

Select Board
Meeting
1/13/2014

**Readfield Select Board
Regular Meeting
Agenda**

January 13, 2014

**Location: Town Office
Meeting Starts: 6:30 PM**

Pledge of Allegiance

1. **Minutes:** Select Board meeting minutes of December 16, 23, and 30, 2013; and special meeting minutes of January 7, 2014 – 10 minutes
2. **Warrant: 16** – 10 minutes

Communications – 30 minutes

3. Select Board communications
4. Town Manager
5. Boards, Committees, Commissions & Departments

Appointments/Reappointments - None pending

Unfinished Business:

6. Maranacook Lake Outlet Dam agreement update – 5 minutes
7. Town Manager Roles & Responsibilities update: final reading – 5 minutes
8. Select Board Roles & Responsibilities Appendix A: 2nd reading – 10 minutes
9. FOAA policy updates: 2nd reading – 5 minutes
10. Town Manager Job Description – 15 minutes

New Business:

11. Legal services review – 10 minutes
12. Other (if needed)

Public Communications – 15 minutes

13. Members of the public may address the Select Board on any topic.

Executive Session:

14. Town Manager contract negotiations

Adjournment

#1

Minutes

Readfield Select Board
Regular Meeting Minutes December 16, 2013 - Unapproved

Select Board members present: Valarie Pomerleau, Sue Reay, Allen Curtis and Larry Dunn. Greg Durgin arrived at 8 pm.

Others attending: Kristie Hutchinson (PEG TV), Stefan Pakulski (Town Manager), Clifford Buuck (CEO), Paula Clark (Planning Board Chair), Tom Dunham, David Linton, Scott Archibald, Sandra Rourke, Peter Davis and Lenny Reay.

The meeting was called to order at 6:33 pm by Sue Reay, Chair. The Pledge of Allegiance was made.

(1) Minutes: Motion by Mr. Curtis to approve the minutes of 12/02/2013 as amended, **second** by Ms. Pomerleau; **vote** 4-0-0.

Motion by Mr. Curtis to approve the minutes of 12/04/2013 as written, **second** Ms. Pomerleau; **vote** 4-0-0.

(2) Warrant #14: The warrant was reviewed by Mr. Dunn. **Motion** by Mr. Dunn to accept warrant #14 in the amount of \$58,749.37, **second** Ms. Pomerleau; **vote** 4-0-0.

(3) Select Board communications and goals update:

- Ms. Pomerleau will update the FOAA policy.
- Mr. Curtis attended the KVCOG meeting last week. He said KVCOG may be able to provide CEO services to the Town.
- Mr. Curtis reported on citizen requests he has received regarding code compliance issues. Mr. Buuck said he is aware of these issues.
- Mr. Dunn said the library building committee needs to meet with UMA students soon regarding library building design concepts.

(8) (Out of order) Comprehensive Plan Implementation update – Paula Clark: Paula Clark, Planning Board Chair, gave a brief history of the comprehensive plan, which was adopted by the Town in 2009. A group was formed late in 2009 to work on implementation of the plan, but has not met since 2010. She suggested this topic be discussed at the Chairs meeting in January 2014.

(7) (Out of order) Transfer Station Permits for Commercial Haulers: Scott Archibald from Archies, Inc. (previously Tri-town) was in attendance.

Motion by Mr. Curtis to accept the 2014 annual commercial hauler application for Archies, Inc., **second** Ms. Pomerleau; **vote** 4-0-0.

- The fee of \$75 was discussed. This will be brought up at the next SWRC meeting.

Motion by Mr. Curtis to accept the 2014 annual commercial hauler application for Looking Good under the condition of paying the fee and viewing of the customer list by the Town Manager, **second** Mr. Dunn; **vote** 4-0-0.

Motion by Ms. Pomerleau to accept the 2014 annual commercial hauler applications for Worthings and Simmons, **second** Mr. Curtis; **vote** 4-0-0.

(4) Town Manager: Mr. Pakulski noted and reviewed his report that was included in the meeting packet.

(5) Boards, Committees, Commissions & Departments: The outline included in the meeting packet was reviewed.

(6) Maranacook Lake Outlet Dam Agreement draft revision – 2nd reading: The Winthrop Town Council will review the document at their meeting this evening. The Board made two grammatical corrections.

(9) Event form proposal – Allen Curtis example: Mr. Curtis summarized the possible reasons for using the form. Mr. Dunn commented about the potential for abuse. There was a discussion. Mrs. Reay will contact MMA legal for clarification.

(10) Town Manager Roles & Responsibilities update – second reading: The document was reviewed and changes were noted. A final reading will be held on 12/30/2013.

(11) Other: Mr. Durgin responded to Lenny Reay's question from the previous meeting. He is not able to address the question because according to legal counsel it is a personnel issue.

(12) Public communications: Mrs. Reay read the policy. There were no public comments.

Motion by Mrs. Reay to enter into executive session at 8:16 pm pursuant to 1 MRSA Sec. 405(6)(A) for a personnel matter and invite the Town Manager to attend, **second** Mr. Dunn; **vote** 5-0-0.

Recorded by Deborah Nichols.

Next section recorded by Stefan Pakulski:

The Select Board entered executive session at 8:16 PM and moved to the first floor of Gile Hall.

The Board left executive session at 8:30 PM and reconvened in open session.

Motion by Mrs. Reay, **second** by Mr. Durgin, to enter executive session pursuant to MRSA Title 1, section 405, 6.A. for negotiation of the Town Manager's new contract. **Vote:** 5 – 0.

The Board entered executive session at 8:31 PM.

The Board left executive session at 10:30 PM.

Mrs. Reay reconvened the meeting in open session then adjourned with no further Board actions.

Readfield Select Board
Special Meeting Minutes December 23, 2013 - *Unapproved*

Select Board members present: Sue Reay (Chair), Valarie Pomerleau, Greg Durgin (Vice Chair), Allen Curtis, and Larry Dunn.

Others attending: Robin Lint, Town clerk

Meeting called to order by Chair Sue Reay at 8:37 AM.

Motion by Mr. Durgin, **second** by Mr. Curtis, to enter executive session pursuant to Title 1 MRSA, section 405 6 A for a personnel matter and not invite the Town Manager in. **Vote:** 5 - 0

The Board left executive session at 11:15 AM.

Motion by Mrs. Reay, **second** by Ms. Pomerleau, to adjourned the meeting at 11:15 AM.

Recorded by Robin Lint

Readfield Select Board
Regular Meeting Minutes December 30, 2013 - Unapproved

Select Board members present: Valarie Pomerleau, Allen Curtis and Larry Dunn.

Others attending: Shannon Gould (PEG TV), Teresa Shaw (Acting Town Manager), William Brown, Lenny Reay, Charles Shaw and Tom Dunham.

The meeting was called to order at 6:32 pm by Mr. Dunn. The Pledge of Allegiance was made.

(1) Minutes: Motion by Mr. Curtis to approve the minutes of 12/16/2013 and 12/23/2013 as written, **second** Ms. Pomerleau; **vote** 3-0-0.

(2) Warrant #15: The warrant was reviewed by Mr. Dunn. **Motion** by Ms. Pomerleau to accept warrant #15 in the amount of \$331,136.63, **second** Mr. Curtis; **vote** 3-0-0.

(3) Select Board communications: Ms. Pomerleau thanked the people who provided help and services during the recent ice storm.

(4) Town Manager: Mr. Dunn thanked Teresa Shaw for serving as Town Manager during Mr. Pakulski's vacation. Ms. Pomerleau questioned why residents were told to utilize the Civic Center as a warming shelter and not Maranacook High School.

(5) Boards, Committees, Commissions & Departments: Meeting minutes from the Conservation Commission and the Cemetery Committee were received.

(6) Maranacook Lake Outlet Dam agreement update: **Motion** by Ms. Pomerleau to accept the interlocal dam agreement between Winthrop and Readfield and to sign the document tonight with the remaining Select Board members not present to sign at the Town Office, **second** Mr. Curtis; **vote** 3-0-0.

(7) Town Manager Roles & Responsibilities update – final reading: Vote tabled until the next meeting.

(8) Select Board Roles & Responsibilities Appendix – first reading: A second reading will be scheduled for the next meeting.

(9) Naming policy – first reading: Tabled until the next meeting.

(10) Event form proposal: The response received from MMA was discussed. Mr. Curtis said his focus is not on employees of the Town; he would like to have some form of record to keep track of Town Manager performance. He stated he will use his form for Town Manager review purposes and will share this with the Town Manager. Ms. Pomerleau clarified problems with the Town Manager should be shared during executive sessions. Mr. Curtis stated he did not believe this was correct and would like to see this in writing from MMA.

(11) FOAA policy updates – first reading: The updates were prepared by Ms. Pomerleau and were directly copied and pasted from an MMA article. A second reading will be held at the next meeting.

(12) Job Description – Town Manager: Discussion was tabled.

(13) Other: There was a discussion regarding going out to bid for legal services. The Board unanimously directed the Town Manager to recommend criteria for review of legal services and report to the Board within one month.

(14) Public Communications: Mr. Dunn gave a reminder of the public communications policy.

- Tom Dunham asked about the fee schedule for FOAA copies. He feels .50 per page is not a reasonable price. Ms. Pomerleau will research this. He also said in 1967 the town manager form of government was repealed and slightly changed by the 104th legislature and gave the Board written documents to support this.
- Lenny Reay asked questions about the payment for tree trimming services approved on the warrant. He also said the Town truck was in the maintenance employee's driveway on 12/22/2013. Mr. Reay also commented about the Town generator, which he said was running on 12/24/2013 but the office was closed and in his opinion should have been open.
- Tom Dunham asked questions about how residents can comment on the budget. He expressed concern that articles presented at Town Meeting are not specific enough to give an accurate accounting of expenditures. Lenny Reay agreed with this. There was a discussion regarding line item budgets.
- Bill Brown said line item budget breakdowns can be provided by Teresa Shaw if requested. He would also like more of a breakdown in Town Meeting warrant articles.
- Mr. Curtis commented this will be one of the toughest budget sessions in years. Ms. Pomerleau said many towns are turning down their budgets. Mr. Curtis encouraged every citizen to speak up and be heard.
- Bill Brown said legal fees on this warrant are staggering and encouraged the Board to research other legal services options.
- Lenny Reay requested the audio broadcasting be fixed.

