of it is located within forty (40) feet of a public way and one or more of the entities within is entirely located at least forty (40) feet back from that way, there may be one (1) free-standing sign within the open space fronting upon the way. Only those entities located at least forty (40) feet back may utilize space on this sign.

b. Computation of Sign Area ~~of Free-Standing Sign~~. A free-standing sign may have an area of not more than one hundred (100) square feet. Any exterior linear dimension of a free-standing sign may not exceed sixteen (16) feet. (Ord. 05-15-06; 08-21-06; 6-22-09)

3. Changeable Message Boards.
   a. Changeable message board signs are permitted provided they are a permanent

component of the sign and are calculated within the allowable sign area for the structure. Messages shall change at intervals of no more than once every five (5) minutes. Changeable message boards shall maintain an unlit background with only the illumination of the lettering or text. The total size of a changeable message board area shall not exceed sixty (60) square feet.

~~E. Illuminated Signs. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable electronic board signs. in which the message changes at intervals of more than once every five (5) minutes and where the sign is a permanent component of the sign design and module. The total size of the changeable board area shall not exceed sixty (60) square feet.~~

~~F.~~ 4. ~~Informational~~ Directional Signs. ~~Informational~~ Directional signs no larger than four (4) square feet, and containing no advertising are permitted on private property to direct traffic flow, indicate parking space, or provide other essential information to guide vehicular or pedestrian traffic flow with respect to that property.

5. Time and Temperature Signs. Time and temperature signs are permitted and must be included in the total square footage allotment for the structure.

6. Awning signs.
   a. Awning signs are permitted and are calculated within the allowable sign area for building mounted signage.
   b. Awnings may not be internally illuminated but may include lighting located beneath the awning directed downward for the purpose of illuminating the building entrance only.
   c. Awnings are allowed no lower than nine (9) feet above the average grade of the ground beneath it
   d. Awning signs may include the street address and/or business name only.
      i. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.

7. Temporary Signs not located on Public Property or within the Public Right of Way. The following signs are allowed on a temporary basis as follows and, unless otherwise stated, shall be securely affixed to the ground during the time allowed.

   a. Real Estate Signs. One real estate sign of no more than sixteen (16) square feet is allowed without a permit per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.

   b. New Business Sign. One (1) sign is permitted advertising the opening of a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days. Such sign shall be building mounted.

   c. Construction Signs. One (1) sign relating to construction projects for new or renovated buildings is allowed without a permit. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple

contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.

D. Illumination. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable message board signs which must comply with the standards as stated in this section.

~~G.~~ E. Prohibited Materials. ~~Signs can be made of multiple materials.~~ Signs shall be constructed of sturdy material. No sign shall be constructed of banners, ribbons, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

~~H. Overhanging Signs. Signs may not overhang the public right-of-way.~~

~~I. Time and Temperature Signs. Time and temperature signs are permitted in these districts, but must be included in the total square footage allotment for the structure.~~

~~J. Sandwich Board Signs (Removed per Ord. of 6-22-09)~~

~~4043.1~~ **404.6 Signs in the City Center District.** The following provisions apply to signs in the City Center District: (Ord. of 6-1-09; 6-22-09; 4-5-10)

~~*Preamble to District*~~

~~The purpose of the City Center Zoning District is to create a flexible atmosphere for the return of the downtown to a prominent regional service center. Flexible setbacks will be balanced with an overlay of design standards to encourage new development that will be consistent with the goals established in the City's Comprehensive Plan, Downtown Revitalization Plan, and Westbrook Riverfront Master Plan.~~

A. **Purpose.** The purpose of regulating signs is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and the community environment.

~~**404.3.1.1**~~ **B. General.**

~~A. Purpose. The purpose of regulating signs is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and the community environment.~~

~~B.~~ 1. Traffic safety ~~and illumination~~.

a. No sign, whether new or existing, shall be permitted that causes a visual obstruction or a traffic, health or welfare hazard or results in a nuisance due to illumination, placement, ~~display,~~ or manner of construction or display.

~~1. District setback requirements do not apply to signs. Any sign setback requirements shall be stated within this section.~~

~~2. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded such that bulbs are not directly visible from neighboring properties or public ways. (Ord. of 4-5-10)~~

~~3. In order to conserve energy and reduce light pollution, on property abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.~~

~~4.~~ b. No sign, except traditional barber poles for licensed and operating barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of pennants, ribbons, streamers, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

~~C.~~ 2. Business Signs. Business signs are allowed and shall be constructed, installed and maintained so as to ensure public safety. Such signs shall be clearly incidental, customary to, and commonly associated with and in the same site as the building or establishment to which it refers and shall be limited in subject matter to name, design, picture or trademark of the establishment. It shall not include any general commercial advertising materials unrelated to a principal business within the building. Signs not directly related to the business shall be prohibited. All such signs shall be appropriate in scale and appearance. Business signs on adjacent buildings located on the same parcel shall be of compatible design and character. Sign types and placement are further described herein.

~~D. Sign Permits. Except as otherwise provided herein, a sign or advertising devise of any nature may not be erected on a lot or affixed to the exterior of any building or structure without first obtaining a sign permit from the Code Enforcement Officer. All permit applications shall include a color drawing showing all dimensions, types of materials, wording, colors to be used, any proposed illumination and a visual depiction of where the sign would be located on the site.~~

3. Insurance. For any sign proposed to be placed on (sandwich board sign only) or that shall extend into (blade and/or awning only) the public right-of-way a permit is required on an annual basis and shall be accompanied by proof of general liability insurance coverage in the amount of ~~$100,000.00/$300,000.00~~ $400,000.00 or any higher limit of liability imposed by the Maine Tort Claims Act in order to protect the City of Westbrook from any and all liability for personal or property damage to the public by reason of the erection and maintenance of such sign on and into the public

right- of-way and shall maintain such insurance as long as such sign exists on and into the public right-of-way. The City shall be named as an additional insured on such insurance policy.

