

**TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • MAY 16, 2023**

**Gray Town
Council Regular
Meeting**

**Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/87501159478>
Phone 646-558-8656 / Meeting ID: 875 0115 9478**

7:00 PM

I. OPENING STATEMENT

This meeting will be held in person and online with the link provided in the agenda header. For the Public Hearings, residents can click in to participate or call in using the number provided during the Public Hearings as detailed in the agenda.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA 5 MINS

1. Minutes from the Town Council Meeting on May 2, 2023

Proposed motion:

Ordered, the Gray Town Council approves the Consent Agenda.

V. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON) 15 MINS

Comments are intended for information sharing, not discussion. Comments in excess of three minutes are welcome at the end of the agenda prior to adjournment. Call 646-558-8656 / Meeting ID: 815 3196 0312

VI. ADJUSTMENTS TO THE AGENDA 5 MINS

VII. PUBLIC HEARINGS 7:25PM

1. Second Reading and Public Hearing - To Review proposed changes to the Zoning Ordinance (Chapter 402) with regards to Accessory Dwelling Units (ADUs). Proposed changes include: setting a maximum footprint for ADUs, editing references to comply with state law, updating Table 402.5.3 regarding zoning district uses, adding references regarding exemption from Parking Requirements, adding reference to home occupation use within an ADU, updating the definition of Accessory Apartments, and updating the Accessory Apartments section. **5 MINS**

Proposed motion:

Be it Ordained, the Gray Town Council approves proposed changes to the Zoning Ordinance (Chapter 402) with regards to Accessory Dwelling Units.

2. First Reading and Public Hearing - To Review proposed changes to the Vehicular Use and Weight Restriction Ordinance (Chapter 501). Changes include updating language for the Shaker Road segment, adjusting the maximum weight limit for exempt trucks, increasing the period when seasonal road postings can be in effect, changing the appeals process to go before the Town manager, and removing language regarding DOT enforcement. **10 MINS**

Proposed motion:

Be it Ordained, the Gray Town Council approves the proposed changes to the Vehicular Use and Weight Restriction Ordinance (Chapter 501).

VIII. ACTION ITEMS 7:40PM

1. To Review and Act Upon Approving the Request for Winter Maintenance via Rural Public Street Easement submitted by Woodcock Drive. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the Request for Winter Maintenance via Rural Public Street Easement submitted by Woodcock Drive.

2. To Review and Act Upon Approving a letter from the Town discharging the option to purchase property as outlined on the Depot Road parcel deed identified as tax map lot 045-033-028-000. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves a letter from the Town discharging the option to purchase property as outlined on the Depot Road parcel deed identified as tax map lot 045-033-028-000.

3. To Review and Act Upon Approving the Appointment of the Warden for the June 13, 2023 Election. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council appoints Susan Tsukroff as the Warden for the Election to be held on June 13, 2023.

4. To Review and Act Upon Approving the Municipal Warrant for the Town Meeting to be held on June 13, 2023. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the municipal warrant for the town meeting to be held on June 13, 2023, as presented.

5. To Review and Act Upon Approving a 180-Day Extension of the Moratorium on Self-Storage Developments, to December 27, 2023, with the acknowledgement that reasonable progress is being made toward addressing ordinance updates as per 30-A M.R.S. Sec. 4356(2). The moratorium was originally enacted on February 15, 2022, with a retroactive effective date of Jan. 5, 2022 and an expiration date of July 4, 2022. It was extended at the May 17, 2022 meeting to Dec. 31, 2022 and again at the Nov. 15, 2022 meeting to June 30, 2023. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves a 180-Day Extension of the Moratorium on Self-Storage Developments, to December 27, 2023, with the acknowledgement that reasonable progress is being made toward addressing ordinance updates as per 30-A M.R.S. Sec. 4356(2).

6. To Review and Act Upon Approving changes to the Personnel Policy. Proposed changes include clarifying the mission statement and the administration of policy, adding language to personnel file administration and conflict of interest sections, editing certain benefits language and political activities requirements, and adding safety-related protocols. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Personnel Policy.

IX. REPORT FROM THE COUNCIL CHAIR 10 MINS - 8:20PM

X. REPORT FROM THE TOWN MANAGER 10 MINS

XI. COMMITTEE REPORTS 10 MINS

XII. COUNCIL CORRESPONDENCE/ACTIVITIES 5 MINS

XIII. ADJOURNMENT 8:55PM

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

**TOWN OF GRAY
GRAY TOWN COUNCIL
MINUTES • May 2, 2023**

Council Regular



Town Council Chambers

24 Main Street, Gray, ME 04039

7:00 PM

Meeting

<https://us06web.zoom.us/j/87021281430> Phone

646-558-8656 / Meeting ID: 870 2128 1430

I. OPENING STATEMENT

This meeting will be held in person and online with the link provided in the agenda header. For the Public Hearings, residents can click in to participate or call in using the number provided during the Public Hearings as detailed in the agenda.

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Krista Chappell	Vice Chair	Present
Michael Curtis	Council Member	Absent
Dan Maguire	Council Member	Present
Martin Meaney	Council Member	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA

IV.1 Minutes from the Town Council Meeting on April 11, 2023

IV.2 Minutes from the Executive Session on April 18, 2023

IV.3 Minutes from the Town Council Meeting on April 18, 2023

IV.4 Minutes from the Executive Session on April 24, 2023

IV.5 Libby Hill Trails Maintenance Agreement

MOTION: Ordered, the Gray Town Council approves the Consent Agenda except for the minutes from the April 18, 2023 Town Council meeting.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

MOTION: Ordered, the Gray Town Council approves the Minutes from the April 18, 2023 Town Council meeting.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Council gave direction to staff on edits to the minutes.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON)

The Public Comment period was opened at 7:04 PM.

Fran Monroe had a question on the process of the auditor report, and has specific questions for the auditor. Chair Carder said the audit report and materials would be posted online and any questions can be given to the Town Manager and he will get the answers from the auditor.

The Public Comment period was closed at 7:06 PM.

VI. ADJUSTMENTS TO THE AGENDA

There were no adjustments to the agenda.

VII. PRESENTATIONS

VII.1 Budget/Financials/Audit update

Chair Carder explained that the Council wanted to clarify that there was an error on the April 11th presentation of the Town’s FY24 budget. The budget summary spreadsheet showed inaccurate revenue figures which resulted in an inaccurate percentage breakdown of the proposed tax increase between the Town and the school. All other figures and documents are accurate. The correct percentage split of the projected mill rate increase is: Town 52%, TIF 4%, School 40%, and County 4%. The Council apologized for any confusion and misrepresentation of the percentages. Please disregard the budget summary spreadsheet date 4/11/23.

Regarding the FY22 audit: The Town is required to engage an independent auditor who must submit the report within 180 days of the end of the fiscal year. The FY22 audit began in July 2022 and around August 8th 2022, the auditor notified the Town that they had concerns with certain payments made and with transactions and fund transfers that had not been made. As a result, the Town granted the auditor an extension for further review. The Town Manager received the audit report on 4/11/23 and it will be on the Town website. Two issues were identified:

1. Approximately \$27,000 of municipal funds were misappropriated in FY2022.
2. Financial accounting errors that resulted in transactions and transfers that were not made when required.