The meeting was adjourned at 7:56 pm.

Recorded by Deborah Nichols

Readfield Select Board
Special Meeting Minutes January 7, 2014 - *Unapproved*

Select Board members present: Sue Reay (Chair), Valarie Pomerleau, Greg Durgin (Vice Chair), Allen Curtis, and Larry Dunn.

Others attending: Stefan Pakulski, Town Manager

Prior to the meeting, the Town Manager provided a brief update of an icing event on the Gorden Road/Route 135 North.

Meeting called to order by Chair Sue Reay at 5:10 PM.

Mrs. Reay explained the purpose for the two proposed executive sessions. The first session would be at the request of Mr. Curtis and Mrs. Pomerleau for the Select Board to discuss separate personnel issues. The second session would be to discuss another personnel issue, but specifically to inform Mr. Curtis and Mrs. Pomerleau about details that pre-date their membership on the Select Board. Mrs. Reay also informed the Select Board that she would recuse herself from the second session due to a possible conflict of interest.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to Title 1 MRSA, section 405 6 A for a personnel issue, and to invite the Town Manager to attend.

Vote: 5 – 0.

The Board entered executive session at 5:15 PM.

The Board left executive session at 6:00 PM and reconvened in open session.

Motion by Mrs. Durgin, **second** by Mr. Curtis, to enter executive session pursuant to Title 1 MRSA, section 405 6 A for a personnel issue, and to invite the Town Manager to attend.

Discussion: Mrs. Reay recused herself and left the meeting.

Vote: 4 – 0.

The Board entered executive session at 6:02 PM.

The Board left executive session at 6:48 PM and reconvened in open session.

Vice Chair Durgin adjourned the meeting at 6:49 PM.

Recorded by Stefan Pakulski

#2

Warrant
(at meeting)

#3

Select Board

3. Select Board communications

The Select Board will host the joint meeting of Chairs of all Town boards, committees and commissions at 6:30 PM on January 15, 2014 at the Maranacook High School Media Center. Light refreshments will be served. Sue Reay has developed an agenda for the meeting.

The Select Board will meet with the Budget Committee at 6:30 PM on January 30, 2014 to review the CIP.

Sue Reay will review progress toward Select Board goals.

Board members may share other communications items with the Select Board.

#4

Town Manager

4. **Town Manager report for January 13, 2014 - Task list updates:**

GA applications: processed for heat assistance to a few residents.

IT proposals: Received several proposals to provide IT services to the Town Office and will consider selecting a new consultant shortly.

Road Committee: met to continue work on consolidating the Road ordinance and the Road Standards section of the LUO. This will continue with assistance from the CEO, with the intent to develop any necessary warrant article for this year's Town Meeting. Also reviewed comments on snow plow contract performance, planned projects for the next fiscal year (as used in the CIP), and to consider possible signage for dangerous intersections around Town. The committee will also review the status of the Woolen Mill Bridge on Giles Road at a future meeting.

Cemetery Committee: met and shared reference checks for Littlefield & Sons who provided a bid for mowing services. The committee will invite the contractor to the next meeting for a possible interview.

Ice storm costs: reported costs to KCEMA, including possible costs for the snow plow contractor, if approved by FEMA.

Ice Storm debriefing scheduled: This will be held at 3:00 PM on January 14, 2014 with the Select Board Chair, Vice Chair, Fire Chief, Head of Maintenance and Town Manager.

Contacted MMA legal services regarding the Town Manager Plan based on public comments at last Select Board meeting. Waiting for response.

Contacted Bernstein Shur for legal services cost breakdown on Nov. 2013 invoice. Waiting for response

Arranged and attended Transfer Station compactor maintenance inspections by Atlantic Leasing. Took samples for hydraulic oil tests and will receive lab report. Functional age of equipment could be 10 – 15 years if maintained well. Reviewed maintenance procedures with staff members.

Budget planning: This started with staff members in December 2013, and with the Budget Committee related to the CIP, and will continue in preparation for budget meetings that will start in February.

Select Board: Prepared and attended Select Board meetings. Followed-up specific actions and requests.

September 2013 log: Please see attached summary based on analysis of full monthly data.

Town Manager's September 2013 Time Log Summary

The Town Manager kept a Time Log during September 2013 as a way to gain insight into workload, scheduling and delegation options. The summary analysis (below) based on the full monthly data does not vary much from the initial percentages from a partial analysis presented previously in October 2013:

Roads related: 21.90%	Select Board related: 18.77%
Staff related: 9.09%	Messages & scheduling: 11.43%
Finance related: 7.24%	Boards & Committees: 6.24%
Transfer station: 6.61%	Administrative issues: 7.24%
Residents: 4.35%	Interlocal/Regional issues: 7.14%

Some of these trends would vary based on the season and work demands (such as the recent road reconstruction projects). Other areas and times of expected variation would include the Budget season of Dec-Mar of the municipal calendar, General Assistance demands that usually occur in winter, and Town Meeting preparation that takes place March-June.

#5

Boards,
Committees,
Commissions &
Departments

5. Boards, Committees, Commissions & Departments

The Board may hear any reports from other committees or departments. There were no items submitted for the meeting packet.

Appointments/Reappointments - None pending

#6

Maranacook Lake
Outlet Dam
agreement update

6. Maranacook Lake Outlet Dam agreement update

The three attending members of the December 30, 2103 Select Board meeting voted to approve the presented version of the Maranacook Outlet Dam Interlocal Agreement with the Town of Winthrop. Their motion included having the remaining Select Board members not present to sign the agreement later at the Town Office.

The Select Board Chair and Vice Chair request that this vote be reconsidered. This will require a motion from one of the three Board members who voted for it at the last meeting. The reason is that the Chair and Vice Chair would rather vote before signing the document.

There is one small suggested change as well to the document: On page 3, in item e. the third to the last word should be "share", not "sheet".

If the Board agrees to reconsider the previous approval and signing, the Board could also then discuss whether to void that approval, and to consider approving and signing the revised clean version of the agreement as attached.

INTER-LOCAL AGREEMENT
FOR
MANAGEMENT OF THE MARANACOOK LAKE OUTLET DAM

The purpose of this Agreement is to enumerate responsibilities of signatory municipalities for operation and maintenance of Maranacook Lake Outlet Dam (also known as the upper dam) that is owned by the signatory municipalities.

This Agreement will become effective as soon as it is ratified by the Readfield Select Board and the Winthrop Town Council. This Agreement will remain in effect, as amended by approval of signatory municipalities, until it is rescinded or revoked and replaced by a similar agreement or charter.

This Agreement is being entered into by the Towns of Readfield and Winthrop.

Costs of operation, maintenance, and capital improvements for the dam shall be apportioned pro-rata between or among signatory municipalities, with pro-rata share to be based upon the respective miles of shoreline within each municipality. The Towns of Readfield and Winthrop will bear these costs under the following pro-ration:

<u>Town</u>	<u>Shoreland Miles</u>	<u>Share of Costs</u>
Readfield	11.636	53.3%
Winthrop	10.178	46.7%

Each signatory municipality may, at their discretion, establish their own separate reserve account for future dam maintenance and improvements costs.

Signatory municipalities to this Agreement will appoint members to serve upon a committee, designated the “Maranacook Lake Outlet Dam Committee”, consisting of not more than five (5) regular members with voting rights, appointed to staggered terms. The Town of Readfield will appoint two (2) regular members and one (1) alternate member; the Town of Winthrop will appoint two (2) regular members and one (1) alternate member; and the Cobbossee Watershed District will appoint one (1) regular member and one (1) alternate member on the committee. Upon expiration of initial appointments, subsequent appointments will be for a three year period.

Voting members of the Maranacook Lake Outlet Dam Committee will be sworn to the faithful performance of their duties. At the first meeting, members of the committee will elect a member to serve as Chairman and a member to serve as Secretary.

The Winthrop Town Manager will select a person for employment as the Dam Custodian. The person hired as Dam Custodian will be recorded as an employee of the Town of Winthrop, paid on the Winthrop Town Payroll, with payroll records maintained by the Town of Winthrop.

The responsibilities and functions of the Maranacook Lake Outlet Dam Committee are as follows:

- a. Hold periodic meetings to verify and discuss water levels in Maranacook Lake, with representatives of the Cobbossee Watershed District. They shall meet at least annually.
- b. Recommend to the officials of signatory municipalities those actions the committee believes should be taken by these municipalities to satisfy current and future dam management requirements, including structural modifications to the dam.
- c. Make operational recommendations and advise the officials of signatory municipalities when dam operations are unsatisfactory.
- d. Prepare a proposed annual budget for operation, maintenance, and repair of the Dam, and submit the proposed budget to the officials of signatory municipalities for approval and inclusion in the General Fund Budget of signatory municipalities according to the pro-rata share of each.
- e. At least one member of the Maranacook Lake Outlet Dam Committee appointed to the committee by each signatory municipality will attend the annual Town Meeting or appropriate Town Council meeting for that Town to answer questions voters may have regarding the dam.
- f. All committee actions or recommendations must be supported by vote of committee members, with no actions being taken or recommendations being made in the name of the Maranacook Lake Outlet Dam Committee unless supported by a simple majority of the Committee members present at the meeting. No vote of the Committee will be valid unless there are at least 3 members of the appointed members with voting rights present at the meeting.
- g. All Committee meetings will be at the call of the Chair of the Dam Committee, will be open to the public, and will be posted according to policy or practice in each respective town.

The responsibilities and functions of the Dam Custodian are as follows:

- a. Inspect the dam at least once a week. Open or close the gate at the dam as necessary to follow water level management directed by the Cobbossee Watershed District.
- b. During inspections of the dam, remove any debris or obstructions, including ice, that may have come to rest against the dam or the screen protecting the dam. During certain times of the year, inspections will be needed more than once a week.