~~E. A fee shall be assessed for the review and administration of all sign permits.~~

~~*E.* Awning. *(Removed 4-5-10)*~~

~~F.~~ 4. Sign Area Computation. Signs shall be measured from the outermost part of the sign, but not to include wall supports. Sign area includes borders or framing not required to affix a sign to a building. Sign area does not include the base for a ground mounted monument sign or the supportive pole(s) of a pylon sign. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.

~~G. No sign shall extend above the roofline or parapet of the building on which it is placed.~~

~~H. Street Number Signs. All buildings are required to display one (1) street number sign per exterior face of building fronting on a public way or parking lot. Such sign may be no more than one and a half (1.5) square feet in size and must be located on the first floor façade area of a building or on a sign. Such sign shall not count toward the overall sign allowance.~~

~~I. Temporary Signs. The following signs are allowed on a temporary basis as follows and shall be securely affixed to the ground during the time allowed.~~

~~1. Real Estate Signs. One real estate sign of no more than eight (8) square feet is allowed per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.~~

~~2. New Business Sign. One sign is permitted for a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days before and after the opening of such business. Such sign shall be building mounted.~~

~~3. Construction Signs. One sign relating to construction projects for new or renovated buildings are allowed. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.~~

~~4. Temporary Community Event Signs. As further described in this section, such signs may be allowed by approval of the Code Enforcement Officer and shall not be located in such a manner as to obstruct pedestrian or vehicular traffic.~~

~~J. Nonconforming signs. Nonconforming signs shall be subject to the following~~

~~provisions.~~

~~1. Nonconforming signs may continue to exist, so long as the use remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean condition.~~

~~2. The Code Enforcement Officer may approve the alteration or relocation of a legally nonconforming sign so long as it is reduced in size by at least 25% of the original sign size. This could be achieved through eliminating signs or reducing the overall size of the sign. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least 25% until such time as the sign size is no longer non-conforming. Alteration could include a change in color, material illumination, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition.~~

~~i. The repair or replacement of a panel within a nonconforming sign is permitted without reduction provided no other components of the sign are altered or relocated.~~

~~ii. The Code Enforcement Officer may permit the repair of a non-conforming sign without reduction provided the repair is to the benefit of public health and safety, or the damage was caused by a weather or other third party event that is no fault of the property owner.~~

~~K. Removal of Signs. Any sign, along with its supports, which no longer advertises a bonafide business conducted, primary product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having beneficial use of the building or premises upon which such sign may be found within six (6) months after the activity has ceased, or if the removal has not occurred, within ten (10) days after written notification from the Code Enforcement Officer.~~

~~L. Definitions. In addition to those provided within Section 201, the following definitions shall apply to this section.~~

~~1. Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene that has the result or intent of distracting the eye.~~

~~2. Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, a primary product, service or other commercial activity.~~

~~3. Temporary Community Events: Banners located in the public right-of- way intended to serve a community purpose or convey information of community-wide interest.~~

~~4. Nonconforming sign: Any sign that was lawful prior to the adoption, amendment, or revision of this Ordinance but that does not conform to the current requirements of this Ordinance.~~

~~5. Public way: Any way designed for vehicular or pedestrian use and is maintained with public funds.~~

~~6. Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.~~

~~7. Visible: Capable of being seen without visual aid by a person of normal visual acuity.~~

~~8. Window sign: Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window, and visible from the exterior of the window.~~

~~404.3.1.2 Illumination.~~

~~Lighting Methods Allowed: Individual internally lit characters; individual backlit characters or "halo" effect; gooseneck fixture; or spotlight fixture.~~

~~Lighting Types Allowed: LED; neon; or incandescent.~~

~~A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of- way or onto adjacent property under different ownership. This does not apply to signs illuminated using neon.~~

~~All lighting must be UL (Underwriters Laboratory) listed and stamped. Energy~~

~~efficiency should be considered a priority in sign design and lighting.~~

~~Signs may be illuminated from within if the only components illuminated are the characters and limited graphics used to convey the name of the business and its purpose and/or the street number. No other portion of the sign face may be illuminated. See section 404.3.1.2 for permitted materials. (Ord. of 4-5-10)~~

~~404.3.1.3~~ C. Sign Types Allowed.

~~A.~~ 1. Building Mounted. Building mounted signs include those that are painted or flush-mounted directly on an exterior building façade. Backlit characters and internally lit characters are considered flush mounted for the purpose of this Ordinance.

a. Signage Limitations
   i. The total area of all building mounted signs may not exceed five percent (5%) of the exterior wall facing a public way or parking lot on which the sign(s) is to be placed.
   ii. On any exterior wall facing a public way or parking lot, one (1) sign is permitted per individually owned and operated business within the building based on the sign area allowed per this subsection.
   iii. No sign shall extend above the roofline or parapet of the building on which it is placed.

b. Identification Sign.
   i. All buildings are required to display one (1) street number sign per exterior

face of building fronting on a public way or parking lot.

ii. Such sign may be no more than one and one-half (1.5) square feet in size, and it

iii. must be located on the first-floor façade area of a building or on a sign.

iv. Such sign shall not count toward the overall sign allowance.

~~B.~~ 2. Ground Mounted Signs. Sign area for ground mounted signs shall be no more than eighteen (18) square feet including all tenant signage.