The Council is very troubled by these findings and take them very seriously. In response to the misappropriation of funds, The Council has consulted with legal counsel and referred the matter to State and local law enforcement. As it is under investigation, the Council cannot discuss it further. The Council will pursue all available remedies to ensure the Town recovers these funds. In response to the financial accounting errors, all funds are now accounted for and available. The Auditor has completed a comprehensive reconciliation of the Towns accounting. The Council is reviewing all Town fiscal procedures, practices, and policies and will implement whatever additional controls to avoid this happening again. The Town Manager has already started implementing additional procedures and controls which he will speak to now.

The Town Manager read from a statement that will be posted on the Town Website along with the audit report. When the Town Manager started at the Town of Gray in March, 2021, he realized the previous Finance Director was not submitting regular monthly bank reconciliation reports and he immediately asked her to start providing them for his review and for the finance committee. He was not aware of any issues at that time. Upon return from an extended absence in July 2022, the Town Manager was notified by the new Finance Director on August, 8, 2022 that discrepancies in the Town's financial reports were identified as part of the FY2021/2022 audit. In November 2022 the Town Manager was notified that the audit would not be completed in the usual amount of time, as additional work was required. In December, 2022, he signed an additional contract for the auditor to assist with bank reconciliations to bring the Town reporting up to the current time. The Town Manager worked with the Finance Manager and Human Resource manager to prepare the attached schedule of financial reporting. The Town manager explained new processes and plans that will be included in the statement available online.

Chair Carder said that the issues from the FY2021/2022 budget are being addressed and did not negatively affect the current proposed FY2023/2024 budget. The Council and Town Manager are available to discuss any questions about the FY2023/2024 budget. The Council will keep the Town updated as soon as information becomes available.

VII.2 Weight Limit Ordinance revision

Doug Webster, the Planning Director, presented about the weight limit ordinance revision.

Councilor Maguire asked if the weight limit is sufficiently low to prevent bridge damage.

It was clarified that there are lower limits for certain roads.

Chair Carder does not support the frozen road exemption.

Councilor Maguire thinks it is a layer of flexibility to give opportunity to move vehicles when the road is posted, if it meets the threshold, and if done properly, will not damage the road.

Chair Carder said it was too confusing, three listed roads have alternatives and there are already limitations on enforcement.

Councilor Meaney said we need to do what we have to do to preserve roads.

Councilor Chappell said it seems like on page 33, if they take out the language like the lawyer recommended, that they are eliminating Shaker Rd. from Town regulation, so the language needs to be clarified.

VIII. PUBLIC HEARINGS

VIII.1 First Reading and Public Hearing - To Review proposed changes to the Zoning Ordinance (Chapter 402) with regards to Accessory Dwelling Units (ADUs) and approve a public hearing at the May 11, 2023 Planning Board meeting, with Second Reading and Public Hearing before the Town Council on May 16, 2023. Proposed changes include: setting a maximum footprint for ADUs, editing references to comply with state law, updating Table 402.5.3 regarding zoning district uses, adding references regarding exemption from Parking Requirements, adding reference to home occupation use within an ADU, updating the definition of Accessory Apartments, and updating the Accessory Apartments section. 10 MINS

A public hearing was opened at 7:27pm.

Bob Coleman said he cannot tell if the Town does or does not support ADUs. He is personally supportive but is not sure he understands 750sqft, single story. He has an ADU planned bigger than 750sqft, two stories, for him to retire into, but ordinance limitations would make it too small. This would require him to create a new house lot which conflicts with the Town's open space plan.

Chair Carder said Council reviewed and discussed the ADU ordinance in response to LD2003. Other provisions of LD2003 will loosen density restrictions on single family home lots and allow the type of dwelling Mr. Coleman intends to build.

Mr. Coleman said whatever we do, let's try not to limit ADUs and make them hard to do.

Councilor Maguire said recent legislation has passed laws before rulemaking. Ordinances are trying to meet the “letter of the law.”

Lena Richert said new legislation is a gross overreach of government authority. Local governments should be allowed to plan. Trying to address the school need and how this will affect the school system. Also, values the need for affordable housing, but rules are not clear. Legislature should do more research before voting.

The public hearing closed at 7:41pm.

MOTION: Ordered, the Gray Town Council removes proposed changes to the Zoning Ordinance (Chapter 402) with regards to Accessory Dwelling Units from the table.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

MOTION: Ordered, the Gray Town Council approves a public hearing at the May 11, 2023 Planning Board meeting and a Second Reading and Public Hearing on May 16, 2023 to review and approve proposed changes to the Zoning Ordinance (Chapter 402) with regards to Accessory Dwelling Units.

RESULT:	PASSED 4-0
MOTION BY:	Krista Chappell
SECOND BY:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Chair Carder said the reason it was tabled was the square footage issue. We can always come back and make changes if needed.

IX. ACTION ITEMS

IX.1 To Review and Approve a Maine Department of Transportation (MDOT) weight limit waiver for Main Street. 5 MINS

Proposed motion: Ordered, the Gray Town Council approves a weight limit waiver for Maine Department of Transportation's work on Main Street.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Chair Carder stated this is an emergency fix of sinkholes at the Gray Corner for drainage, which is not the Main St. construction project. We can't wait for the Main St. project to repair it. The Town Manager said on page 50 there is a signature sheet, and please sign if you support this.

Councilor Maguire said portions of the application are not filled out, and asked if this is Gray Corner?

The Town Manager confirmed yes, it is Gray Corner.

Councilor Chappell noted that a bond is required for the cost of damage, she would like more clarity about what portion of the road and what kind of damage it covers.

Doug Webster stated the area is only 200ft, the bond is probably not super important at this juncture given that the Town is working toward Main St. improvement.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

IX.2 To Review and Approve the Proposed Reevaluation/Equalization of Assessments Contract with KRT Appraisal. 5 MINS

Proposed motion: Ordered, the Gray Town Council approves the proposed reevaluation/equalization of assessments contract with KRT Appraisal in an amount not to exceed \$160,000, with adjusted language.

RESULT:	PASSED 4-0
MOTION BY:	Martin Meaney
SECOND BY:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Lauren Asselin gave a summary and informed that the RFP that was issued resulted in one response from KRT. She gave an update on the neighborhood delineation, cost schedules, neighborhood outreach, but they are not doing on-site visits, that will be in the future. This is being done because since COVID there has been a huge increase in sales prices for the last three years outpacing how the State certifies the ratio. The State compares Gray assets to the rest of the state to make sure Gray values are in-line. The State can either re-certify, like we did last year from 79% to 88%. All exemptions are reduced to the certified ratio that we are at. She stated she would like to give residents full benefit of exemptions.

Councilor Chappell mentioned current CIP savings, and this would pull out 60k. Would we still be on track for saving?

Lauren Asselin said if we pull out 60k we will have 40k. We can adjust based on future cost, or, if market becomes stable, we can push full re-evaluation out if certified ratio and equity are within parameters. We are on track with savings.

Councilor Maguire asked if the RFP solicited bids or just advertised?

Lauren Asselin said they sent an email blast to the state list of qualified firms, and individual contacts. There were several responses that companies did not have the capacity at this time. Chair Carder stated that every town is facing similar issues, there is nothing to do at the local level to address state-wide conditions.