- c. Report any damages to the dam to the Maranacook Lake Outlet Dam Committee Chair and to the Town Manager immediately upon discovery;
- d. Report any weaknesses, deficiencies or equipment failures detected at the dam to the Chair of the Maranacook Lake Outlet Dam Committee and the Town Managers of Readfield or Winthrop.
- e. Submit invoices for contractor work or rented equipment to the Treasurer, Town of Winthrop, when needed. These costs will be shared between the signatory municipalities according to the pro-rata share of each.
- f. Maintain a written log of inspections, notifications, and maintenance activities for those operation and maintenance activities that incur costs to be shared between the signatory municipalities.

The Town of Winthrop will be responsible for funds administration, including accounting records, payments, receipts, and auditing.

The Town of Winthrop will be responsible for maintaining payroll records, withholding State and Federal Income Taxes and reporting Social Security deductions for the Dam Custodian.

The Town Managers or other designated municipal officials of signatory municipalities will be responsible for evaluating the annual budget proposal submitted by the Maranacook Lake Outlet Dam Committee and assuring that the pro-rata share of each signatory municipality is included as a funding Article for a vote by the legislative body.

The respective Treasurers for the Towns of Readfield and Winthrop will work out the details for paying for any dam operations, maintenance, capital improvements, or other work on the dam for which the signatory municipalities are jointly responsible.

Funds approved for reserve accounts by annual legislative body votes in signatory municipalities will be maintained in separate accounts by each signatory municipality.

This Agreement will be reviewed at least annually for additions, deletions or changes, by the respective municipal legislative bodies. Any required modifications will be coordinated by the Maranacook Lake Outlet Dam Committee with the legislative bodies. Additions, deletions or changes to this Agreement can only become effective upon a majority vote of each signatory municipality's legislative body.

This amended Inter-Local Agreement for Management of the Maranacook Lake Outlet Dam is approved and becomes effective on the _____ day of _____ as affirmed by the signatory municipalities identified below:

FOR THE TOWN OF READFIELD

FOR THE TOWN OF WINTHROP

The original Inter-Local Agreement for Management of the Maranacook Lake Outlet Dam was approved and became effective on the 14th day of August 2006 as affirmed by the signatory municipalities on the original document.

#7

Town Manager
Roles &
Responsibilities
update: final
reading

7. Town Manager Roles & Responsibilities update: final reading

Please see the attached version of the Town Manager Roles & Responsibilities document. This has been updated to reflect approved amendments at different times by the Select Board. The document has been reviewed in this form by the Select Board at least once. Tonight could be a final reading before Board approval. If there are any new changes suggested, the document could be brought back again at a future meeting.

Roles and Responsibilities of Readfield Town Manager *Approved by the Readfield Select Board on June 3, 2010; and amended on August 30, 2010; amended on June 6, 2011; amended on January 13, 2014.*

Purpose of Town Manager

Readfield's Town Manager performs the executive and administrative duties for the Town as prescribed by Maine Law in 30-A M.R.S.A. § 2636. This statute is attached as Appendix 1.

Appointment of Town Manager

Readfield's Select Board has the responsibility to recruit, hire, evaluate and terminate the Town Manager. The Town Manager operates under a multi-year contract which will enumerate all conditions of employment including a term- of up to 3 years, benefits, protocol for evaluation and specific expectations not otherwise detailed by public law. The Town Manager is responsible for all other personnel appointments within the Town.

The Town Manager shall notify the Select Board of any resignations, terminations, suspensions, and new hiring of his or her personnel.

Duties of the Town Manager

The general responsibilities of the Town Manager are prescribed by Maine law. (See Appendix 1, 30-A M.R.S.A. § 2636 Powers and Duties of Town Manager, attached.) In this section, each of these 14 specific responsibilities is further discussed as applied in the Town of Readfield.

1. Is the chief executive and administrative officer

The Town Manager shall be the head of the administrative branch of the town government, and shall be responsible to the Select Board for the proper administration of all Town affairs.

2. Administers offices

Subject to the listing in section 6 herewith, the Town Manager shall appoint, prescribe the duties of, supervise, and, when necessary for the good of the Town, suspend or remove all town employees and appointive administrative officers. The Town Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

The Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town except as otherwise provided by this Policy or by general law.

3. Executes law and ordinances

The Town Manager shall see that all laws, Town ordinances, and acts of the Select Board, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

4. Is the department head

The Town Manager shall serve in any office as he or she is the head of any department under the control of the Select Board when directed by the Select Board.

5. Appoints department heads

The Town Manager shall appoint, subject to confirmation by the Select Board, supervise and control the heads of departments under the control of the Select Board when the department is not headed by the Town Manager under section 4, herewith.

6. Appoints some Town officials

Unless otherwise provided by town ordinance, the Town Manager shall appoint and report such appointments to the Select Board and supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards and committees; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the Select Board.

(The Select Board appoints the Town Treasurer; Tax Collector, Welfare Director, Road Commissioner, Transfer Station Manager and Fire Chief, as well as all members of boards, commissions, committees and single assessors.)

7. Is purchasing agent

The Town Manager works closely with the Financial Officer and shall act as purchasing agent for all departments of the town.

8. Must attend meetings of the Select Board

The Town Manager shall attend meetings of the Select Board except when his or her attendance is excused or not required by the Select Board, may attend when his or her removal is being considered, and shall have the right to take part in discussion but may not vote. The Town Manager may be invited to sit with the Select Board during their meetings.

9. Shall make recommendations to the Select Board for the more efficient operation of the Town.

The Town Manager shall prepare and submit to the Select Board such reports and shall perform such duties as the Select Board may require, and shall make such recommendations to the Select Board concerning the affairs of the Town as he or she deems desirable or as the Select Board may request.

The Town Manager shall act as the Town representative for grant applications, both public and private, and shall actively pursue grants involving money, equipment, and other awards, that can benefit the Town.

This duty includes routine collaboration with neighboring municipalities and with RSU #38 to work co-operatively for mutual benefit.

10. Shall attend Town Meeting and hearings

This duty applies strictly to annual or special Town Meetings. However, the Town Manager is encouraged to attend other public meetings in which municipal business is being conducted.

11. Shall inform the Select Board and Town residents of the Town's financial condition

This shall be done on a routine monthly basis by placing a snapshot budget summary in the Readfield Messenger and on the PEG TV Station and as requested by the Select Board.

12. Shall collect data necessary to prepare the annual budget

This duty is performed in conjunction with a Budget Committee (appointed by the Select Board), the Finance Officer, other staff members, and representatives of town boards, committees and commissions. The CIP (Capital Investment Plan) as approved by the Select Board shall be utilized in the annual budget preparation.

The Town Manager shall also prepare and submit the annual capital program, and annual financial and administrative reports to the Select Board, and be responsible for the administration of the annual Municipal Budget and CIP (Capital Investment Plan) after their adoption.

13. Shall assist residents

The Select Board encourages this responsibility to be as proactive as possible. The Town Manager should individually and through his or her staff be aware of and respond to issues of concern among Town residents. Maintaining a positive, open and caring attitude within the municipal offices is important.

14. May remove all persons whom the manager is authorized to appoint, for cause, after notice and hearing

Such actions may be grieved to Select Board with due notice.

Select Board/Town Manager Relationship

The employment relationship between the Select Board and the Town Manager honors the fact that the Town Manager is the chief administrative officer of the Town. The Select Board and the Town Manager are a participatory team and the Select Board should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by one or more members of the Select Board. Both parties will adhere to the following access to information.

Individual Select Board members, as well as the Select Board as a whole, are permitted complete freedom of access to any public information requested of staff according to established public information request procedures or as support for regular and special Select Board meetings. The Town Manager or his/her designee will always pass critical information to all Select Board members and inform the Select Board when a critical or unusual event occurs about which the public might be concerned.

The Select Board recognizes the primary functions of staff as executing Select Board policy and actions taken by the Select Board and in keeping the Select Board informed. The Select Board

expects the Town Manager to not cause or allow any practice, activity, decision, or circumstance which is illegal, immoral, imprudent, or in violation of community accepted business and professional ethics. Staff is obligated to take guidance and direction only from the Town Manager or from the appropriate management supervisors, following guidance and direction from the Select Board as a whole to the Town Manager. Staff is directed to reject any attempts by individual members of the Select Board to direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

The Town Manager will make every effort to respond in a timely and professional manner to all information requests from individual Select Board members, provided that the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned through the direction of the full Select Board. If a request by an individual Select Board member is determined by the Town Manager to take more than 1/4 hour of staff time to complete, that request may be included as a request submitted by the Select Board on the formal Select Board agenda for full Select Board discussion.

Select Board members have a responsibility in this information flow as well. It is critical that they make extensive use of staff and committee reports and minutes. Select Board members should come to meetings prepared – having read item documents as well as any additional information or memoranda that includes an update on major projects or evolving issues. Additional information may be requested through the Town Manager, if necessary.

Any information, service-related needs, or policy positions perceived as necessary by individual Board members which cannot be fulfilled based on these guidelines should be scheduled for a Select Board meeting. If so directed by action of the Select Board, the Town Manager will proceed to complete the work within a Select Board-established timeline.

Regular communication between the Select Board and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the responsibilities of the Town Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Town Manager.

The Town Manager must ensure that there is follow through and Select Board reporting on to-do items and on project status. The Town Manager will utilize a master project list and a to-do list as a means of quickly delegating, monitoring and reporting the status of projects. The Town Manager will expand this use of lists to his or her staff so that they can also quickly present updates on projects and their master to-do list.

The Select Board is to evaluate the Town Manager on a regular basis to ensure that both the Select Board and Town Manager are in agreement about performance and goals based on mutual trust and common objectives. Readfield Select Boards have utilized the following areas of performance when evaluating the Town Manager: Personal, Behavior Flexibility, Professional skills and status, Relations with members of the Select Board, Policy execution, Communication, Resident relations, Staffing, Supervision, Fiscal Management, Community and Overall performance.

