

CAPE ELIZABETH TOWN COUNCIL MINUTES
Special Meeting # 5 -2011
Cape Elizabeth Town Hall
Monday, March 21, 2011
Following 7:30 p.m. Finance Committee Meeting

Roll Call by the Town Clerk			Present	Absent
David S. Sherman, Jr., Chair	Term Expires	12/2011	X	dsherman@dwmlaw.com
Frank J. Governali	Term Expires	12/2013	X	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires	12/2013	X	caitlin.jordan@capeelizabeth.org
Sara W. Lennon	Term Expires	12/2012	X	slennon@maine.rr.com
Jessica L. Sullivan	Term Expires	12/2012	X	jsullivan08@maine.rr.com
Anne E. Swift-Kayatta	Term Expires	12/2011	X	aeskay@maine.rr.com
James T. Walsh	Term Expires	12/2012	X	james.walsh@capeelizabeth.org
Michael K. McGovern, Town Manager			X	
Debra M. Lane, Town Clerk			X	

Chair Sherman called the meeting to order at 8:19 p.m. in the William H. Jordan Conference Room.

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence **None**

Citizen Opportunity for Discussion of Items Not on the Agenda **None**

Town Manager’s Report **None**

Item # 61-2011 Food Vendors at Fort Williams Park

Present – Robert Malley, Director of Public Works
 Bill Nickerson, Fort Williams Advisory Commission

Intro – Bill Nickerson

Chair Sherman opened the item to public comments.

Bill and Chase Hewitt, 9 Pine Point Road

Mr. Hewitt and his son Chase commented on the proposed food vendors at Fort Williams Park and their desire to obtain a permit for a hot dog stand. They suggested the council split Site C into two segments similar to the other sites.

Peter Cotter, 21 Ocean House Road

Mr. Cotter is interested in selling lobster rolls. He suggested the council require water, electricity and refrigeration. “A license shouldn’t be issued” without these utilities.

Moved by James T. Walsh and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission for a pilot program for food vendors at Fort Williams Park for 2011 as presented. The proposed **Request for Proposals** is also approved with the proposal deadline to be determined by the Purchasing Agent.

(7 yes) (0 no)

**Request for Proposals
Fort Williams Park Food Vendors
2011 Season**

The Town of Cape Elizabeth is planning to permit food vendors for the first time at Fort Williams Park. This is being done on a pilot basis with no guarantees that the program will continue in future years. Those wishing to provide vendor services shall submit a request for consideration and shall do so in a sealed envelope marked "Fort Williams Park Food Vendor." All proposals shall be received in the office of the Town Manager, 320 Ocean House Road, PO Box 6260, Cape Elizabeth, ME 04107 by 2 p.m. on XXXX.

The Town has identified three vendor sites within Fort Williams Park and will issue five vendor permits which are marked on the enclosed map as Site "A", Site "B" and Site "C." Interested vendors may submit proposals for any one permit or for any combination of permits. Vendor permits will be issued as follows:

Permit 1	Site A	May 1, 2011 to August 31, 2011
Permit 2	Site A	September 1, 2011 to October 31, 2011
Permit 1	Site B	May 1, 2011 to August 31, 2011
Permit 2	Site B	September 1, 2011 to October 31, 2011
Permit 1	Site C	May 1, 2011 to October 31, 2011

The minimum payment for each permit shall be \$2,000

The proposals shall contain the following minimum information:

1. The minimum payment to the Town shall be \$2,000 per permit. The amount proposed may be greater than \$2,000 per permit. 50% of the agreed upon payment shall be paid in advance of placing the unit(s) at Fort Williams Park. The balance of the payment shall be paid by July 15, 2011 for each Permit 1 and by October 1st for each Permit 2.
2. Two photographs from at least two angles of the proposed pushcart/mobile food service unit or a sketch or catalog/web cut sheet of the proposed unit.
3. The specific site(s) and months being proposed.
4. The name, address and contact information for the proposer.
5. Information regarding the food service experience of the proposer.
6. A list of the food and beverage items to be sold from the unit(s).
7. The names and contact information of three references.
8. The signature of the proposer agreeing to abide by all regulations and requirements listed in the request for proposals.