~~1.~~ a. Monument Signs. Ground mounted monument signs are signs mounted to the ground by a solid (opaque) base structure made of wood (painted or varnished and weather treated), brick, or stone. Such sign shall be no taller than six (6) feet including the base.

~~2.~~ b. Pylon Signs. Pylon signs are signs mounted to the ground by poles made of materials consistent with this section. Such sign shall be no taller than nine (9) feet including the base.

~~C.~~ 3. Blade. Blade signs are attached directly to the building and extend perpendicular from the building wall ~~and generally extend more than ten (10) inches from the face of the wall~~.

a. Blade signs may be no more than fifty (50) square feet in size,

b. Shall be placed no lower than ten (10) feet above the average grade beneath the sign, and

c. Shall be no higher than twenty (20) feet above the average grade beneath the sign.

d. Blade signs shall ~~not~~ extend no further into a right of way than the lessor of ~~more than~~ four (4) feet ~~into a public right-of-way and shall not extend into~~ or the backside of the curb abutting a public street.

e. Blade signs ~~are~~ may be permitted ~~allowed~~ every twenty-five (25) feet of linear frontage on a freestanding building.

~~D.~~ 4. Changeable Message Board. A changeable message board sign is a sign attached to and associated with a freestanding (ground mounted or pylon) sign.

a. Changeable Message board signs are ~~allowed~~ permitted where freestanding signs area ~~allowed~~ permitted and are calculated within the allowable sign area for the proposed freestanding sign.

b. Such signs shall be no taller than twelve (12) inches including framing and shall include no more than two (2) lines of text.

c. Such sign may include a changeable message but the message may not change more than once every five (5) minutes.

d. The time and temperature may be posted and are part of the maximum allowable sign area of the message board.

e. The changeable message board shall maintain an unlit background with only the illumination of lettering or text permitted.

~~F.~~ 5. Sandwich Board Signs.

a. One (1) small A-frame sandwich board sign is allowed per twenty-five (25) feet of linear building frontage on Main Street or Bridge Street.

b. Such signs shall not count toward the number of signs allowed per exterior face of building.

c. Such signs are allowed when there is at least four (4) feet of clear travel space on a public sidewalk.
d. Sandwich board signs may be no more than eight (8) square feet in size and shall not extend into the four (4) feet of clear travel space.
e. Such signs may have writing on both sides,
f. May not be illuminated,
g. Shall have no moving parts,
h. Must be placed adjacent to the business which it supports, and
i. Shall not block pedestrian movement along a sidewalk or vehicular visibility.
j. Such signs shall face on-coming sidewalk traffic and not the street.
k. In the event that these provisions are violated or in the event of inclement weather, the Code Enforcement Officer may have such signs removed from the public way.
l. Sandwich board signs shall be temporary in nature and shall advertise temporary events.

~~G.~~ 6. Entry Point Tenant Listing Sign. One (1) small tenant listing sign is allowed per individual building and may list multiple tenants. Such sign may be no more than one and a half (1.5) square feet.

~~H.~~ 7. Directional Signs.
a. Such signs may be freestanding or building mounted and shall not count toward the number of signs allowed per exterior face of building.
b. Directional signs shall contain no business advertising and are permitted on private property in order to direct traffic flow, indicate the location of parking, or provide other essential information necessary to guide vehicular or pedestrian traffic flow within the private property.
c. Such signs shall be no larger than two (2) square feet. Tenant listing signs shall not be considered directional signs.

~~I. Temporary Community Event Signs. With prior written approval from the Director of Public Services, a system of decorative banners or banners identifying community events open to the public may placed by a business group or civic group on light poles on public property along Main Street, William Clark Drive, or Bridge Street. Such signs shall be temporary.~~

~~J.~~ 8. Window Signs.
a. Window signs shall be permitted on the first or ground floor only.
b. In no event shall window signs cover more than twenty-five (25) percent of the area of any individually framed window.
c. Window signs shall not be included in the sign area when calculating the total area of all building mounted signs.

~~K.~~ 9. Awning.
a. Awnings may not be internally illuminated but may include lighting located beneath the awning directed downward for the purpose of illuminating the building entrance only ~~include illumination on the awning itself~~.
b. Awnings are allowed no lower than nine (9) feet above the average grade of the public sidewalk beneath it, and
c. Shall not extend more than four (4) feet into a public right-of-way, and
d. Shall not extend into the curb abutting a public street.

e. Awnings may include the street address and/or business name only.
   i. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.
f. In addition to these standards, awnings located within the Village Review Overlay Zone shall conform to the standards as outlined in Section 403, Village Review Overlay Zone. (Ord. 4-5-10)

~~L.~~ 10. Open Flag.
   a. A standard flag, no larger than 3'x5' in size suspended from a pole that is attached to a structure indicating that an establishment is "open for business".
   b. An Open Flag may not impede pedestrian travel within the public right-of-way.
   c. One (1) open flag is permitted per individually owned and operating business within a building.
   d. Open Flags are allowed every twenty-five (25) feet of linear frontage on a freestanding building.

11. Temporary Signs not located on Public Property or within the Public Right of Way. The following signs are allowed on a temporary basis as follows and, unless otherwise stated, shall be securely affixed to the ground during the time allowed.

   a. Real Estate Signs. One real estate sign of no more than eight (8) square feet is permitted without a permit per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.

   b. New Business Sign. One (1) sign is permitted advertising the opening of a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days. Such sign shall be building mounted.

   c. Construction Signs. One (1) sign relating to construction projects for new or renovated buildings is permitted without a permit. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.