As in any professional relationship, it is important that the Town Manager keep the Select Board informed. The Town Manager respects and is sensitive to the political responsibility of the Select Board and acknowledges that the final responsibility for establishing the policy direction of the Town is held by the Select Board. The Town Manager communicates with the Select Board in various ways. In addition to what is spoken at the formal Select Board meetings there is a printed communication at each meeting detailing the topics discussed. There is also a biweekly meeting with the Chair and Vice-Chair to plan agendas and to become current with issues affecting the Town. Scheduling information and agendas are disseminated via email. Every effort must be taken to ensure that all Select Board members are treated similarly and kept equally informed. It is equally important that the Select Board provide ongoing feedback, information and perceptions to the Town Manager including some response to written communication requesting feedback.

Town Manager's Code of Ethics

The Town Manager is subject to a professional code of ethics from his/her professional association. These standards appear in the appendix of this manual. It should be noted that this code binds the Town Manager to certain practices that are designed to ensure actions are in support of the Town's best interests. Violations of such standards can result in censure by the professional association. This code is posted in the Town Manager's office and lobby area.

Conflict with Laws

Any conflict or inconsistency between these Roles and Responsibilities and any applicable law shall be resolved in favor of the law.

Amendments

These Roles and Responsibilities, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless otherwise provided by law. These Roles and Responsibilities may be amended at any time in writing by majority vote of the Select Board, as long as consistent with law.

Appendix 1

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
Subchapter 2: TOWN MANAGER PLAN HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

30-A §2636. POWERS AND DUTIES OF TOWN MANAGER

The town manager: [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Executive and administrative officer. Is the chief executive and administrative official of the town;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Administer offices. Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Execute laws and ordinances. Shall execute all laws and ordinances of the town;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Department head. Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

5. Appoint department heads. Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

6. Appoint town officials. Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the board of selectmen;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

7. Purchasing agent. Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a

designated amount must be submitted to sealed bid;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

8. Attend meetings of selectmen. Shall attend all meetings of the board of select board , and the town manager may attend meetings when the manager's removal is being considered;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

9. Make recommendations. Shall make recommendations to the board of selectmen for the more efficient operation of the town;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

10. Attend town meetings. Shall attend all town meetings and hearings;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

11. Inform of financial condition. Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

12. Collect data. Shall collect data necessary to prepare the budget;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

13. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

14. Remove appointments. Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §2, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8,10 (AMD).

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 124th Legislature, and is current through December 31, 2009, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

Appendix 2

ICMA Code of Ethics International City/County Management Association

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Roles and Responsibilities of Readfield Town Manager *Approved by the Readfield Select Board on June 3, 2010; amended on August 30, 2010; amended on June 6, 2011; amended on January 13, 2014.*

Select Board for the Town of Readfield:

Sue Reay, Chair

P. Greg Durgin, Vice Chair

Valarie Pomerleau

Lawrence Dunn

Allen Curtis

Date Amended

#8

Select Board

Roles &

Responsibilities

Appendix A: 2nd

reading

8. Select Board Roles & Responsibilities Appendix A: 2nd reading

Please see the attached copy of the complete Select Board Roles & Responsibilities document, including the proposed Appendix 1. There are also some additional proposed changes on page 2 under #7, under #12, page 3 under #16, as well as pages 7-12 Appendix A.

The Board could consider these changes and any other possible suggestions. A revised document could be available for approval at the next regular Select Board meeting on January 27, 2014.

Roles and Responsibilities of the Readfield Select Board , Adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended February 13, 2012, amended October 10, 2012, updated on Oct 21th, 2013 with all amended dates listed above, amended January 27, 2014

Purpose of Select Board

The Readfield Select Board will fulfill the executive functions of the Town. It implements the directions of Readfield's residents as voted upon in Annual and Special Town Meetings. Many of the actions of the Select Board are delegated to the Town Manager (the Town Manager will frequently delegate tasks to his or her Staff). The Select Board may also create and empower certain Committees to oversee specific Town functions.

Responsibilities of the Select Board fall into 4 general categories:

1. Oversight of Town finances
2. Protection of health, safety and welfare of Town residents
3. Management of Town property and personnel, and
4. Management of relations with contractors, with external agencies, and with the public

While most of the tasks associated with these responsibilities will be delegated to others (typically the Town Manager), the ultimate responsibility remains with the Select Board.

Makeup of Select Board

Readfield's Select Board is composed of 5 members, each elected by public vote of Town residents. Each member will be a Town resident.

Election of Select Board members

Each Select Board member is elected for a 3-year term, whose term will begin at the start of the Town's fiscal year which immediately follows the election. Vacancies on the Select Board may be filled by interim elections, with a term limited to the end of the current vacated term.

Duties and Responsibilities of the Select Board

The Select Board is, and shall act as, a body, and not as individuals. Except as provided in this document or by a specific action of the Select Board, no individual Select Board member will have authority to act outside of official sessions of the Select Board.

Specific duties and responsibilities of the Select Board are enumerated below.

1. Prepare, with assistance of a Budget Committee and the Town Manager, an annual Budget, and present the Budget at Town Meeting
2. Review and modify, on at least an annual basis, a Capital Investment Plan (CIP) for the Town
3. Annually elect a 3-person Board of Assessors from the Select Board

4. Annually, at first meeting in each fiscal year, elect a Chair and a Vice-chair of the Select Board
5. Annually establish a tax rate (mil rate)
6. Recruit, contract with and supervise a Town Manager, who will conduct much of the work of running Town business
7. Develop, review and modify policies *annually* for Town business, including the function of the Select Board itself
8. Hold regular bi-weekly public meetings of the Select Board to conduct routine Town business. These meetings will be televised and will include opportunity for public participation. Meetings will follow an agenda prepared in advance by the Chair, the Vice Chair and the Town Manager. A template for meeting agenda items will include:
 - a) Call to order and roll call
 - b) Pledge of Allegiance to American flag
 - c) Review and approval of minutes of the previous meeting
 - d) Approval of warrants for payments of all Town expenses
 - e) Oral and written communications among Select Board and other Town offices, including reports from Select Board members, Town Manager, Town Clerk, Town Boards, Commissions and Committees
 - f) Appointments and reappointment's
 - g) Old (unfinished) business
 - h) New business
 - i) Other
 - j) Executive session
 - k) Public Communications
 - l) Adjournment
9. The Select Board will appoint a member to take notes at meetings of what requests for information and to-do items were mentioned at each meeting, and to share those notes with the Town Manager. The Select Board Chair and Vice-Chair will discuss current workload and time demands with the Town Manager as part of bi-weekly agenda meetings.
10. Schedule and conduct special meetings as needed for specific purposes and as the Select Board deems necessary.
11. Establish standing Boards and Commissions, and approve appointment of all members to these Boards and Commissions.
12. Establish ad hoc Committees as needed to accomplish specific Town business; approve a Charter for each such Committee; and approve all members seeking appointment to such Committee.
13. Conduct a Select Board retreat at least annually for purpose of assessing the Town's success in meeting previously established goals, and to set goals for the coming year.
14. Conduct an annual joint meeting of Select Board and Chairs of all Town Boards and Commissions to review Town goals.
15. Maintain and encourage a free exchange of information between the Select Board, the public, Manager and his or her staff; other town, county and State offices, Town boards and commissions, and the Town Manager and his or her staff.

16. Appoint individuals from the Select Board as liaisons to the various Town Boards, Commissions *Committees* and ad hoc committees.
17. Annually appoint an individual to the following positions: Treasurer, Road Commissioner, Transfer Station Manager, Tax Collector, Welfare Director and Fire Chief.
18. Dispose of surplus or unnecessary equipment or property owned by the Town, when such disposal is deemed by the Select Board to be in the best interest of the Town.
19. Upon and to the extent of approval of voters at Town Meeting make appropriations from any available budget line to cover emergency expenses.
20. Act as a quasi-judicial body when and as required by Maine Statutes.
21. Work collaboratively with nearby towns for sharing resources, joint purchases, sharing best practices and similar actions which are beneficial to the towns but which do not diminish the individual character of each town.
22. Conduct a quarterly review of the Comprehensive Plan implementation checklist by the Board.

Duties and Responsibilities of Select Board Chair and Vice Chair

In addition to their duties and responsibilities as members of the Select Board, the Chair and Vice Chair have additional duties and responsibilities. These additional duties are discussed in this section. Except when the Chair and Vice Chair are noted jointly, it is presumed that primary responsibility falls upon the Chair, but that the Vice Chair will assume such responsibility in the following instances: (a) absence of the Chair; (b) whenever the Chair has a conflict of interest, as defined by law or by the Town of Readfield's Conflict of Interest Ordinance with the business being conducted by the Select Board; (c) at any other time at the reasonable discretion of the Chair.

1. The Chair will conduct all meetings and workshops of the Select Board.
2. The Chair and Vice Chair, working with the Town Manager, will prepare an agenda for each Select Board meeting.
3. The Chair will maintain a schedule and preliminary agenda for all meetings and workshops to be conducted in his or her term. This will be used to help assure efficient use of the Select Board's time while conducting necessary Town business.
4. The Chair and Vice Chair will routinely meet with the Town Manager to ensure that they stay current with Town issues. This meeting will be no less frequently than bi-weekly, and may be combined with the task of setting the agenda for regular Select Board meetings.
5. The Chair, representing and with the approval of the whole Select Board, will communicate with the Town's legal counsel when the Select Board is seeking advice in the following: (a) issues that concern the Select Board's supervision of the Town Manager; or (b) issues that concern the Select Board in its role as an arbitrator between the Town Manager and other Town employees. The Select Board, in its sole discretion and as legally applicable, may involve the Town Manager in the above discussion with counsel. The Chair will report back to the whole Select Board any advice given by legal counsel. All communication between the Chair and counsel will be posted in a publicly-available log which notes time, date, persons communicating, method of communication and general nature of the communication; however, specific advice will not be posted, as it will likely be considered privileged attorney-client communication.