RESULT:	PASSED 4-0
MOTION BY:	Dan Maguire
SECOND BY:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

X. REPORT FROM THE COUNCIL CHAIR

Village Planning – the Council agreed to a proposal for the Village Planning at our April 21st Workshop. Nate is in the process of working out the timeline for that effort. Any update?

Comprehensive Plan Coordinators – we finalized our outreach approach, but I am not sure where that stands. The timeline was 5/6 for deadline & 5/19 WS for review/selection. Do we need to adjust it - Dan/Krista?

Volunteers Awards – a reminder nominations are being sought for all award categories through May 30th. The Council will hold an executive session on June 7th to make our selections. We need to finalize details for the ceremony at the Wild Blueberry Festival. We have been offered the 1-1:30pm time slot when there is no band playing. If everyone is okay with that, we will confirm. The organizers also suggested giving each winner a blueberry pie, and maybe we also have a blueberry cake or cupcakes at the event. We can work out the finer details at our ES in June. I have asked that the information be pushed out again on the Town’s platforms as a reminder – anyone can submit a nomination!

Route 26/26A Signs – we have now received the formal costs for the replacement which combined is around \$20k. We did include funds for this in the upcoming budget.

Commercial Solar Arrays – we were all copied on an e-mail from DM Roma with an updated proposal for the commercial solar array on the Route 100 property. The accompanying letter indicates they have addressed two concerns brought up in our discussion (1) layout for possible future road (2) environmental deed restrictions. Both items were raised regarding any type of development on that parcel; however, the Council declined to update the solar array overlay district due to the lack of full reimbursement by the State for lost tax revenue from a state level exemption on solar arrays. Right now, the State is only reimbursing Municipalities for 50% of that lost revenue. The issue cannot be brought to the Legislature until the new session starts in Jan 2023. It is the position of this Council, that local property taxpayers should not be responsible for funding the State level exemption incentive and new commercial solar arrays will not be considered until it is corrected. In addition, this specific solar array’s

location conflicts with the newly approved Comprehensive Plan. This was clearly communicated during the 12/21 Workshop – the video is available on the Website for anyone interested in hearing the entire discussion. Libby Hill CDS grant application has been selected for funding consideration. Nominations are open for Volunteer Awards, June 24th event. Lacy Antonson requested an email for Gray Community Day. Attended Public Safety annual award ceremony. Attended GHS annual meeting, the Town Manager was there and reviewed the village master plan. Participated in Libby Hill Cleanup.

WS on Tuesday May 9th 5pm.

WS on Friday May 12th 5pm.

Tried to plan a date for a June WS Perhaps Mon the 12th, TBD.

XI. REPORT FROM THE TOWN MANAGER

The Town Manager asked if Council had any questions about his written report. There were no questions. The Town Manager wanted to applaud Council on their multi-year appeal to MeDOT to have Rt. 26 designated as the bypass.

The Town Manager is attending a class on negotiation strategies at Harvard University.

There is a new opening for Finance Director, as Katie Johnston has resigned.

He is happy to report he received a “credentialed manager designation” from International City and County Management Association.

Truck Across Maine is coming through Gray on June 18th.

He commends Scout Troop 2019 member Victoria Wile who became an Eagle Scout.

Correspondence from MeDoT about a paving project.

Changed some position descriptions for some employment positions.

XII. COMMITTEE REPORTS

Councilor Chappell:

- Ordinance Advisory next meeting TBD.
- GPCOG Executive Committee worked with Tom Bell to draft and submit an op-ed to Maine Sunday Telegram. The full executive committee met 4/25 completed annual review for executive director and reviewed their FY2024 budget. Paul Johnson gave a presentation on ADU services including software to track ADU in member communities and provide data. It is free for 1 year. 25% of \$200 licensing fee per property in the future.
GPCOG general assembly is on 5/25. GPCOG sustainability round table reconvened 4/25 and discussed several EV grant opportunities.
- Resiliency Committee had a check in with cohort partners on 4/19 to identify next steps and will meet 5/3 for next cohort. 4/27 regular meeting met, not full quorum, discussed GCTV content. CRP is hosting a “Communities Leading on Climate” conference event on May 11th.

Councilor Maguire:

- Planning Board May 11th will discuss phase 2 of Stillwater subdivision. A personal comment regarding the statement read earlier tonight. We work diligently to provide accurate information; he stated that the fact that Council was not giving proper information was embarrassing and disappointing.
- WS with Planning Board and ZBA will help troubleshoot processes.

Councilor Meaney:

- Zoning Board of Appeals met 4/26 discussed the Goetz variance, 309 Portland Rd. appeal, ZBA would like a WS with Council.
- Planning Board meets 5/11 7pm discussing ADUs and VALT.
- Wild Blueberry Festival committee meets 5/4 10am topics are communications and advertising.
- Finance Committee was postponed due to administrative issues.

Chair Carder:

- **GPCOG:** met hybrid on April 26th We had a great presentation about recent efforts to identify long term options for handling transitional housing for asylum seekers who are key to the State’s labor shortage. There is a real crisis right now as hotels being used are expensive and seasonal with many transitioning for tourist season. There are no easy solutions and state level engagement is needed. We reviewed the budget proposal for the coming year, the Executive Director’s goals and extended the strategic plan for 2 years. I also held a nominating sub-committee meeting on April 29th and we have identified the slate of nominations for the Executive Committee and Officers. Staff will confirm their willingness to serve, and we will formally vote on the slate and budget at the final meeting of the session on May 17th. The General Assembly will consider on both at the Annual Summit set for May 26th at St. Joe’s College.
- **Recreation:** met yesterday without a quorum even though the new member joined us, he was not officially appointed yet. Facilities Use Fees were discussed. A subgroup will work on more data analysis and bring back a proposal to the Committee. The draft Memorandum of Understanding between Gray and New Gloucester Recreation Departments was reviewed with feedback provided. Anthony is working with Nate on this, and the Council will see it in a future meeting. Next meeting is June 6th.
- **DMS:** has a work session set for May 10th.
- **OSC** 5/3 6pm
- **REC** 5/8 6pm
- **DMS** 5/15 4pm

XIII. COUNCIL CORRESPONDENCE/ACTIVITIES

Councilor Chappell: Had a check in with Bradd Fogg and the Town Manager about ZBA legal and procedural review, there is a future joint meeting with planning board and Town Council. Coffee with Anne Gass.

Matt Sturgis inquired on paving Rt. 100 North from village to town line.

Received an email from Anne Gass on LD1634.

Received an email from John Hadman on open space plan for May Meadow Woods.

Received a Call from Bill Nemitz with thanks and feedback from Op Ed.

Councilor Maguire: None.

Councilor Meaney: 4/22 attended the Fire/Rescue Banquet and was impressed with morale.

Chair Carder: Spoke to a local resident who has started an online series about living with blindness suggesting she consider putting the content on the Public Access channel. I referred her to Staff.

Deer Acres Association has followed up on the status of our discussion for which I advised we are planning on discussing in the next month or so.

Staff provided information regarding the Charles Barker Scholarship Fund which I have shared with the resident who contacted me.

We all received an e-mail from a Mayberry Rd resident in support of the Town building a sidewalk from the No. Raymond Rd/Shaker Rd intersection to Mayberry Rd. I shared the current status of our sidewalk work and provided a link to the bike/ped plan.