D. Illumination.

1. Illumination Methods Allowed:
   a. Individual internally lit characters;
   b. individual backlit characters or "halo" effect;
   c. gooseneck fixture;
   d. spotlight fixture.

2. Illumination Types Allowed:
   a. LED;
   b. neon;
   c. incandescent.

3. Illumination Standards:

a. In order to conserve energy and reduce light pollution, on properties abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.
b. All lighting must be Nationally Registered Testing Laboratory (NRTL) listed and stamped.
c. Energy efficiency should be considered a priority in sign design and lighting.

4. External Illumination
   a. Signs shall be illuminated only by steady, stationary, shielded light sources. A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of- way or onto adjacent properties. This does not apply to signs illuminated using neon.

5. Internal Illumination.
   a. Sign Cabinets. Signs may be illuminated from within if the only components illuminated are the characters and limited graphics used to convey the name of the business and its purpose and/or the street number. The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos. No other portion of the sign face may be illuminated. See section 404.6.D for permitted materials. (Ord. of 4-5-10). Internally illuminated flex face signs are not allowed.
   b. Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.

~~404.3.1.4~~ E. Sign Materials.

1. Non-Internally Illuminated.
   a. Unless otherwise stated, Signs shall be ~~constructed~~ solid and be constructed of the following materials: ~~including~~ wood (painted or varnished and weather treated), stone, metals, concrete, and/or composite material providing similar ~~texture~~ density.~~, except that:~~
   b. Signs may incorporate a vinyl wrap, or layer, which displays the graphics proposed, used in lieu of paint. This material standard does not apply to the components of a changeable message board.
2. Internally illuminated.
   a. Internally lit routed faced vinyl characters and/or logos are permitted
   b. Sign Cabinets may consist of an illuminated vinyl sign face. Internally illuminated flex face signs are not permitted, unless:
      i. Used to identify the major tenant of buildings over three (3) floors, as measured from the street level. Such signs are subject to the following:
         (a) The sign shall be placed at the top floor;
         (b) The sign may not be placed on facades facing a property line that directly abuts a residentially zoned property; and
         (c) The sign may be internally illuminated or back lit.

3. Awnings. Metal or canvas awnings are permitted.
4. Window signs. Vinyl window decals are permitted.
5. Open Flags. Fabric flags are permitted.

~~1) Awnings may be constructed of metal or canvas.~~
~~2) Signs without internal illumination may incorporate a vinyl wrap, or layer, which displays the graphics proposed. This is often used in lieu of paint.~~
~~3) Internally illuminated flex faced signs are not allowed. Such signs consist of an illuminated vinyl sign face. Internally illuminated sign boxes with cut out characters are allowed. The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos.~~
~~4) Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.~~
~~5) Signs may also include plastic when:~~
~~a) The sign is used to identify the major tenant of buildings with over three (3) floors, as measured from the street level;~~
~~i) Such sign shall be placed at the top floor;~~
~~ii) Such sign may not be placed on façades facing a property line that directly abuts a residentially zoned property; and~~
~~iii) Such sign may be internally illuminated or back lit.~~

~~(Ord. of 4-5-10)~~

~~404.5 **Light Source Regulated**. In all districts, a lighting fixture that directly or indirectly illuminates a sign, must be designed so that the light source itself is shielded from view. This does not apply to signs illuminated by neon or illuminated tube type signs.~~

~~404.6 **Highway Guide Signs**. The Westbrook Area Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be 10" x 20", with directions focused on general areas rather than as advertisement for specific businesses.~~

~~404.7 **Consolidated Service Club Sign**. Service clubs in the city may have a consolidated sign in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:~~

~~E. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.~~

~~F. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.~~

~~G. Illumination. May not be internally illuminated.~~

~~404.8 **Installation of Community Event Signs**. On request, the Code Enforcement Officer (CEO) may permit a person or organization to install a banner sign across a public way under the following conditions:~~

~~E. Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund-raisers or similar activities.~~

~~F. State and Local Law. The installation of the sign must meet all the requirements of state and local law. The person requesting the installation shall provide the CEO with a sketch showing the dimensions, method of installation, materials, and text of the sign. The CEO shall establish the dates of installation and removal.~~

~~404.9 **Variance and Nonconforming Signs**. The granting of a variance from these sign ordinance provisions is prohibited. Where a sign exists as a nonconforming sign, it shall not be extended, altered or enlarged, except that routine maintenance is permitted unless otherwise specified in Section 404. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required by the Code Enforcement Officer to bring any signs into conformance with the provisions of this ordinance, except as follows:~~

~~1. Individually legally nonconforming signs within the Residential and City Center District. Such nonconforming signs are required to meet the standards as outlined within Section 404.~~

~~2. Individual legally nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a 20% increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.~~

~~404 Reserved (Removed in entirety; Ord. of 3-3-14~~

Commentary: Add the following Definitions to Section 201 which were part of Section 404.

201 Definitions.

Commercial Message. Any wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, a primary product or service, or other commercial activity.

Nonconforming sign: Any sign that was lawful prior to the adoption, amendment, or revision of this Ordinance but that does not conform to the current requirements of this Ordinance.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Temporary Signage: A sign that is intended to be used for a brief period of time and in compliance with the ordinance standards.

Commentary: The following changes are to code section numbers or labels and do not change any standards.

319 Elms Contract Zoning District:

K. Signage. As regulated by Section ~~404.3.1~~ 404.6 Signs in the City Center District.

320 Contract Zone 10 – Gateway West (Established 5-6-13; Amended by Ord. 2016-34 on 5-2-16)

N. Signage

(2) Other Signage. Any other signage shall comply with the requirements of Section ~~404.3.1~~ 404.6 (the provisions for signs in the City Center District) of the Land Use Ordinances.