6. The Chair maintains files containing information pertinent to his/her duties. Such information includes manuals and policies, a copy of Robert's Rules of Order, a history of various projects and issues of interest to the Town, contract, personnel information and evaluations relating to the Town Manager (if not confidential in nature), budget and CIP information for past and current years, and legal communications. Only files deemed as public information may be kept by the Chair, as all confidential records must be kept at the Town Office in accordance with law. Select Board members will have unlimited access to the Chair's files upon request. An outgoing Chair will convey these files to the succeeding Chair.
7. The Chair is deemed to be the public spokesperson for the Select Board, although he/she can designate this responsibility freely. With consent of the Select Board, the Chair will execute agreements, appointments, licenses, applications, correspondence and other documents.
8. The Chair on behalf of the Select Board will approve payroll and expense documentation for the Town Manager.
9. All members of the Select Board are eligible for election as Chair or Vice Chair and may serve any number of consecutive terms, as elected annually by fellow members.
10. A vacancy in the position of Chair or Vice Chair will be filled as soon as possible by a regular election process.
11. The Select Board may remove the Chair from office by a vote of at least three (3) Select Board members. Such vote shall be taken only after notice in writing to the Chair, public notice and a hearing conducted in open session. The Chair shall have the right to waive the requirement for public notice and/or hearing in open session; however, any vote for removal of the Chair must be conducted in open session. The Chair is responsible for writing an article for the Town Report each year and monthly for the Readfield Messenger.
12. Discussions with Town Staff by Select Board members are limited as described in this document.

Access to Information

The Select Board may require access to recorded or historical information as it conducts Town business. The Select Board (or individual members) will have complete access to any Town information unless protected by law. Requests for any information should be made through the Town Manager, but can also be made to other appropriate Town employees when delegated by the Town Manager. Requests for information that would require an undue amount of staff time (in excess of 1/4 hour) should be reconfirmed among the Select Board Chair, the requesting member and the Town Manager to see if the request can be narrowed. If, after consideration by this group, the information request is still considered by the Town Manager to be unduly difficult or time-consuming, the matter will be reconsidered by the full Select Board, whose decision will be binding. The Select Board and its individual members should structure requests so that they deal only with retrieval of documents and data, and so that such requests minimize the need for additional work. Select Board requests for opinions and recommendations on specific items will go through the Town Manager or his/her designee.

Notwithstanding the above, it is imperative that the Select Board receive the professional observations, opinions, ideas, criticisms and concerns of the Town Manager and Town Staff.

Town employees are often more keenly aware of issues and opportunities, and, if Select Board action is required to advance or correct the issue, it needs to be actively communicated to the Select Board by the Town Manager. Such communication may take one of several forms, including (a) discussion at bi-weekly meeting of Chair and Town Manager, (b) a paragraph in the written Town Manager's report at each regular meeting of the Select Board, (c) verbal comments at the annual Select Board/Staff workshop or (d) comments directly from Town staff within Select Board meetings or as designated by the Town Manager. All Select Board members should recall, however, that they are not permitted to act individually to resolve any such issues so communicated, nor to interfere with the Town Manager's role; action by the full Select Board is still required, while respecting appropriate roles for the Select Board and Town Manager. The Select Board should encourage the Town Manager to rely on the professional input of the Town employees to better inform decisions that affect Town government operations.

Select Board members must always abide by the Select Board > Manager > Staff communication / "chain of command" structure. Select Board members should refrain from entering into discussion with Town Staff (Town Staff defined as all Town employees except the Town Manager) regarding conditions of employment and management issues. If Town Staff member begins such a discussion, the Select Board member should ask the employee to discuss this matter with their supervisor. These limits are set so as to preserve the "chain of command" and the Select Board member's neutrality when and if the condition of employment rises to a level in which the Select Board must participate as arbiter.

Procedural responsibilities of Select Board

The Select Board will use the following norms/rules in conducting its duties and responsibilities:

1. Select Board will hold regular public meetings (currently held on alternate Mondays), at which it will conduct its regular business. All Select Board members will use best efforts to attend each meeting. At least 3 members of the Select Board must be present to vote on issues. A majority vote of those Select Board members present is required for approval of any action.
2. Select Board members agree to observe Meeting Ground Rules as presented in Appendix B.
3. It will be a goal to complete each Select Board meeting within a 2 and a half-hour time limit. A longer meeting will be conducted with the consent of a majority of Select Board members in attendance at that meeting.
4. Robert's Rules of Order will be used as a guide for conducting each meeting. Deviations from Robert's Rules will be allowed if agreed upon by a majority of members.
5. An agenda for each regular Select Board meeting will be prepared by the Select Board Chair and Vice-chair in collaboration with the Town Manager. Each Select Board member is encouraged to recommend to the Chair agenda items for upcoming meetings. The agenda will be posted at prominent places within the Town, and will be distributed to each Select Board member and to other interested parties at least 3 days in advance of the meeting.
6. Special meetings of the Select Board may be held at the request of the Chair or upon the request of a majority of Select Board members. Such special meetings will be held to conduct business of a time-sensitive nature or when the amount of business to be conducted by the Select Board

requires more time than available in regular meetings. Public notice and agenda will be posted in advance of special meetings, and no business outside of the posted agenda may be conducted at that special meeting.

7. The Select Board conducts several workshops each year to perform informational, educational or deliberative functions. No formal action (voting) is conducted at these workshops (any action will be taken at a forthcoming Select Board meeting.) Select Board workshops will be held according to an Annual Select Board Workshop Schedule, which will be published no later than August 31st each year, but which can be modified at any time. All workshops are open to the public.
8. Each Select Board member will swear an Oath of Office before the Town Clerk, as stipulated by State statute, after election, or as soon as practicable thereafter, and in accordance with 30-A M.R.S.A. § 2526(9), 6/6/2011 and before participating as a Select Board member in any Town business.
9. Each Select Board member is expected to use best efforts to complete the training courses listed in Appendix A within 6 months of initial election.
10. All Select Board members will certify that they have completed mandatory training including, but not limited to, The National Incident and Management System and Maine's Freedom of Access Act.
11. Select Board members are free, and are encouraged, to communicate with members of the public, but should realize that they are not empowered to act individually on behalf of the Town. Any requests from the public for information or action should be directed to Town Manager or his or her designee.
12. Select Board members are expressly forbidden to conduct Town business outside of a duly posted public forum. Thus, they should use discretion whenever they find themselves together in groups of 3 or more. It would be best to disperse any such group of 3 or more members.
13. Select Board members should use discretion in communicating via email. Specifically, individual members should not address other members as a group via email, and should refrain from emailing any other individual Select Board members. The recommended procedure for distributing information via email is for an individual to communicate only with the Chair or the Town Manager. The Town Manager will, in turn, distribute any information to the entire group of Select Board members. It is understood that all email documents and communications between or among any Town officials are a matter of public record.
14. Telephone communication between two Select Board members is permitted, but phone conversation among more than two Select Board members is prohibited. Select Board members are not permitted to participate in meetings via telephone.
15. The Select Board By-laws (see Appendix C) are incorporated by reference.

Conflict with Laws

Any conflict or inconsistency between these Roles and Responsibilities and any applicable law shall be resolved in favor of the law.

Amendments

These Roles and Responsibilities, or any provision thereof, may be waived on any occasion by

majority vote of the Select Board unless otherwise provided by law. These Roles and Responsibilities may be amended at any time in writing by majority vote of the Select Board.

Appendix A

ORIENTATION OF NEW SELECT BOARD MEMBERS

AFTER ELECTION:

Take oath of office from Town Clerk

Fill out w-2 with Finance Director

Things to do, read and know before attending your first meeting:

- Select Board Roles & Responsibilities
- Select Board By-laws
- Town Manager Roles & Responsibilities
- Town Manager Contract
- Procedures for appointments to boards and committees
- Executive Sessions law and procedures
- Chain of command with employees
- Financial Procedures
- Current agenda items
- Current and pending contracts
- E-mail addresses and phone contacts for other board members and Town Officials
- Become familiar with the Maine State Statutes site. Title 30-A Municipalities and Counties

web site: <http://www.mainelegislature.org/legis/statutes/30-A/title30-Ach0sec0.html>

Sign up and attend ASAP:

Maine Municipal Association (MMA) training for Newly Elected Officials workshop
and other relevant workshops

National Incident Management (NIMS) course- (Can be done online)

As you can, but sooner than later, it is a recommendation to read the Town Policies:

- Select board Roles, Responsibilities, by-laws and guidelines
- Personnel Policy
- Purchasing Policy
- Disbursement of employees' wages policy
- Disbursement of state fees policy
- FOAA, NON-FOAA complaint policies
- Public Communication Policy
- Investment Policy and Fund Balance policy
- Annual Board of Chairs Meeting procedures
- Disposition of tax acquired properties policy
- Government TV Policy and Procedures
- Mailbox Guidelines
- Pre-Holiday Closing Policy
- Warrant article petition policy
- Rentals of Town Hall and Beach Property

Read Town Ordinances:

- Land Use Ordinance
- Conflict of Interest and Recall Ordinance
- General Assistance Ordinance
- Animal Ordinance
- Communication Towers Ordinance
- Firearms Ordinance
- Fire Department Ordinance
- Flood Plain Ordinance
- E-911 Ordinance
- Mass Gathering Ordinance
- Noise Ordinance
- Sludge Ordinance
- Solid Waste Ordinance
- Snow Plow Ordinance
- Readfield Corner Parking Ordinance
- Readfield follows state law pertaining to Fireworks. There is no local policy or ordinance at this time, so please read the state law.