A resident who had inquired about the Farmer’s Market found out about the possible change in venue and wanted to express her support for the Market and suggested that Pennell may be a good location. I let her know a presentation is scheduled for 5/17 regarding this topic.

A resident reached out to me regarding a code enforcement issue which I have shared with the Town Manager who will work with Staff to address.

Revision Energy Staff reached out to me regarding some marketing services they offer Municipalities as part of the work they do monitoring our solar array. I referred her to the Town Manager.

Received an email re: mooring ordinance will be referred to next TC. Email from Gerald Fossett. Email from resident on bench, staff coordinating.

XIV. ADJOURNMENT

Motion to Adjourn at 8:28 PM

RESULT:	PASSED 4-0
MOTION BY:	Martin Meaney
SECOND BY:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

CLZ

MEMO

Tuesday, April 25, 2023

TO: Gray Town Council
Nate Rudy, Town Manager

FROM: Planning Staff

RE: Amendments to Zoning ordinance to comply with 30-A 4364-B “Accessory Dwelling Units”

Introduction

The Town Council will hold a first reading and public hearing of the amendments herein at their regular meeting on May 2, 2023. The Town Council provided input on the draft language at their workshop on March 14, 2023, and additional input at the April 18 council meeting.

Those changes are reflected in this updated ordinance, in addition to some non-substantive clerical updates, including:

- The maximum footprint of an ADU is now proposed at 750 square feet; and
- ADUs are limited to one floor of living space.

The amendments bring the Accessory Dwelling Unit provisions of the Gray Zoning Ordinance into compliance with LD2003 “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions,” which became chaptered law in April 2022. Several elements of the law become effective as of July 1, 2023. As with all municipalities in Maine, this law requires updates to those sections of our Town ordinance that reference housing density, affordable housing, and accessory dwelling units.

At this time, we are presenting only the changes related specifically to the section of the law that address accessory dwelling units, **30-A MRSA Section 4364-B**. Compliance requires updates to the following land use regulations in the Town of Gray:

Proposed Zoning Ordinance Amendment #1:

Clerical edit to update all references to “Accessory Apartment” throughout the Zoning Ordinance (including the Village Center/Village Center Proper Design Standards) to “Accessory Dwelling Unit,” to comply with the language of **30-A MRSA Section 4364-B**.

Proposed Zoning Ordinance Amendment #2:

Amend the Table of Permitted Uses and Conditional Permitted Uses, 402.5.3 (See attached)

Proposed Zoning Ordinance Amendment #3:

Add a reference in 402.6.9 – Parking Requirements, to reference the statutorily required exception for ADUs, as per below:

402.6.9 Parking Requirements

All uses of land and development of property shall be provided with parking and loading facilities meeting the standards of Section 402.10.11 B under Site Plan Review. In accordance with Title 30-A Section 4364-B “Accessory Dwelling Units,” Subsection 4.C, an Accessory Dwelling Unit (ADU), is not subject to any additional parking requirements, as established in 402.10.11 B in this ordinance, beyond the parking requirements of the single-family dwelling unit of the lot upon which the ADU is located.

Proposed Zoning Ordinance Amendment #4:

Move the reference to home occupation use within an ADU, currently in 402.7.9 A, to the Home Occupations section, 402.7.2 as per below:

402.7.2 Home Occupations

A. Intent and Purpose

B. Home Occupations when managed conscientiously and with respect for the neighborhood in which they are situated can offer benefits to both the proprietors and the community, and a productive alternative to the formally structured traditional workplace. Consequently, it is the intent and purpose of this Ordinance to produce liberal, flexible standards for the establishment and maintenance of home occupations, while simultaneously providing the town with a mechanism in which to monitor and regulate their use.

C. Home Occupation Requirements:

1. A home occupation shall conform to the following requirements:
2. The home occupation shall be carried on primarily within the principal structure or accessory structures.
3. The home occupation shall be carried on by a member or members of the family residing in the dwelling unit. One employee, who is not part of the family residing in the dwelling unit, shall be permitted. Chapter 402 Gray Zoning Ordinance
4. The home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
5. There shall be no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, except such signs as are permitted.
6. There shall be no more than two (2) commercial vehicles kept outside the garage overnight.
7. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, hazardous materials, odors, heat, or glare shall not be generated.
8. Hours of operation shall be reasonable and normal for residential areas.
9. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

10. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicle of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operation hours.

11. No more than fifty (50%) percent of the floor area of a residence and an accessory building shall be used for a home occupation.

12. Retail sales are limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not fabricated on the premises as defined above, but which are customarily incidental to the product created by the home occupation.

13. Retail businesses such as restaurants, new or used car sales, auto repair garages, auto body shops, and auto service stations shall not be considered home occupations.

14. The size and number of signs used in connection with a home occupation shall be determined by the sign ordinance.

15. One Home Occupation use may be conducted, as otherwise allowed under the Ordinance, as an accessory use to either an Accessory Dwelling Unit or an existing single-family dwelling, but not both. Solely for the purposes of this paragraph, In-Home offices are not considered a Home Occupation.

Proposed Zoning Ordinance Amendment #5:

Amend the definition of Accessory Apartments, as below:

Definitions 402.2.2

Accessory Dwelling Unit ~~Accessory Apartment~~: A subordinate residential use that requires a permit issued by approval from the Code Enforcement Officer that conforms to the performance standards in this Ordinance, ~~including being owner occupied, a maximum of 660 sq. ft., and is incorporated within a single family dwelling. An accessory apartment shall not be considered a separate dwelling unit when calculating lot area per dwelling unit for this Ordinance. All accessory dwelling units, but~~ must comply with all other applicable requirements of law including, but not limited to, building codes, life safety, and ~~the State Minimum Lot Size statute and~~ the State of Maine Subsurface Wastewater Disposal Rule.

Commented [KM1]: This reference to State law is now located in the performance standards section.

Proposed Zoning Ordinance Amendment #6:

Amend 402.10.11 Table 3 regarding parking for ADUs (See attached)

Proposed Zoning Ordinance Amendment #7:

Amend 402.7.9 Accessory Apartments. (See attached)

-End-

TABLE 402.5.3 TABLE OF PERMITTED USES AND CONDITIONAL PERMITTED USES

	RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD	CSES OD
1 Accessory Dwelling Unit Apartment ‡	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P/C		
2 Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	P	P	P		
3 Adult Business*						C								
4 Agritourism Center*	C													
5 Agritourism Facility*	C													
6 Animal Husbandry	P	P		C	C	C				C		C		
7 Auto Body Shop				C	C	C								
8 Auto Repair Garage						C								
9 Auto Service Station				C	C									
1 Bed and Breakfast ‡	C	C	C	P	P	P	P	P	P	C		C		
1 Building Trades Occupations – 1	P	P	P	P	P	P	P	P	P	P	C	P		
1 Campground ‡	C	C												
1 Cemetery	P					C								
1 Church	P	P	P	P	P		C	C		C		C		
1 Commercial Recreation - Indoor or Outdoor	C	C		C	C	C	C	C	C	C		C		
1 Community Living Arrangement	P	P	P	P	P	P	P	P	P	P	P	P		
1 Construction Services				P	P					C		C		
1 Day Care Facility for Five (5) or fewer clients.	P	P	P	P	P	P	P	P	P	P		P		
1 Day Care Facility for Six (6) or more	C	C	C	C	C	C			C	C		C		
2 Drive Through and Drive in Facility					C	C			C	C		C		