322 Contract Zone -12 – Rock Row Contract Zone

C. Signage Standards. The Sign Regulations of Section 404 of the Ordinance apply to signage in this Rock Row Contract Zone except as modified by this Section 322.5 C.; although the underlying zoning district for the Development is Gateway Commercial, signage in the Development shall be regulated as though it is located in the City Center District, under Section ~~404 .3.1~~ 404.6 of the Ordinance except as modified herein by this Section.

1. General.

a. Traffic Safety and illumination. Section ~~404.3.1.1 B~~ 404.6. of the Ordinance notwithstanding, 1) changeable signs shall be allowed as permitted under State law and subject to Section 322.5.C.2.k of the Ordinance, and 2) there is no limitation on the hours during which illuminated signs may operate.

b. Sign Height. Section ~~404.3.1.1 G~~ 404.6. of the Ordinance notwithstanding, the topmost element of any sign may not be higher than ten (10) feet above the cornice line of any building.

c. Temporary Signs. Section ~~404.3.1.1 I~~ 404.6.C.11. of the Ordinance notwithstanding:

1) the maximum area of Real Estate Signs per lot is 144 square feet per lot or building proposed for lease, sale or rent, and such signs shall not be of a banner

construction;
2) the maximum area of a new business sign is 144 square feet and must be attached to the structure, and such signs shall not be of a banner construction; and
3) construction signage may be placed continuously along fencing on public ways that the Development fronts upon so long as such signage does not exceed a height of four feet above the abutting street or sidewalk, whichever is taller, and may be of a banner construction.

2. Sign Types Allowed.

a. Building Mounted Signs.

1) Storefront Building Mounted Sign. Section ~~404.3.1.3.A~~ 404.6.C.1. of the Ordinance notwithstanding,
a) One Building Mounted sign per tenant on the storefront façade fronting upon a public or private way or a parking area, and for tenants of building corners, an additional sign on the other storefront façade fronting upon another public or private way or parking area, is permitted.
b) Maximum sign area shall be at the ratio of one (1) square foot per one linear foot of tenant frontage, with a maximum sign area of 10% of the relevant façade wall area.

b. Ground Mounted Signs.
1) Section ~~404.3.1.3.B~~ 404.6.C.2. of the Ordinance notwithstanding, one ground-mounted sign is permitted per lot

c. Blade Sign.
1) Section ~~404.3.1.3.C~~ 404.6.C.3. of the Ordinance notwithstanding, one blade sign per tenant is permitted;

f. Entry Point Tenant Directory Sign. Section ~~404.3.1.3.D~~ 404.6.C.6. of the Ordinance notwithstanding, an Entry Point Tenant Directory Sign is permitted for occupants located on the second floor and above for each multi-story building in the Development, which sign may be built similar to a monument sign, shall have a maximum sign height of 6 feet including the base, and shall have a maximum letter height for the building/development name or logo of 8 inches, and for all other lettering, of 4 inches.

i. Canopy or Awning Sign. Section ~~404.3.1.3.H~~ 404.6.C.9. of the Ordinance notwithstanding, canopy or awning signs may include graphics and/or the tenant's logo if the tenant's storefront has no building mounted signs including but not to limited blade signs, and each such canopy or awning may have a length of up to the full length of the storefront. Proof of general liability insurance to protect the City of Westbrook is not required.

Chapter IV – Special Standards and Overlay Districts

407 Residential Growth Area 1 Business Office Overlay Zone

407.5 Performance Standards
Signs: The regulations in Section ~~404.2 Signs in Residential Districts~~ 404.4 Signs in Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural Districts, shall apply to all uses in Section 407.

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-79

AUTHORIZING EXPENDITURE FOR AGENDA MANAGEMENT SYSTEM

That the Westbrook City Council hereby authorizes the purchase of the CivicClerk agenda management system from CivicPlus of Manhattan, KS at a total cost of $8,000.

Funds available in budget line 10001400-53619

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Authorizing Expenditure for Agenda Management System

REQUESTED BY: Angela Holmes, City Clerk

DATE: 06/30/2020

SUMMARY:

This is a request to authorize the purchase of the CivicClerk agenda management software from CivicPlus of Manhattan, KS, at total cost of $8,000 in FY 2021. Future annual costs will be $7,200, with a 5% annual increase beginning in Year 3 of service.

CivicPlus is the City's current website provider, and CivicClerk is a module which will integrate within our existing system. This system is currently utilized by the cities of Portland and South Portland, and have highly recommended it for its functionality and time-saving capabilities for administration and departments. The Clerk's Office reviewed demos of three comparable agenda management systems, and recommends CivicClerk.

This package allows for the web-based creation of agendas, minutes and legislation through building a workflow management system for department heads and management team members. Requests for Council Action would be submitted through the online portal, and would be reviewed/approved and added to agendas by the Administration. This will allow the Clerk & City Administrator to track all key information, create tasks, to-do items and reminders, along with managing multiple versions of documents as they are edited by department heads. The system utilizes building blocks which would be customized to Westbrook's forms to pre-draft wording, formatting and commonly repeated entries, and uses agenda information to pre-draft minutes, thus expediting publication.

CivicClerk would initially be used for City Council, but the module would allow for up to 7 boards or committees to utilize the interface.