Know the following Town Plans:

- Emergency Operations Plan (EOP)
- Capital Improvement Plan (CIP Plan)
- Comprehensive Plan

Meetings that can take place:

- Workshops
- Public Hearings
- Ad hoc committees can be formed
- Annual Select Board Retreat
- Quarterly review of Comprehensive Plan
- Select Board members attend the Annual Chairs meeting

As time allows:

- Read MMA Elected Officials Manuel
- Become familiar with Town website: www.readfield.govoffice.com/
- Walk the Trail system
- Tour the Transfer Station
- Tour the cemeteries
- Tour town roads
- Walk the sidewalk
- Know the Town buildings we are responsible for
- Read the Inter local Agreements: (Transfer Station and Maintenance)
- Attend other board, committee and commission meetings
- Write articles for Readfield Messenger: (people love information)

Update yourself on various committees and boards working on future projects:

- Library Status

- Fire Station
- Athletic Fields
- Conservation and Open Space Plan
- Town Farm Forest Plan
- Try to stay involved in the RSU 38 budget process
- Attend municipal and RSU 38 school budget meetings in spring

Additional comments:

- Be on time for meetings
- Be prepared with what is in the packet; do your homework
- Review an accounts payable and payroll warrant with someone before taking one on yourself
- Return calls, e-mails, questions, etc. from residents AFTER researching the information\
- No questions are ever stupid
- Can't please everyone, so don't try
- Don't act on your own as a board member. Be careful how you speak and state something to anyone.
- You can call any other board member anytime
- You can call the Town Manager anytime
- If there is something you want on the agenda, talk to the Chair.
- If you receive a letter from a resident, you should pass it on to JUST the Town Manager, and he and the Chair can decide to pass on to the rest of the Select Board (unless it is a complaint about the Town Manager which would go directly to only the Chair)
- Don't EVER respond to anyone on behalf of the Select Board, except to relay voted positions.

Remember there are 5 on the board that decide all Town issues.

- Enjoy it and have some fun
- LISTEN TO THE PUBLIC, stay upbeat and positive
- Try to get back to a resident whether by returning a call, e-mails or answering a question, after researching it.
- Don't try to be a hero
- When making decisions, remember you are representing the entire community.
- Admit when you are WRONG.
- Vote how you really feel. don't just go with other board members.
- People that voted you in like to see you attend Fireman's Breakfast, Bean hole supper, Heritage days, etc.
- Follow chain of command with employees (This is important that you know you cannot direct any employees to do something for you nor ask them questions concerning information about their job.)
- DON 'T TAKE THINGS PERSONALLY!!!

Appendix B

Meeting Ground Rules

Ground rules are the rules of conduct by which the Select Board members as a group agree to abide during a meeting. Ground rules are helpful because they explicitly spell out behavior and procedures that people normally consider fair but sometimes abandon in the heat of the discussion.

Behavioral ground rules identify norms for behavior. The Readfield Select Board members agree that:

- 1) We will treat each other and the public with respect.
- 2) We will not use language or tone intended to dismiss or belittle any individual or group.
- 3) The Board may disagree or have differing opinions amongst itself or with members of the public. Active listening shall be practiced by all board members and the public in an attempt to understand and resolve the underlying issues.
- 4) We will advocate for public participation providing it enhances the decision making process to informed decisions incorporating the interests and concerns of the whole community.

Procedural ground rules include any guidelines for how meetings will proceed. The Readfield Select Board members agree that:

1. When one Select Board member leaves a Select Board meeting for the duration of the meeting in progress, all discussion on the topic being discussed at the time the member leaves shall stop. If a Board member has to leave the meeting temporarily, the discussion may continue and a vote on the topic may be taken if a motion is made and seconded. In any situation where a Board member has to leave a meeting, the member has the responsibility to inform the Chair if the member plans to return to the meeting in progress and whether the member would like to be included in a vote on the topic under discussion.
- 2) The agenda shall suggest the amount of time for open discussion on any topic and the Select Board will agree or modify those suggestions at the beginning of each meeting. A time allowance for each agenda item will be provided as part of the agenda.
- 3) The Chair shall be in charge of running the meeting.
- 4) All Select Board members will be given adequate, reasonable and equal opportunity to express an opinion on every issue. The Chair will recognize each member, in turn, to give their opinion. If additional discussion on a topic is necessary, beyond time allowed in the agenda, the Chair will agree to schedule it for an upcoming meeting.
- 5) Meetings will begin on time and end on time. The meeting cannot extend beyond 2.5 hours without an affirmative vote by the board.

Substantive ground rules describe what content will be covered during the meetings. The Chair shall suggest substantive rules for each topic on the agenda and the Select Board will

agree or modify them at the beginning of each meeting. If the substance of a topic is expected to be open for any conversation, the topic will be listed as “Open”.

Code of Ethics for Public Participation Practitioners

The International Association of Public Participation (IAP2) Code of Ethics for Public Participation Practitioners supports and reflects IAP2’s Core Values for the Practice of Public Participation. The Core Values define the expectations and aspirations of the public participation process. The Code of Ethics speaks to the actions of practitioners.

Preamble

As members of IAP2, we recognize the importance of a code of Ethics, which guide the actions of those who advocate including all affected parties in public decision-making process. In order to fully discharge our duties as public participation practitioners, we define terms used explicitly throughout our Code of Ethics. We define stakeholders as any individual, group of individuals, organizations, or political entity with a stake in the outcome of a decision. We define the public as those stakeholders who are not part of the decision-making entity or entities. We define public participation as any process that involves the public in problem-solving or decision making and that uses public input to make better decisions.

This Code of Ethics is a set of principles, which guide us in our practice of enhancing the integrity of the public participation process. As practitioners, we hold ourselves accountable for these principles and strive to hold all participants to the same standards.

1. **PURPOSE:** We support public participation as a process to make better decisions that incorporate the interests and concerns of all affected stakeholders and meet the needs of the decision making process.
2. **ROLE OF PRACTITIONER:** We will enhance the public’s participation in the decision making process and assist decision makings in being responsive to the public’s concerns and suggestions.
3. **TRUST:** We will undertake and encourage actions that build trust and credibility for the process among all the participants.
4. **DEFINING THE PUBLIC’S ROLE:** We will carefully consider and accurately portray the public’s role in the decision making process.
5. **OPENNESS:** We will encourage the disclosure of all information relevant to the public’s understanding and evaluation of a decision.
6. **ACCESS TO THE PROCESS:** We will ensure that stakeholders have fair and equal access to the public participation process and the opportunity to influence decisions.
7. **RESPECT FOR COMMUNITIES:** We will avoid strategies that risk polarizing community interests or that appears to “divide and conquer.”
8. **ADVOCACY:** We will advocate for the public participation process and will not advocate for interest, party or project outcome.

9. COMMITMENTS: We ensure that all commitments made to the public, including those by the decision makers, are in good faith.
10. SUPPORT OF THE PRACTICE: We will mentor new practitioners in the field and education decision makers and the public about the value and use of public participation.

Appendix C

Bylaws of the Select Board of the Town of Readfield adopted initially on 09/02/03 and as part of the Select Board Roles and Responsibilities on 06/03/10, amended July 6, 2011, and amended February 13, 2012, amended October 10, 2012, updated on Oct 21th, 2013 with all amended dates listed above, amended January 27, 2014

Section 1. Purpose and Scope

The purpose of these Bylaws is to establish reasonable rules of procedure for Select Board (hereinafter referred to as the "Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These Bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

Section 2. Officers; Duties

Officers of the Board shall consist of a Chair and a Vice Chair. These officers shall be chosen annually at the first regular meeting in July of each year by and from among Board members unless otherwise provided by law. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings and to take such other action as may be necessary and not inconsistent with these Bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chair also shall, together with the Town Manager, set the agenda in accordance with Board agenda policy for each meeting. In the absence of the Chair, the Vice Chair shall preside and shall have the same authority as the Chair. In the event of the absence at a scheduled meeting of both the Chair and the Vice-Chair, the Board members present shall elect a Chair Pro Term from amongst those members present to conduct the meeting.

Section 3. Meetings

Regular meetings of the Board shall be held every other Monday throughout the year or as rescheduled by a majority vote of the Board. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided; however, that notice thereof shall be given to each member and to representatives of the press at least four days in advance of the

scheduled meeting, except in case of extraordinary circumstances know the meaning when notice shall be given by the fastest and earliest means possible. No business may be conducted other than as specified in said notice for the call of the meeting.

Notice of all Board meetings shall be given as required by law and by Board policy, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board members being present. The order of business at regular meetings shall be as follows:

- a) Call to order and roll call
- b) Pledge of Allegiance to American flag
- c) Review and approval of minutes of the previous meeting
- d) Approval of warrants for payments of all Town expenses
- e) Oral and written communications among Select Board and other Town offices, including reports from Select Board members, Town Manager, Town Clerk, Town Boards, Commissions and Committees
- f) Appointments and reappointment's
- g) Old (unfinished) business
- h) New business
- i) Other
- j) Executive session
- k) Public Communications
- l) Adjournment

The Town Manager or the Town Manager's designee shall act as secretary at Board meetings. The duties of the secretary shall be to prepare agendas of all Board meetings, take minutes of Board meetings, maintain records of the Board, and at the Chair's direction, prepare correspondence for the Board and perform other duties as are normally carried out by a secretary. The secretary shall keep a record of all resolutions, votes, transactions, correspondence, findings and conclusions of the Board. Minutes of Select Board meetings will include a brief summary of each agenda item, as well as roll call vote on the issue. All records of the Board shall be deemed public and may be inspected with reasonable notice during normal business hours.

Vacancies in the position of either the Chair or Vice-Chair positions shall immediately be filled by regular election procedures.

Section 4. Hearings

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings be given as required by law and Board policy and shall include the date, time and of the hearing and-a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided; however, that formal rules of evidence shall not apply. Each party shall have right to present its case in the order determined by the Chair and without interruption, provided; however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, each party shall also have the right to submit rebuttal evidence and to conduct cross- examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 5. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its membership present and voting unless otherwise provided by law.

No Board member may participate or vote on any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a Board member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.

Section 6. Decisions

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore.

All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 15 days of its original decision, provided; however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 15 days. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

Section 7. Conflict with Laws

Any conflict or inconsistency between these Bylaws and any applicable law shall be resolved in favor of the law.

Section 8. Waivers; Amendments

These Bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority vote of the Board.