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		RRA	LD*	MD	BD-1	BD-2	C	VC*	VCP*	BT-1*	BT-2*	WH-1*	WH-2*	LMOD	CSES OD	
2	Expansion of Nonconforming Uses	C	C	C	C	C	C	C	C	C	C	C	C			
2	Farm Stand ‡	P	P	P	P	P	P	P	P	P	P		P			
2	Farmers' Market ++	P	P	P	P	P	P	P	P	P	P		P			
2	Flea Market, Open Air Market ‡	C	C	C	C		C	P	P							
2	Garage Sale	P	P	P	P	P	P	P	P	P	P	P	P			
2	General Agriculture	P		P	P	P	P				C		C			
2	Headquarters for a Contracting Business	C	C	C	P	P					C		C			
2	Heliport	C	C		C	C										
2	Home Occupation ‡	P	P	P	P	P	P	P	P	P	P	C	P			
3	Hotel and Motel				C	C	C			C						
3	In-Home Offices‡	P	P	P	P	P	P	P	P	P	P	P	P			
3	Kennels	C	C				C						C			
3	Light Manufacturing				P	P								P/C		
3	Manufacturing and Processing				C	C										
3	Mechanical Repair Garages	C			P	P	C									
3	Medium and Large-scale Solar Energy Systems														C	
3	Medical Facility	C	C	C		C	C	C	C	C						
3	Mineral Excavation	P	P	P	P	P	P									
3	Mineral Exploration	C			P	P		P	P		P	P	P			
4	Mobile Vendor	P	P	P	P	P	P	P	P	P						
4	Motel (< 11 rooms)	C	C			C										
4	Multi-family Development			C	C	C	C	C	C	C						

4	Municipal Uses	C	C		C	C	C	C	C	C	C		C		
4	Nursing and Convalescent Home	C	C	C	C	C	C			C					
4	Office			C	P	P	P	P	P	C	C		C		

++ Subject to performance standards in Article 7

402.10.11

TABLE 3 – MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential	
Dwelling: Single Family, Duplex	2 per dwelling unit
Multifamily:	
Studio	1.25 per dwelling unit
One Bedroom	1.5 per dwelling unit
Two or More Bedrooms	2 per dwelling unit
Accessory/In Law Dwelling Unit	1 per dwelling unit
Hotel/Motel	1.25 per guest room, plus 10 per 1000 sq. ft. restaurant/lounge, plus 30 per 1000 sq. ft. meeting/banquet room.
Senior Citizen Housing, Independent Living	0.6 per dwelling unit
Senior Citizen Housing, Assisted Living	0.4 per dwelling unit
Boarding Homes for Sheltered Care and Nursing Homes	1 per room
Rooming House:	
Single-Occupancy Unit	1 per dwelling unit
Double-Occupancy Unit	2 per dwelling unit
Employees	1 per employee
Visitors	As needed
Day Care, Facility (any type)	.35 per client of licensed capacity plus staff
Hospital/Medical Center	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient visits, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Retail/Service	
Retail Sales (not in shopping center)	3.5 per 1000 sq. ft. of gross floor area (GFA)
Supermarket (Freestanding)	4.5 per 1000 sq. ft. of GFA
Discount Superstore/Clubs	3.5 per 1000 sq. ft. of GFA
Home Improvement Superstore	2.5 per 1000 sq. ft. of GFA
Other Heavy/Hard Goods (Furniture, Appliances, Buildings Materials, etc.)	3.0 per 1000 sq. ft. of GFA
Shopping Centers	4.0 per 1000 sq. ft. of GFA,
Service Business, Personal	
Beauty Shops/Barber Shops	2 per treatment station, but not less than 4.3 per 1000 sq. ft. customer service area.
Coin-Operated Laundry/Dry Cleaning Services	3.5 per 1000 sq. ft. of GFA
Other	3.5 per 1000 sq. ft. of GFA

Fitness Center/Health Club	1 per 3 persons of permitted capacity
Retail Sales, Automobile Sales	2.7 per 1000 sq. ft. of interior sales area GFA, plus 1.5 per 1000 sq. ft. of interior area
Automobile Repair Services, Major or Minor	4 per service bay
Convenience Store	.25 per pump plus 1 per employee plus 4 per 1000 sq. ft.
Food and Beverage	
Restaurant	1 per 3 seats
Office and Business Services	
Business and Professional Office	4.5 per 1000 sq. ft. of GFA
Service Business, Commercial	4 per 1000 sq. ft. of GFA
Medical Office Building	5.5 per 1000 sq. ft. of GFA
Bank	5.5 per 1000 sq. ft. of GFA
Industry, Heavy	2 per 1000 sq. ft. of GFA
Industry, Light	1.5 per 1000 sq. ft.
Warehouse	0.7 per 1000 sq. ft. of GFA
Other Retail, Commercial or Business	4 per 1000 sq. ft. of GFA
Education	
Preschool/Nursery Schools	.35 per student plus 1 per employee
Elementary and Middle Schools	Per parking study specific to institution
High Schools	Per parking study specific to institution
College and University	Per parking study specific to institution
Cultural/Recreational/Entertainment	
Convention Center	0.25 per person of permitted capacity
Library	4.5 per 1000 sq. ft. of GFA
Place of Worship	1 for every 3 seats
Theater	1 for every 3 seats

402.7.9 Accessory ~~Apartments~~Dwelling Units

A. General Standards:

~~1. Accessory Apartments shall only be located within a single family dwelling (SFD) or a structure permanently attached to the SFD by common walls and a permanent roof meeting the aesthetic standards below in Section 402.7.9.C.~~

1. For any lot located fully or partially in a Shoreland Zoning district, Accessory Dwelling Units must independently comply with all Shoreland Zoning requirements.

2. Except as established above in this section for lots partially or fully in the Shoreland Zoning District, Accessory Dwelling Units shall be permitted in all zoning districts where ~~housing~~ single-family housing is permitted, on the same lot as a single-family dwelling, constructed only:

- Within an existing single-family dwelling unit on the lot;
- Attached to, or sharing a wall with, a single-family dwelling unit;
- As a new structure on a lot for the primary purpose of creating an Accessory Dwelling Unit;
- Within an existing detached accessory structure on the same lot as a single-family dwelling

~~23. Accessory ~~Apartments~~Dwelling Units are specifically prohibited in, on, or within any of the following:~~

- ~~a. any detached accessory structure such as a separate garage;~~
- ~~b. any structure or parcel located in the Shoreland Zone;~~
- ~~ea. any duplex two-family or multi-family dwelling;~~
- ~~d. any SFD located on a back lot that utilizes a right of way less than fifty (50) feet wide;~~
- ~~e. any individually owned lot in a Cluster/Open Space subdivision that contains less than 75% of the minimum lot size for the zoning district in which the property is located;~~
- ~~f. any lot that contains less than 75% of the minimum lot size for the zoning district in which the property is located, existing non-conforming lots of record;~~
- ~~gb. any lot that contains one (1) or more principal commercial use(s) either on the parcel or in any structure located on such lot; or~~
- ~~h. any lot than contains less than 20,000 square feet.~~
- c. any lot that does not have a single-family dwelling as its principal use