Miscellaneous Requirements and Regulations

1. The permit shall be awarded no later than April 19, 2011.
2. The vendor shall have offsite storage for the cart/food service unit. The cart shall be removed from Fort Williams Park each evening when the park closes. Sales shall not commence earlier than 9 a.m. each morning.
3. The vehicle used to transport the cart shall be relocated to a designated parking spot established by the Town and shall not be left immediately adjacent to the selling area.
4. The Town reserves the right to relocate the vendor within Fort Williams Park on the date of any special group use approved by the Cape Elizabeth Town Council.
5. The cart shall not take space exceeding 72 square feet.
6. The vendor shall provide receptacles for trash and for recyclable which shall be removed off site daily by the vendor.
7. The vendor shall not use any amplification nor shall they verbally seek to attract customers.
8. Gas powered generators are not permitted.
9. Any signage shall be approved by the Town of Cape Elizabeth and shall relate solely to the products being sold by the vendor at Fort Williams Park.
10. The vendor shall be responsible for obtaining all food service licenses required by state and local law.
11. The Town of Cape Elizabeth will supply two picnic tables immediately adjacent to each unit. The vendor shall keep these tables clean and shall report to the Town any safety concerns with the tables.
12. Only food and non-alcoholic beverages may be served. No other items may be sold.
13. The vendor shall always have available hand sanitizer for workers and customers.
14. All employees shall wear suitable attire demonstrating their affiliation with the food vendor, i.e. polo shirts with logo, jackets with logo etc. or nametag. The Town reserves the right to reject attire that is inappropriate for a public park setting in the sole judgment of the Town.
15. The Town of Cape Elizabeth reserves the right to do a background check of the owner and of all employees.

Insurance Requirements:

The successful bidder shall supply the Town of Cape Elizabeth an insurance certificate of insurance listing the Town of Cape Elizabeth as an additionally named insured - \$400,000 minimum. Coverage shall be for not less than the following amounts:

General liability including comprehensive form, premises/operations, underground explosion and collapse hazard, products/completed operations, contractual, independent contractors, broad form property damage and personal injury.

\$1,000,000 Bodily Injury and Property Damage Each Occurrence

\$2,000,000 Bodily Injury and Property Damage Aggregate

\$2,000,000 Personal Injury Aggregate

Automobile liability including any auto, hired autos and non-owned autos -
\$1,000,000 bodily injury and property damage combined.

Workers' Compensation and Employer's Liability (applies to both contractor and any individuals (or sub-contractors) performing services in the performance of this bid.

\$500,000 each accident

\$500,000 Disease - Policy limit

\$500,000 Disease - Each employee

Town Review of Proposals

The Town reserves the right to accept or reject any or all proposals. The award of the Fort Williams Park Vendor Permits shall be made by the purchasing agent of the Town of Cape Elizabeth and is not appealable. The purchasing agent may consult with others prior to making a decision and vendors may be interviewed by a selection committee advising the purchasing agent.

The purchasing agent shall utilize the following criteria in selecting the successful vendor(s):

1. The amount to be paid to the Town of Cape Elizabeth and the likelihood of guaranteeing the payment of all fees.
2. The subjective judgment of the purchasing agent on how the proposed products to be served will enhance the enjoyment of Fort Williams Park by visitors.
3. The subjective judgment of the purchasing agent on how the appearance of the cart will enhance the enjoyment of Fort Williams Park by visitors.
4. The experience of the vendor with food service activities.
5. The experience of the proposed vendor with past adherence to rules and regulations within the Town of Cape Elizabeth and with other regulatory authorities.
6. The purchasing agent may give preference to residents of Cape Elizabeth if all other factors appear to be nearly equal.
7. The Town of Cape Elizabeth reserves the right to accept or reject any or all proposals and to waive any requirement.

Miscellaneous

The Town reserves the right to suspend or revoke the permit of any vendor for violation of a permit condition.

The agent for the Town in all matters relating to the permit is the Cape Elizabeth Purchasing Agent. The purchasing agent may delegate responsibilities at his discretion.



Exact Locations to be Field Verified by the Town of Cape Elizabeth. Site "A" is southerly of the walkway from Battery Blair to Portland Head Light Site "B" is adjacent to the bus drop off site near Portland Head Light. Site "C" is near the flagpole.

Adjournment

Moved by James T. Walsh and Seconded by Sara W. Lennon
Ordered the Cape Elizabeth Town Council adjourns at 8:45 p.m.
(7 yes) (0 no)

The Town Council will reconvene the Finance Committee meeting.

Respectfully Submitted,

Debra M. Lane, Town Clerk