Roles and Responsibilities of the Readfield Select Board Adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended, February 13, 2012, amended October 10, 2012, updated on Oct 21st, 2013 with all amended dates listed above, amended January 27, 2014

Select Board for the Town of Readfield:

Lawrence Dunn

Valarie Pomerleau

Allen Curtis

Sue Reay, Chair

P. Greg Durgin, Vice-Chair

Signed this 27st day of January 2014

#9

FOAA Policy
updates: 2nd
reading

9. FOAA policy updates: 2nd reading

Please see the attached document with updates from the recent changes in FOAA legislation.

The Board could consider approving this version tonight.

**TOWN OF READFIELD, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT**

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

“FOAA” means Freedom of Access Act.

“Requestor” means person who submits a request for public records under the provisions of the FOAA.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer at the following addresses:

Town Clerk
Readfield Town Office
8 Old Kents Hill Rd.
Readfield, Maine
04355

OR:

readfield.clerk@roadrunner.com

Written or oral requests submitted to Town Officials or Town employees other than the Town Clerk will be referred to the Town Public Access Officer for processing and response. The Town Clerk will confer with the Town Manager as needed regarding any information request. The public access officer shall be responsible for ensuring that each records request is acknowledged and that an estimate of the response time is

provided, but a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. Also, a response may not be delayed due to the unavailability of the public access officer.

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the FOAA and the Town of Readfield Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

The following information is requested when submitting a FOAA request:

- A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.
- B. A brief description of the public records being sought, being as specific as possible. If you do not know what document you are seeking please state which specific information is being sought.
- C. Whether the request is for inspection of public records, copies of public records, or both.

5. TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The town shall respond to a request in a "reasonable time" after the receipt of such request, and must provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should a request be denied by the Town, the requestor shall be notified of the reasons for the denial within 5 working days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction

costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The town may request additional clarification concerning what public records are sought before responding to a request.

Acknowledgement of receipt of request. PL 2013, c. 1216 amends 1 M.R.S.A. (SS) 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided “within a reasonable time.”) Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within 30 days (formerly five working days). Effective 10/9/13

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may appeal in accordance with the requirements of Maine Law.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at Town Offices – Generally, public records will be made available for inspection during normal working hours of the Readfield Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Readfield Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the public access officer to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged. A request for a copy need not be made in person or in writing.

Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided either as a printed document or in an electronic medium in which the record is stored at the requestor's option, except that an agency **or** official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the Town may charge for the actual cost of conversion.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to \$ 15.00 per hour after the first hour of staff time.

Should a requestor make a request requiring Town employee time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed \$100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town's payment warrant system.

10. STATE PUBLIC ACCESS OMBUDSMAN

The new law funds an Assistant State Attorney General position to serve as a Public Access Ombudsman. The Ombudsmen's duties include working to informally resolve complaints by the public and public officials concerning FOAA and, upon request, issuing advisory opinions on the interpretation of and compliance with the FOAA.

Link to FOAA www.maine.gov/foaa

Amended 11/05/2012

Legal notes in the October 2013 Maine Townsman:

New FOAA Amendments:

Subscriber email addresses for noninteractive notices, etc. PL 2013, c. 339 amends 1 M.R.S.A. (SS) 402(3) to except from the definition of “public records” email addresses obtained by a political subdivision of the State, such as a municipality or school district, for the sole purpose of disseminating non-interactive notices, updates and cancellations. Subscriber email addresses for newsletters are not included in this exception, however, and remain a public record. Effective 10/9/13

Concealed handgun permit holder personal information. PL 2013, c. 54 amends 25 M.R.S.A. (SS) 2006 to make confidential all personally identifying information on all concealed handgun permits issued. (The law has long made confidential all permit applications and all permit denials.) The only information that remains public on issued permits is the municipality of residence, the date of issuance, and the date of expiration. Effective prior to Legislature adjournment 2013

Veterans’ property tax exemption applications. PL 2013, c. 973 amends 36 M.R.S.A. (SS) 653 (1) to make confidential all applications and supporting materials for veterans’ property tax exemptions. Any record showing that a veteran’s exemption has been granted remains public, however. Effective prior to Legislature adjournment 2013.

#10

Town Manager
Job Description

10. Town Manager Job Description

Please see the attached version of the Town Manager's job description. This was an updated version as presented to the Select Board for the Town Manager's annual evaluation on December 11, 2006. The citation in the opening paragraph correctly states the date of the Town Meeting of March 18, 1967 when the Town adopted the Town Manager plan and assigned several titles to the Town Manager position.

The job description from 1996 includes the Transfer Station Manager title (as the station was established in 1992). The 1996 version also includes the citation error of the Town Meeting date as March 8, 1964 (there was no meeting on that date). This Town Meeting citation error apparently was carried through a 2002 job description and until the 2006 update.

The December 2006 job description also was used in the Town Manager's evaluation in 2007 and as a basis for the new contract that ran from November 3, 2007 to November 3, 2010. This version was used as well when considering the Manager's current contract from November 3, 2010 through January 31, 2014.

MMA has advised that it is good practice to review the job description prior to consideration of a new or extended employment contract. This would give the Select Board the opportunity to make any clarifications or updates to ensure the job description accurately reflects the requirements of the position.

The Select Board could consider possible updates or changes to the Town Manager's job description, at a minimum possibly including a reference now to the Town Manager's Roles & Responsibilities document. The job description already refers to the Town Manager plan, so the authorities and responsibilities outlined in state statute are included. The Roles & Responsibilities document also includes the statutory authorities and responsibilities, as well as the ICMA code of ethics and other items.

Town Manager

Job Description

The Town of Readfield adopted the Town Manager form of Government at the March 18, 1967 in Article 22 and Article 23a was also adopted, stating that the Town Manager would also serve as Treasurer, Tax Collector, Road Commissioner and Overseer of the Poor (now most commonly referred to as Welfare Administrator).

Nature of Work

The Town Manager of Readfield is the Chief Administrative Officer of the town, under the direction of the Select Board. The Town Manager is responsible for directing all the town's business and supervises all of the town's employees with the exception of the Fire Chief. The Town Manager also serves as the Treasurer, Tax Collector, Road Commissioner, and Welfare Administrator and Transfer Station Manager. Work performance must be in accordance with the Maine Revised Statutes, local ordinances and town policies.

This is responsible and varied professional work as the chief administrative officer in managing the affairs of the Town of Readfield under the direction of the Select Board in keeping with the Town ordinances, and State and Federal laws.

The Manager is charged with the identification of service and policy needs of Readfield and has the responsibility for the development of the program or action directed by the Select Board to meet the identified needs of the community. The Manager shall act in such capacity as the Select Board may direct on municipal, state, federal and other policy issues affecting the Town.

The Manager is responsible for the annual preparation of the proposed budget and administration of the budget once it is approved. The Manager is also responsible for developing administrative procedures and for ensuring adherence to these procedures by all departments and employees.

The Manager is charged with the responsibility of advising the Select Board and general public on the current status of affairs of the Town and is responsible for preparing an annual report of the previous year's activities.

The Manager is responsible for the maintenance of sound, positive public relations between the Town and its citizens; between Readfield and other governmental agencies and between the various boards, committees and commissions that make up Readfield Town Government.

Scope of Work

This is responsible managerial, administrative and fiscal work in directing all aspects of the operation of the Town as well as the handling and accounting of Town Funds.

The Town Manager is responsible for the achievement of tangible results through people, so maintaining a high level of integrity is essential. Work involves planning, budgeting, problem solving and organizing with the authority to make decisions as well as delegate to others. The environment is relatively unpredictable and requires the ability to manage many projects at once. Although governed by policies, the Manager must frequently act without precedent.

Essential Duties and Responsibilities

- ❖ Maintains the administrative organization of the Town to ensure efficiency of operation;
- ❖ Oversees the expenditure and accounting of all monies of the Town;
- ❖ Executes all laws and ordinances of the Town;

- ❖ Annually prepares a proposed budget and work program for the Town to include recommendation and annual salaries for all Town employees and presents the proposed budget to the Select Board;
- ❖ Appoints, with Select Board approval, all department heads and supervises their performance on a day-to-day basis;
- ❖ As personnel officer for the Town, is directly involved in the hiring, evaluating performance of duties per their individual job descriptions, promoting, and disciplining of employees;
- ❖ Plans, directs and reviews all repair, maintenance, construction and reconstruction of Town roads and bridges, contracting for services when necessary;
- ❖ Acts as Welfare Administrator, in accordance with State Laws, assuring the security and confidentiality of all records and requests for Town assistance;
- ❖ Develops the annual tax commitment figures and presents them to the Select Board for approval;
- ❖ Reviews on an ongoing basis, the collection of municipal taxes and takes appropriate steps to assure and adequate revenue stream (cash flow) for the Town;
- ❖ Oversees and directs the overall operation of the Transfer Station to assure compliance with all environmental laws and regulations, efficiency of operation, and promoting maximum recycling, and contracting for services where required;
- ❖ Maintains a sound public relations posture between the Town and its citizens, the press and other state, federal and local government agencies;
- ❖ Acts as purchasing agent for all municipal departments, and oversees the bid process on major purchases;
- ❖ Identifies the service and policy needs of Readfield and brings them to the attention of the Select Board with recommendations for action;
- ❖ Keeps Town-owned buildings in good repair, and equipment maintained and replaced as needed;
- ❖ Works closely with the snow removal contractor to assure the safety of winter roads;
- ❖ Prepares an annual report of the previous year's activities for presentation to the Select Board and citizens of Readfield;
- ❖ Attends meetings of the Select Board, preparing its agendas, providing supporting documents and information pertinent to agenda items;
- ❖ Carries out the directives of the Select Board;
- ❖ Prepares federal and state grant requests and administers grant programs;
- ❖ Enforces municipal and state codes in conjunction with Code Enforcement Officer.