~~34. Only one (1) ~~accessory apartment~~Accessory Dwelling Unit is allowed per lot, and only on a lot ~~that on which~~ the CEO has determined the primary use to be a ~~SFD~~single-family dwelling.~~

~~5.4. Accessory Apartments are permitted uses, on lots which meet the minimum required lot area and street frontage for the zoning district in which the lot is located. For lots in Cluster/Open Space subdivisions with commonly owned area, only the lot that is individually owned may be used for the purposes of this determination; fractional ownership of Open Space or other land may not be counted for this purpose.~~

~~5. Accessory Apartments are conditionally allowed, subject to Planning Board approval, on lawfully existing non-conforming lots of record provided that the lot size is at least 75% of the minimum lot size for the zoning district in which the lot is located. For example, a lot in a zoning district that requires 80,000 square feet for the minimum lot size must contain at least 60,000 sq. ft. For lots in Cluster/Open Space subdivisions with commonly owned area, only the lot that is individually owned shall be used for the purposes of this determination; fractional ownership of Open Space or other land may not be counted for this purpose.~~

~~6. The minimum square footage of finished living area for Accessory Dwelling Units is one-hundred-and-ninety (190) square feet.~~

~~7. The maximum footprint square footage of finished living area for any Accessory Dwelling Unit accessory apartments is six hundred and sixty (660) seven-hundred-fifty (750) square feet and shall not exceed the footprint of the primary dwelling unit. If the footprint of the primary dwelling is 750 sf or less, the maximum footprint of the Accessory Dwelling Unit shall not exceed 90% of the primary dwelling's footprint. The Zoning Board of Appeals shall not have the authority to increase this ~~maximum finished living area~~footprint by variance or otherwise.~~

Commented [KM1]: Updated references to use the term "footprint"

Commented [KM2]: New square footage cap of 750. Also added language per council discussion 4-18, to ensure that ADU is not larger than primary DU.

~~7.8. Although an existing single-family dwelling may be expanded or utilized for the purposes of creating an Accessory Dwelling Units~~Accessory Apartment~~, no portion of an Accessory Dwelling Units~~Accessory Apartment~~ shall be located within minimum lot line setbacks, including non-conforming structures of record.~~

~~8. In addition to any off-street parking required for the SFD, there must be at least one year-round off-street parking space for use by the Accessory Apartment occupant(s). There must also be sufficient space on the site for vehicular turn-arounds without having to back out onto the street.~~

~~9. One Home Occupation use may be conducted, as otherwise allowed under the Ordinance, as an accessory use to either an Accessory Apartment or an existing SFD, but not both. Solely for the purposes of this paragraph 9, In-Home offices are not considered a Home Occupation.~~

~~10. Accessory Dwelling Units~~Accessory Apartments~~ must comply with applicable building and fire safety codes, and the State of Maine subsurface wastewater disposal (SSWD) rules,...~~

~~10. Accessory Dwelling Units~~Accessory Apartments~~ must have shared common utilities, such as water and wastewater disposal, electricity, etc. with the single-family dwelling, except as required by applicable codes.~~

~~11. Accessory Dwelling Units must be allowed on a lot regardless of whether the lot conforms to existing~~current~~ dimensional requirements as established in this ordinance. Any new structure~~

constructed on the lot to be an Accessory Dwelling Unit must meet the current applicable dimensional requirements for a structure.

12. An Accessory Dwelling Unit shall be permitted only as one (1) floor of living space, such as a one-story structure or a single floor above a garage.

13. Accessory Dwelling Units are intended to be accessed via the existing driveway and curb cut for the principal single-family dwelling, and must meet the standards established in the Street Ordinance, Chapter 400.

14. An accessory dwelling unit shall not be considered a separate dwelling unit when calculating lot area per dwelling unit for this Ordinance.

Commented [KM3]: Single-story restriction added per 4-18 council discussion

B. Ownership Standards:

1. Ownership of the existing ~~SFD single-family dwelling~~ and the Accessory Dwelling Unit ~~Accessory Apartment~~ must be held by the same person(s).

2. Either the existing single-family dwelling~~SFD~~ or the Accessory Dwelling Unit ~~Accessory Apartment~~ must be owner-occupied. "Owner-occupied" means that either the existing single-family dwelling~~SFD~~ or the Accessory Dwelling Unit ~~Accessory Apartment~~ must be occupied by a person(s) who has a legal ownership and bears risk of decline in value of the property and who receives any payment from the lease or rental of the property.

C. Aesthetics:

1. Accessory Dwelling Units ~~Accessory Apartments~~ shall retain and respect the existing streetscape, character of the neighborhood, and preserve the single-family dwelling~~SFD~~ appearance, architectural style, and character of the dwelling.

2. Any exterior modifications to the single-family dwelling~~SFD~~ associated with the construction or installation of ~~the an~~ Accessory Dwelling Unit ~~Accessory Apartment~~ must be consistent with architectural style and character of the single-family dwelling~~SFD~~ in terms of exterior materials, roof pitch/form, and window type/spacing.

3. Any exterior alteration of the single-family dwelling~~SFD~~ associated with the construction or installation of an Accessory Dwelling Unit must preserve the formal, front entrance of the building in order to maintain the single-family dwelling~~SFD~~ appearance and architectural style of the building, as determined by the Code Enforcement Officer with input from the Town Planner as appropriate.

4. Exterior stairs more than five (5) feet above final finished grade shall be enclosed and are restricted to the rear and sides of the accessory dwelling unit or the single-family dwelling in which it is located or to which it is attached ~~SFD~~ wherever practicable provided that that they are integrated into and consistent with the architecture of the building.

~~5. Accessory Apartments shall have a full common wall with the principal dwelling.~~

56. In the event that the Code Enforcement Officer and the applicant for the Accessory Dwelling Unit ~~Accessory Apartment~~ cannot agree on the aesthetic standards contained in this Section 402.7.9.C, the applicant may appeal to the Planning Board within thirty (30) days of the CEO's written decision.

6. All Accessory Dwelling Units in the Village Center and Village Center Proper zoning districts are subject to the Village Design Standards as referenced in the Village Center District Standards section of this Zoning Ordinance.

Commented [KM4]: Added to clarify that village design standards apply to ADUs, as noted therein

D. Wastewater Disposal:

1. An Accessory Dwelling Unit ~~Accessory Apartment~~ may be served by one of the following subsurface wastewater disposal (SSWD) systems that maintain standards established in the Maine Subsurface Wastewater Disposal Rule:

(a) an existing SSWD system,

(b) an upgraded SSWD system, or

~~(c)~~ a new SSWD system, designed by a licensed site evaluator, all as otherwise allowed by law.

2. In all cases, the SSWD system serving the Accessory Dwelling Unit ~~Accessory Apartment~~ must meet First Time System criteria as established in the Maine SSWD Rules. Utilizing Replacement System or Expanded System criteria per 10-144 CMR 241 is prohibited.

3. If an existing SSWD system is proposed to serve the Accessory Dwelling Unit ~~Accessory Apartment~~ without being upgraded, as may be allowed in the Maine SSWD Rule, the LPI shall require the applicant to submit sufficient documentation from a Maine licensed site evaluator showing the SSWD system meets First Time System criteria.