BUDGET LINES AFFECTED (IF APPLICABLE):

Funds included in FY 2021 Records Management budget. 10001400-53619 $8,000

CivicPlus
302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #: Q-06758-1
Date: 1/15/2020 2:02 PM
Expires On: 7/31/2020
Product: CivicClerk

Ship To
Ashley Rand
Westbrook ME - CivicClerk

Bill To
Westbrook ME - CivicClerk

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Levi Smith	x	lesmith@civicplus.com		Net 30

Exhibit A.1 - Statement of Work

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	CivicClerk Premium Package	Premium Package - Max Number of Boards: 7	$0.00
1.00	CivicClerk- Premium Annual Fee	CivicClerk- Premium Annual Fee	$7,200.00
1.00	CivicClerk Design	CivicClerk Design	$109.59
2.00	CivicClerk Consulting (1h, virtual)	CivicClerk Consulting (per hour)	$87.67
3.00	CivicClerk Configuration	CivicClerk Configuration	$328.77
2.00	System Training (1d, virtual)	Training (Virtual) - half day, up to 4 hours	$273.97
		TOTAL:	$8,000.00

Total Days of Quote:364

One Time Costs	$800.00
Recurring Costs	$7,200.00

* Recurring Costs stated herein are based upon the number of days stated above.
Upon renewal of this SOW, the Recurring Costs will reflect a 365 day calendar year.

1. Performance and payment under this Statement of Work ("SOW") shall be subject to the terms & conditions of the Agreement by and between Client and CivicPlus, to which this SOW is hereby attached as Exhibit A.1.
2. This SOW shall remain in effect for an initial term of one year (12 months) from signing. In the event that neither party gives 60 days' notice to terminate prior to the end of the initial or any subsequent renewal term, this Agreement will automatically renew for an additional 1-year Renewal Term.
3. The Total Fees Year 1 (the sum of the One Time Costs and Recurring Costs) will be invoiced at signing of this SOW.

4. Renewal Term Annual Services (Recurring Costs) shall be invoiced on the date of signature of relevant calendar years. Annual services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in Year 3 of service.
5. CivicPlus will use commercially reasonable efforts to perform the Services in a manner consistent with applicable industry standards including, maintaining Services availability 24 hours a day, 7 days a week and responding to Client's requests for support during the hours of 7:00 AM to 7:00PM CT, Monday through Friday and any critical support requests 24 hours per day, 7 days a week.
6. Client shall have sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted to CivicPlus. Client shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party's Intellectual Property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.
7. The service(s) are provided on an "as is" basis, and Client's use of the service(s) is at its own risk. CivicPlus does not warrant that the service(s) will be uninterrupted or error-free or unaffected by force majeure events.
8. The Client will be invoiced electronically through email. Upon request CivicPlus will mail invoices and the Client will be charged a $5.00 convenience fee.

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client	CivicPlus
By:	By:
_____	_____
Name:	Name:
_____	_____
Title:	Title:
_____	_____
Date:	Date:
_____	_____

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization URL

Street Address

Address 2

City State Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact E-Mail

Phone Ext. Fax

Billing Address

Address 2

City State Postal Code

Tax ID # Sales Tax Exempt #

Billing Terms Account Rep

Info Required on Invoice (PO or Job #)

Contract Contact Email

Phone Ext. Fax

Project Contact Email

Phone Ext. Fax

Addendum 1 to Exhibit A.1 - Project Development Division of Work

Phase 1 – Introduction and Initial Configuration

CLIENT RESPONSIBILITY	CIVICPLUS RESPONSIBILITY
• Complete the implementation questionnaire • Provide Word versions of your agendas and item reports	• Create a production site request and assign a PL request in JIRA • Reach out to Client to explain the Implementation plan • Schedule and conduct a kick-off call with Client, if requested • Once supplied Word versions of the agendas and item reports, configure the templates in the system • Input questionnaire data

Phase 2 – Initial Review

CLIENT RESPONSIBILITY	CIVICPLUS RESPONSIBILITY
• Be prepared to schedule a call for system review • Provide feedback on any needed changes	• Schedule and conduct a first look call with Client. • Provide any template changes needed to CivicPlus.

Phase 3 – Final Configuration and Review

CLIENT RESPONSIBILITY	CIVICPLUS RESPONSIBILITY
• Provide a list of users • Provide any additional feedback and changes	• Enter user list with appropriate security settings • Make necessary changes to templates and configuration

Phase 4 – Training

CLIENT RESPONSIBILITY	CIVICPLUS RESPONSIBILITY
• Schedule a presentation for administrator training • Schedule a presentation for end user training	• Schedule and conduct administrator and end user trainings

Phase 5 (As Needed) – Additional Services

CLIENT RESPONSIBILITY	CIVICPLUS RESPONSIBILITY
• Provide Word versions of your most recent minutes • Provide a list of your Board/Council members • Schedule a 30 minute call for minutes training • Schedule a 30 minute call for BoardView training	• Once supplied Word versions of the minutes, configure the templates in the system • Schedule and conduct minutes training • Schedule and conduct BoardView training

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-80

AUTHORIZING AMENDMENT AND ADDITIONAL EXPENDITURE FOR ENGINEERING SERVICES FOR DOWNTOWN LIGHTING

That the Westbrook City Council hereby authorizes an amendment to the agreement with Wright-Pierce Engineers of Portland, ME and further authorizes an additional expenditure of $10,000 for engineering services related to the replacement of downtown street lighting.

Funds available in budget line: 40003000-58900-C1715

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Authorizing Amendment for Engineering Services - Downtown Lighting

REQUESTED BY: Eric Dudley, Director of Engineering and Public Services

DATE: 06/04/2020

SUMMARY:

The Department of Engineering and Public Services requests an amendment to the agreement with Wright-Pierce Engineers of Portland, Maine in the amount of $10,000 for additional engineering services related to the replacement of downtown street lighting. The purpose of the increase in cost is due to the extensive coordination and electrical service design associated with converting the lighting from the CMP primary grid to a secondary, metered service. This work also includes modifications to the location and ownership of the underground conduits from CMP to the City.