Requirements of Work

- Thorough knowledge of municipal management and community problem resolution;
- Thorough understanding of administrative organization, design and evaluation;
- Detailed, specialized and extensive knowledge of the practices and procedures of cash management, investment, budgeting and municipal accounting;
- Thorough knowledge of financial administration and the design of financial accounting and reporting system;
- Thorough knowledge of the theory and practice of public personnel administration
- Thorough knowledge of municipal government programs and decision-making processes;
- Knowledge of municipal waste management and recycling;
- Knowledge of municipal taxation including tax lien requirements;
- Knowledge of Maine municipal laws and rules;
- Knowledge of road construction and maintenance;
- Working knowledge of state and federal programs;
- Ability to communicate effectively orally and in writing;
- Ability to listen effectively to others;
- Ability to direct and supervise others and to delegate work effectively;

- Ability to organize and use time effectively;
- Ability to give and accept constructive criticism;
- Ability to remain poised and even tempered;
- Ability to effectively run meetings;
- Ability to react independently and without precedent in the face of a problem;
- Ability to react quickly to changing situations which may be physically taxing;
- Skill in resolving disputes while maintaining integrity.

Minimum Qualifications

Graduation from a four year college or university program in public administration or related field, and at least five years experience as chief administrative officer in a municipal government which provided and exercised/utilized the above listed knowledge, skills and abilities; or an equivalent combination of training and experience.

#11

Legal services
review

11. Legal services review

At the previous Select Board meeting on December 30, 2013, the attending three members of the Board directed the Town Manager to recommend criteria for review of legal services and report to the Board within one month.

The Select Board Chair, Vice Chair, and Town Manager request that the Select Board reconsider this direction to the Town Manager. The Board then could discuss whether and how such a review of legal services could be conducted. If the Board would like a review of legal services, an expedient method could be to develop and release an RFP for legal services in the near future. Any responses to the RFP would be weighed according to criteria set by the Board.

12. Other (if needed)

If the Board agrees, Larry Dunn and Greg Durgin have been working on a Naming Policy, and would like to present the attached drafts for an initial reading. One includes the word "streets" as suggested by the Trails Committee. The second is without the word "streets" as the Town has a private road naming policy. The naming of public roads or Town ways generally has been voted on at Town Meeting in articles for accepting a new Town way. Changing the name of an existing Town way or public road probably would require a Town Meeting vote as well.

Public Communications – 15 minutes

13. Members of the public may address the Select Board on any topic.

Executive Session:

14. Town Manager contract negotiations

The Board could entertain the following: **Motion** to enter Executive Session for the purpose of negotiating the Town Manager's contract, pursuant to Title 1 M.R.S.A. section 405, 6 A, as amended by P.L. 2003, c. 709, and invite the Town Manager to attend (or not attend, depending on whether the Board is ready to present any options to the Town Manager).

Town of Readfield

Naming of Municipally Owned Lands, Streets, Trails, Parks, Recreational Areas and Facilities Policy

Purpose:

The purpose of this policy is to establish a systematic and consistent approach for the official naming of lands, streets, trails, parks, recreational areas and facilities.

Objectives:

Ensure that municipally-owned lands, streets, trails, parks, recreational areas and facilities are easily identified and located.

Ensure that given names to public lands, streets, trails, parks, recreational areas and facilities are consistent with the values and character of the area or neighborhood served.

Encourage public participation in the naming, renaming and dedication of municipally-owned lands, streets, trails, parks, recreation areas and facilities.

Encourage the donation of lands, streets, parks, recreational areas or facilities, by individuals and/or groups.

Definition:

Municipally-owned lands, streets, trails, parks, recreation areas and facilities – includes all property assets under the Town of Readfield's ownership or control including buildings, structures, open spaces, parks, streets, trails, natural areas, wetlands, environmental habitat and public land.

Criteria:

The policy of the Town of Readfield is to name lands, streets, trails, parks, recreation areas and facilities through an adopted process utilizing established criteria emphasizing community values and character, local history, geography, environmental, civics and service to the community.

1. The following criteria shall be used in determining the appropriateness of the naming designation:
 - a. Geographic location (neighborhood, significant areas, town history, family ownership, etc.)
 - b. Natural features

- c. A person (non-living) or place of historical or cultural significance
 - d. A person (non-living), group, or feature particularly identified with the land, street, trails, park, recreation area or facility.
2. The process to name municipally-owned lands, streets, trails, parks, recreation areas and facilities should begin within 12 months after the Town of Readfield has acquired title to the land and/or formally accepted the donation.
 3. Conditions of property donation as agreed upon by the donor and the town of Readfield shall be honored regarding the naming of the lands, streets, trails, parks, recreation areas and facilities subject to these adopted policies.
 4. Names that are similar to existing names of lands, streets, trails, parks, properties or facilities in the Town of Readfield should not be considered in order to minimize confusion.
 5. The Select Board of the Town of Readfield reserves the right to change the name of lands, streets, trails, parks, recreation areas or facilities to maintain consistency with these policies.

Naming Procedure:

Naming of Municipally-owned Land, Streets, Trails, Parks, Recreation Areas and Facilities

- a. A request for naming of a municipally-owned land, street, trail, park, recreational area or facility shall be submitted in writing to the Select Board by application of any citizen or municipal standing committee of the Town of Readfield.
- b. A citizen or a municipal standing committee of the Town of Readfield submitting a naming request application should show how the proposed name is consistent with the criteria stated in this policy. When naming after a person or persons, the application describe the contributions of the person or persons to the Town of Readfield. Written documentation by next of kin to be honored (if available/possible) is required as part of the proposal. Town Manager or staff shall review the proposal for adherence to the stated criteria and authentication of statements relative to contributions in the case of an individual before forwarding to the Select Board. If the request is incomplete, Town Manager or staff shall contact the applicant in writing and provide the application with the opportunity to resubmit a revised application.
- c. The Town Manager shall forward the completed application to the Select Board for a public hearing and a final decision.

- d. The Select Board shall offer the opportunity for public input at a public hearing on the proposed naming application.
- e. The Select Board shall have final authority over the naming or renaming of municipally-owned lands, streets, trails, parks, properties or facilities.

Renaming Procedure:

Renaming of Municipally-Owned Lands, Streets, Trails, Parks, Recreation Areas and Facilities

Renaming of municipally-owned lands, streets, trails, parks, recreation areas and facilities carries with it a much greater burden of process compared to initial naming. Tradition and continuity of name and community identification are important community values. Each application must meet the criteria in this policy, but meeting all criteria does not ensure renaming.

- a. A request for renaming of a municipally-owned land, street, trail, park, recreational area or facility shall be submitted in writing to the Select Board by any citizen or municipal standing committee of the Town of Readfield.
- b. The renaming application, shall include the proposed name change, the purpose of the change and how the proposed name change is consistent with the criteria established. When renaming after a person or persons, the application shall describe the person or person's contributions to the Town of Readfield. Written documentation by next of kin to be honored (if available/possible) is required as part of the proposal application. The Town Manager or staff shall review the proposal for adherence to the stated criteria and authentication of statements relative to contribution(s) in the case of an individual before forwarding to the Select Board. If the request is incomplete, Town Manager or staff shall contact the applicant in writing and provide the applicant with the opportunity to resubmit a revised request.
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Town of Readfield

Naming of Municipally Owned Lands, Trails, Recreational Areas and Facilities Policy

Purpose:

The purpose of this policy is to establish a systematic and consistent approach for the official naming of trails, parks, recreational areas and facilities.

Objectives:

Ensure that municipally-owned lands, trails, parks, recreational areas and facilities are easily identified and located.

Ensure that given names to public lands, trails, parks, recreational areas and facilities are consistent with the values and character of the area or neighborhood served.

Encourage public participation in the naming, renaming and dedication of municipally-owned lands, trails, parks, recreation areas and facilities.

Encourage the donation of lands, parks, recreational areas or facilities, by individuals and/or groups.

Definition:

Municipally-owned lands, trails, parks, recreation areas and facilities – includes all property assets under the Town of Readfield's ownership or control including buildings, structures, open spaces, parks, trails, natural areas, wetlands, environmental habitat and public land.

Criteria:

The policy of the Town of Readfield is to name lands, trails, parks, recreation areas and facilities through an adopted process utilizing established criteria emphasizing community values and character, local history, geography, environmental, civics and service to the community.

1. The following criteria shall be used in determining the appropriateness of the naming designation:
 - a. Geographic location (neighborhood, significant areas, town history, family ownership, etc.)
 - b. Natural features

- c. A person (non-living) or place of historical or cultural significance
 - d. A person (non-living), group, or feature particularly identified with the land, trail, park, recreation area or facility.
2. The process to name municipally-owned lands, parks, recreation areas and facilities should begin within 12 months after the Town of Readfield has acquired title to the land and/or formally accepted the donation.
 3. Conditions of property donation as agreed upon by the donor and the town of Readfield shall be honored regarding the naming of the trails, parks, recreation areas and facilities subject to these adopted policies.
 4. Names that are similar to existing names of trails, parks, properties or facilities in the Town of Readfield should not be considered in order to minimize confusion.
 5. The Select Board of the Town of Readfield reserves the right to change the name of lands, trails, parks, recreation areas or facilities to maintain consistency with these policies.

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Naming of Municipally-owned Land, Trails, Parks, Recreation Areas and Facilities

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FYI

2014 Town Meeting Schedule

January

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

3-17: Nomination papers available for Select Board and RSU #38 Board as well as Local School Board

4-1: Deadline I have given Petitioners requesting money on the warrant.
 4-25: Nomination papers due back and last day for secret ballot referendum questions approval by Select Board.
 4-30: Deadline for Town Report articles

May

S	M	T	W	T	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

5-7: RSU#38 on floor vote
 5-12: Absentee ballots available and would like to have Town Reports done.
 5-23: Last day to post public hearing for any referendum questions
 5-30: Public hearing deadline.

June

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

6-3: Post Warrant (Last Day)
 6-6: Town Report legally available
 6-10: RSU#38 confirmation vote and Ballot part of Town Meeting.
 6-12: On Floor Town Meeting.

July

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

S	M	T	W	T	F	S
						1
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23	24	25	26	27	28	29
30	31					

September

S	M	T	W	T	F	S
						1
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23	24	25	26	27	28	29
30						

October

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- Select Board Meetings
- Budget Committee Meetings
- Holidays
- Important Town Meeting Dates