4. If a new SSWD system is proposed to serve the Accessory Dwelling Unit ~~Accessory Apartment~~, the local plumbing inspector (LPI) shall have the authority to require the design be recorded at the CCRD if it does not need to be installed as may be allowed in the Maine SSWD Rules.

5. The owner of the Accessory Dwelling Unit must provide written verification that the unit is connected to adequate wastewater services prior to receiving a Certificate of Occupancy. Written verification must include the following:

a. If an Accessory Dwelling Unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector, based on sufficient information provided to the LPI by the applicant or their consultant, pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in

accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rule; 19-100 Chapter 5 page 10

E. Potable Water Supply Standards

1. The owner of the Accessory Dwelling Unit must provide written verification that the unit is connected to adequate potable water services prior to receiving a Certificate of Occupancy. Written verification must include the following:

~~b.~~ a. If an Accessory Dwelling Unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

~~2-~~b. If an Accessory Dwelling Unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

~~E~~F. Discontinuance:

1. If any of the applicable ordinance standards are no longer being met, use of the Accessory Dwelling Unit ~~Accessory Apartment~~ must be discontinued, and the single-family dwelling ~~SFD~~ must revert to single-family use by removing the eating and cooking facilities/equipment support system(s) from the Accessory Dwelling Unit ~~Accessory Apartment~~ as established in the definition of "Dwelling Unit" contained in the version of the International Residential Building Code most recently in effect.

MEMO

Thursday, May 4, 2023

TO: Gray Town Council
Town Manager Nathaniel Rudy

FROM: Planning Department

RE: Chapter 501 Vehicular Use and Weight Restriction Ordinance

Following up on the council's May 2, 2023 discussion regarding the amendments to the Chapter 501 Vehicular Use and Weight Restriction Ordinance, the amended ordinance is now before you for first read at the May 16, 2023 council meeting.

This ordinance was amended on November 15, 2022 with a focus on applying a weight restriction on Shaker Road, between Main Street and the north end of the Maine Wildlife Parkway.

The ordinance update at that time inaccurately referred to Shaker Road as a "town way," when it is, in fact, a State highway segment.

In preparing the updated language to correct this error, we shared the updated draft language with the MDOT to ensure that there are no other conflicts with the language. The updated ordinance before you for May 16 reflects input from MDOT engineer Peter Coughlan, Interim Acting Public Works Director Tim Estes and our town attorney, as well as council input at the May 2 meeting.

In addition to updating the "town way" reference for the Shaker Road segment, the substantive amendments are:

1. Adjusting the maximum weight limit for exempt trucks to match the standard MDOT weight limit for posted state roads (23,000).
2. Increasing the period when seasonal road postings can be in effect.
3. Changing the appeal process to go before the town manager, rather than the DOT, as State law does not give DOT authority to review town permitting decisions.
4. Removing language regarding DOT enforcement.

The "frozen roads" exemption language discussed at the May 2 meeting is not included, per council input.

CHAPTER 501
VEHICULAR USE AND WEIGHT RESTRICTION ORDINANCE
TOWN OF GRAY MAINE

Adopted July 13, 1982

Amended November 15, 2022 to incorporate Chapter 298

SECTION 501.1 – TITLE

This Chapter shall be known and may be cited as the Vehicular Use and Weight Restriction Ordinance of the Town of Gray, Maine.

SECTION 501.2 – PURPOSE

The purpose of this Chapter is to regulate the use of certain vehicles on certain roads, and sections of roads, on certain town ways within the Town of Gray. The restrictions imposed herein are intended to prevent safety hazards and damage to town ways and bridges. Preventing safety hazards and damage to the roads reduces the cost of maintenance, reduces the danger of injury to the traveling public, and generally improves the use of roads by the public.

SECTION 501.3 – AUTHORITY

This Chapter is enacted pursuant to 30-A M.R.S. §3009 and 29-A M.R.S. §§ 2395 and 2388, as amended.

SECTION 501.4 – DEFINITIONS

Except as otherwise provided herein, the definitions contained in 29-A M.R.S. § 101 shall govern the construction of words contained in this Chapter. Any words not defined therein shall be given their common and ordinary meaning.

SECTION 501.5 – WEIGHT RESTRICTIONS AND NOTICE

1. The Gray Town Council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in its judgment, be necessary to protect the traveling public and prevent abuse of the highways. In doing so, the Town Council may, in its sole and reasonable discretion, designate the town ways and bridges to which such restrictions shall apply. Regardless of exemptions listed in Section 501.6, but subject to any permit issued by the Town pursuant to Section 501.7 of this Chapter or issued to the vehicle owner or operator by the Maine Department of Transportation, all vehicles must adhere to applicable standards required for seasonal road postings, for the period of ~~March 15 to May 1~~ February 1 to May 1 of each year.
2. Subject to all applicable exemptions in this Chapter, or the issuance of a permit by the Town Council or its designee, the operation of any motor vehicle with a gross registered weight in excess of 23,000 ~~26,000~~ pounds, inclusive of a towed unit or units, or such lesser weight as indicated in 501.11, shall be prohibited on a particular town way or portion of a town way, effective upon the posting of such restrictions at both ends of said town way or portion of said town way, following an affirmative vote of the Town Council (the "Notice").
3. Pursuant to 29-A M.R.S. § 2395, the Notice shall contain, at a minimum, the following information: the name of the town way or bridge, the gross registered weight limit, the time period during which the restriction applies, or in the case of roads where the gross

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Commented [KM1]: DOT is allowing the town to post Shaker Road from the village to the parkway, which is not a town way, so DOT recommends we remove this language

Commented [KM2]: DOT and Tim agree that this period should be longer to give the town more leeway to post when there are soft conditions. Council agreed at 5-2 discussion

Commented [KM3]: DOT and Tim advised that the normal weight for seasonal postings is 23,000 lbs, as shown on the posting signs, and that a different weight will cause conflicts and confusion. Council agreed 5-2 discussion

registered weights of vehicles is permanently restricted, a note that such restriction is permanent.

4. Per the Notice, the restriction information shall be conspicuously posted at each end of the portion of the way or bridge, in a location clearly visible from the traveled way and shall include the weight limit, Chapter reference and time period of the restriction (if not permanent).
5. Whenever a restriction expires or is lifted, the road posting shall be removed wherever posted. Whenever a restriction is revised or extended, existing postings shall be removed and replaced with the updated information.
6. No person may remove, obscure or otherwise tamper with any posting except as provided herein.