The current lighting on Main Street and the City-owned downtown parking lots is early 1970's vintage which are expensive to operate and are nearing the end of their useful life. The proposed project will replace them with more modern lighting similar to the boardwalk, Bridge Street and William Clarke Drive.

BUDGET LINES AFFECTED (IF APPLICABLE):

40003000-58900-C1715

OK SM

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-81

AUTHORIZING EXPENDITURE FOR POLICE DEPARTMENT TRAINING & DUTY AMMUNITION

That the Westbrook City Council hereby approves the purchase of Police Department training and duty ammunition from AAA Police Supply of Dedham, MA at a total cost of $4,810 as outlined in the attached exhibit.

Funds available in budget line 10002110-53300

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Purchase and expenditure authorization for PD training/duty ammunition from AAA Police Supply of Dedham, Massachusetts.

REQUESTED BY: Captain Sean Lally

DATE: 05/22/2020

SUMMARY:

This request is purchase training and duty ammunition for the department. Our annual Maine Criminal Justice Academy mandated qualifications for pistol and shotgun is schedule for June 22 through June 25, 2020. In addition, we must purchase training ammunition for our new hire officer(s) to attend the MCJA Basis Law Enforcement Training Program tentatively schedule for August 2020. Lastly, our duty ammunition is scheduled to be replaced after firearms qualifications. We replace duty ammunition on a 3 year cycle. The old duty ammunition will be used during our June training sessions. The department uses AAA Police Supply as a single source vendor for ammunition. AAA Police Supply gives us a substantial discount as part of a municipal contract negotiated by over 30 cities in towns.

BUDGET LINES AFFECTED (IF APPLICABLE):

10002110-53300 OK SMR

AAA POLICE SUPPLY

940 PROVIDENCE HIGHWAY
DEDHAM, MA 02026

P (781) 326 8845
F (781) 326 3963

QUOTE:

DATE: 05-22-2020

AGENCY:	Westbrook Police Department (ME)
ADDRESS:	
CONTACT:	Captain Sean Lally
PHONE:	
FAX:	
EMAIL:	slally@westbrook.me.us

QUANTITY		ITEM	PRICE	EXTENSION
6		Cases 3477 Ammo	$233.00	$1,398.00
3		Cases LE12700 Ammo	$126.00	$378.00
2		Cases LEB127RS Ammo	$149.00	$298.00
12		Cases 91375 Ammo	$228.00	$2,736.00

SUB TOTAL	$4,810.00
TAX	$0.00
SHIPPING	$0.00
TOTAL	$4,810.00

QUOTE BY: James Bogins

EMAIL US - AAAPOLICESUPPLY@GMAIL.COM

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-82

APPROVING EMERGENCY EXPENDITURE FOR POLICE DEPARTMENT PROTECTIVE GEAR

That the Westbrook City Council hereby approves an emergency expenditure for Police Department field protective gear from Witmer Public Safety Group of Coatesville, PA at a total cost of $4,665.70

Funds available in budget line: 22002110-58900-02213

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Authorizing emergency expenditure for Police Department protective gear

REQUESTED BY: Captain Sean Lally

DATE: 06/24/2020

SUMMARY:

This is a request to approve an emergency expenditure for ten (10) sets of field protective gear from Witmer Public Safety Group at a total cost of $4665.70.

Westbrook officers recently received field operation training sponsored by FEMA, and having received this training they were called upon to assist the City of Portland through our mutual aid agreement. However, appropriate safety gear was not available for our officers, necessitating this emergency purchase. Funding for this purchase comes from a Department revenue line.

BUDGET LINES AFFECTED (IF APPLICABLE):

22002110-58900-02213

Invoice

Witmer Public Safety Group
104 Independence Way
Coatesville, PA 19320

Phone: (610) 857-8070
Fax: (888) 335-9800

OfficerStore

Order Number: 2035527
Po Number:
Date: June 16, 2020
Customer Id: WESPOL8
Sales Person: DONNA B
Payment Terms: Net 30 days
Ship Via: Ground
Ship Date: 6/10/2020
Order By: Capt. Sean Lally

Bill To
Westbrook Police Department
570 Main St
WESTBROOK, ME 04092

Ship To
Attn: Capt. Sean Lally
Westbrook Police Department
570 Main St
WESTBROOK, ME 04092

Line #	Product Code	Description	Quantity Ordered	Quantity Shipped	B/O	Unit Price	Extended Price
1	PB-RCS000BV00	Point Blank Advanced Crowd Control Suit One Size Fits Most, Adjustable Extremity Panels Provides Head to Toe Coverage ID Text: POLICE ID Color: WHITE	10	10		450.00	4,500.00
2	OSA-FREIGHT	Custom freight quote required; Actual shipping charges will apply	1	1			0.00

DATE: _____
ACCOUNT: _____
AUTH. BY: _____
AMOUNT: _____

Please Direct All Payment Inquiries To
Accounts Receivable
800-852-6088
Invoices@wpsginc.com Customer Signature: _____

** Net 30 days Invoices paid with a credit card will be subject to a 3% credit card processing fee **

Subtotal	4,500.00
Freight	165.70
Sales Tax	-
Total	4,665.70
Amount Paid	0.00
Balance	$4,665.70

Please return this section with payment. Your prompt payment is appreciated

Customer Name: Westbrook Police Department

Remit Payment To: Witmer Public Safety Group. Inc.
104 Independence Way
Coatesville, PA 19320

Customer Id: WESPOL8
Order Number: 2035527
Invoice Balance: $ 4,665.70
Amount Paid

TheFireStore OfficerStore theEMSstore GIDEON TACTICAL OurDesigns

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-83

AUTHORIZING AWARD OF BID FOR POLICE DEPARTMENT PATROL ROOM RENOVATIONS

That the Westbrook City Council hereby authorizes an award of bid to Punch Construction Services, Inc. of Waterville, ME in the total amount of $21,320 for Police Department patrol room renovations, as outlined in the attached exhibit.

Funds available in budget line: 40003000-58900-C1935

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Award of Bid for Police and authorize expenditure for patrol room renovation to Punch Construction Services, Inc. of Waterville, Maine.

REQUESTED BY: Captain Sean Lally

DATE: 06/17/2020

SUMMARY:

In March 2020 the Police Department solicited bids for a renovation to the police patrol room at the Public Safety Building. Two bids were submitted.

Of the two bids submitted, the lowest bid of $21,320.00 came from Punch Construction Services, Inc. of Waterville, Maine. The Police Administration has reviewed the bid and it addresses all the bid criteria. We respectfully request the council accept the bid from Punch Construction Services and authorize the expenditure for this project.

Funding for this purchase is available in the FY 2020 CIP project for equipment replacement and renovations at the Public Safety Building.

BUDGET LINES AFFECTED (IF APPLICABLE):

40003000-58900-C1935

Updates to Patrol Room and break area

1. Remove approximately three (3) feet of workplace counter as you walk into the patrol room to the right. Reinstall three-foot section at the other end of the counter under the patrol keys.
2. Reinstall counter trim
3. Remove all the molding around the patrol and break room.
4. Re-frame white board
5. Remove and re-tile the patrol room floor approximately 440 square feet.
6. ~~Install water fountain. Home Depot model - Elkay Filtered 8 GPH EZH2O ADA Stainless~~ Steel ~~Drinking Fountain with Bottle Filling Station 1,089.08. Suggested placement in hallway outside the bathroom~~.
7. Remove two white boards.
8. Install workplace counter between the two windows. Approximately 8 ½ feet in length.
9. Install power outlet towers for computers – open to suggestions. Need to change/improve current method of running power/electric cords across the floors.
10. Repair and paint walls in both rooms

Updates to Break Room

11. Remove and re-tile the break room floor approximately 168 square feet
12. Install a counter approximately 6 feet in length, with cabinets underneath and shelving above for radios with power strips and equipment.
13. Install power strips and flashlights on wall

QUOTE

COMMERCIAL
PUNCHLIST
SPECIALISTS

Construction Services

Renovation to Patrol Room/ Break Room

66A Summer St.
Waterville, ME 04901
207-944-1524
bill@punchconservices.com

City of Westbrook, Maine
Police Department
570 Main Street
Westbrook, Maine 04092

We are pleased to have the opportunity to quote the following services per your request:

Services	Amount
Remove/ resize, reinstall existing Patrol Room countertop, by depth and length. Balance of length reduction section to be refit for use as a copier station at the adjacent wall. Includes furnish/ install temporary countertop for equipment/ operations. Copier station refit to be permanently joined in position to refitted countertop. Includes refitted floor gusset supports.	
Remove all wall rail moldings throughout Patrol Room and dispose of.	
Remove 2 of 3ea White Boards and re-band remaining White Board	
Patch/ repaint walls at Patrol Room/ Break Room	
Remove and replace VCT floor covering with Patina -Antique Pewter -419-016, 18"x24" vinyl plank, including new cove base, at Patrol Room and Break Room.	
Furnish/ Install new Worktable w/ tiered Rear Shelf at Patrol Room window wall.	
Furnish/ Install a Power Pole with tel/ data and power outlets at existing desk locations.	
Furnish/ Install Break Room countertop w/ base shelving and oversized wall mounted cubbie compartments above.	
Furnish/ Install wood wall panel w/ edge band, including adjacent 120v power drop for power strip(s) and accessory battery charging equipment at Break Room wall.	
Final Quote	**$21,320.00**

State and Local Sales Tax are EXCLUDED from Final Costs of this project

Thank you for the opportunity to quote this project

CITY OF WESTBROOK, MAINE

IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-84

AUTHORIZING REIMBURSEMENT FOR POLICE OFFICER TRAINING COSTS

That the Westbrook City Council hereby authorizes the issuance of a reimbursement in the amount of $24,000 to be issued to the Town of Old Orchard Beach, Maine to partially cover Maine Criminal Justice Academy training costs for an officer transferred to Westbrook from the Town of Old Orchard Beach Police Department, as outlined in the attached exhibit.

Funds available in budget line: 10002110-53300

First Reading: July 6, 2020 Second and Final Reading:

Attest:

City Clerk Mayor

CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Reimbursement of $24,000.00 to the Town of Old Orchard Beach for officer training costs.

REQUESTED BY: Captain Sean Lally

DATE: 02/06/2020

SUMMARY:

This authorizes payment of $24,000.00 to the Old Orchard Beach Police Department to cover Westbrook's pro-rated share of the Maine Criminal Justice Academy training for a police officer recently hired by the Westbrook Police Department. Due to the high cost of this mandatory training for new police officers, the MCJA has implemented a cost sharing procedure between departments when an officer is sent to the Academy by one department but goes to another police department within five years of graduating from the Academy training program. The officer comes to us with just over 1 year experience at OOB PD. Had this officer come to us untrained, we would have incurred the full cost of that training. This is a fair and equitable cost sharing arrangement between the departments for recent MCJA graduates.

BUDGET LINES AFFECTED (IF APPLICABLE):

10002110-~~51100~~ 53300

OK SMK