SECTION 501.6 – EXEMPTIONS

The following vehicles are exempt from all gross weight restrictions imposed by this Chapter:

- A. Any vehicle or combination of vehicles, inclusive of a towed unit or units, registered for a gross weight of ~~23,000~~ ~~26,000~~ pounds or less;
- B. Any vehicle transporting well-drilling equipment for the purpose of drilling a replacement water well, or for improving an existing water well on property where that well is no longer supplying sufficient water for residents or agricultural purposes, provided that such vehicles comply with all conditions stated in 29-A M.R.S. § 2395(4-A) (A) – (C), as amended;
- C. MaineDOT vehicles or other vehicles authorized by MaineDOT, a municipality or county to maintain the roads under their authority;
- D. “Authorized emergency vehicles” as defined in 29-A M.R.S.A. § 2054(1)(B), as amended, including but not limited to, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair;
- E. Any two-axle vehicles registered for a gross weight in excess of ~~23,000~~ ~~26,000~~ pounds that is carrying any of the following:
 - i. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36” in length, propane and wood pellets);
 - ii. Petroleum products;
 - iii. Groceries;
 - iv. Bulk milk;
 - v. Bulk feed;
 - vi. Solid waste;
 - vii. Organic animal bedding;
 - viii. Returnable beverage containers;
 - ix. Sewage from private septic tanks or porta-potties; or

x. Medical gases;

F. Vehicles owned or operated by parties living on, and/or operating a business on a specific road or road segment listed in 501.11 of this Chapter; or

G. Vehicles accessing properties or businesses located on a specific road or road segment listed in 501.11 of this Chapter, for the purpose of making deliveries or otherwise performing activities related to the vehicle owner's business.

Regardless of exemptions listed in this section, but subject to any permit issued by the Town pursuant to Section 501.7 of this Chapter or issued to the vehicle owner or operator by the Maine Department of Transportation, all vehicles must adhere to applicable standards required for seasonal road postings, for the period of ~~March 15 to May 1~~ February 1 to May 1 of each year, as required in Section 501.5(A).

SECTION 501.7 – PERMITS

A. The owner or operator of any vehicle not otherwise exempt from the gross registered weight restrictions imposed by this Chapter, pursuant to Section 501.5, above, may apply in writing to the Town Council or its designee for a permit to operate on a posted town way or bridge, ~~or the posted section of Shaker Road~~ notwithstanding the restriction. The Town Council or designee may issue a permit only upon all of the following findings:

1. no other route is reasonably available to the applicant;
2. it is a matter of economic necessity and not mere convenience that the applicant use the restricted way or bridge; and
3. the applicant has tendered cash, a bond or other suitable security running to the Town of Gray, in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

B. Even if the Town Council or its designee makes the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

C. In determining whether to issue a permit, the Town Council (or its designee) shall consider the following factors:

1. the gross registered weight of the vehicle, inclusive of a towed unit or units;
2. the current and anticipated condition of the town way or bridge;
3. the number and frequency of vehicle trips proposed;
4. the cost and availability of materials and equipment for repairs;
5. the extent of use by other exempt vehicles; and
6. such other circumstances as may, in their judgment, be relevant.

Commented [ACT4]: Although Shaker Road's weight limitation can be noted in this Ordinance, the Town has no authority to exempt a potential operator from those restrictions. Only MDOT may do so.

- D. The Town Council or its designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

SECTION 501.8 – ADMINISTRATION AND ENFORCEMENT

This Chapter shall be administered and enforced by the Town Council or its designee.

In enacting this Chapter, the Town of Gray agrees to conspicuously erect signs meeting the standards of the Manual on Uniform Traffic Control Devices (MUTCD) on both ends of all town ways on which weight restrictions are in effect, per Section 501.5.

SECTION 501.9 – APPEALS

An applicant for a permit to operate on a posted town way or bridge who is denied said permit is entitled to appeal the decision to the Town Manager or the Town Manager's assignee. ~~the Maine Department of Transportation, pursuant to 29-A M.R.S. §2388.~~

SECTION 501.10 – PENALTIES

- A. Any violation of this Chapter shall be a civil violation subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense.
- B. In addition to any fine, the Town of Gray may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town of Gray and shall be brought in the Maine District Court. Any amount so recovered shall be used for repair of the ways so damaged. This section shall not be construed to limit the amount that may be recovered by the Town in a civil action. Any amount recovered in excess of the amount needed to repair the damaged way shall accrue to the Town. If the Town prevails in a civil action brought pursuant to this section, it shall be entitled to an award of reasonable attorney's fees in addition to any damages awarded.

SECTION 501.11 – SPECIFIC ROADS WHERE EXCESSIVE WEIGHT PROHIBITED

~~The operation of any vehicle with a registered gross weight in excess of 26,000 pounds (or such lesser weight as indicated below), which: (1) does not fall under any exemption listed in Section 501.6 of this Chapter, and (2) has not received a permit from the Town of Gray pursuant to Section 501.7 of this Chapter, on the following town ways, or sections of town ways is **permanently** prohibited:~~

- ~~1. Shaker Road, between Main Street and the north end of the Maine Wildlife Parkway.~~

The operation of any vehicle with a registered gross weight in excess of 23,000 pounds (or such lesser weight as indicated below), which: (1) does not fall under any exemption listed in Section 501.6 of this Chapter, and (2) has not received a permit from the Town of Gray pursuant to Section 501.7 of this Chapter is prohibited.

Commented [KM5]: DOT has advised that this provision for appeal in Maine law relates only to height and width restrictions, bridge loads and certain substances. It does not apply to weigh restrictions and does not grant authority to DOT to overrule the denial of a town-issued permit. While these permits will likely be administered by public works, we also mention the council, so it would not make sense to have an appeal go to council. This language thus assigns the appeal review to the town manager.

~~Additionally, vehicles~~ Vehicles in excess of 10,000 pounds are not permitted on the following town-owned roads:

1. Mayall Road, from Depot Road to Yarmouth Road.
2. Marie Street (formerly Florence Road).

~~The Maine Department of Transportation has the authority to post and enforce weight restrictions on State highways. The Town does not enforce such weight limits and failure of a vehicle operator to abide by MDOT restrictions does not constitute a violation of the Town ordinance, Chapter 501.~~

Per agreement with the MDOT, the following State highway segment in the Town of Gray is limited to a gross registered weight of 23,000 ~~26,000~~ pounds:

1. Shaker Road, between Main Street and the north end of the Maine Wildlife Parkway.

SECTION 501.12 – AMENDMENTS

This Chapter may be amended by the Town Council at any properly noticed meeting.

SECTION 501.13 – SEVERABILITY; EFFECTIVE DATE

In the event any portion of this Chapter is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Chapter, and any amendments thereto, shall take effect thirty (30) days after adoption by the Town Council, pursuant to Section 14(C) of the Charter of the Town of Gray.

Commented [KM6]: DOT advised that this language is inaccurate as DOT does not do any enforcement as an agency, on state roads.

Jonathan Hartt

From: Kristen Muszynski
Sent: Wednesday, May 3, 2023 9:56 AM
To: Jonathan Hartt
Subject: Packet info - council workshop agenda item - deed query
Attachments: original deed 2738 pg 172.pdf; Filed deed 39150.43.pdf; 211073.pdf; Tax bill - Depot rd lot.pdf

Hi Jon:

Below and attached are the information items for discussion of the deed query at the council workshop on May 9. It includes the materials sent by the property owner and a summary of her request, based on her emails and phone call.

I have let the property owner know that she and/or her representative need to attend the workshop, as this is between her and the council; Planning is not involved.

Thanks,
Kristen

Property owner Diana Ridlon is trying to close on the sale of her Depot Road property and is asking for council input regarding language in her deed that references the town. (See attached, and most notably, the language at the end of the "original deed" PDF.)

This property owner is requesting a letter from the town regarding the town's interest in this property. Her title attorney picked up on it and they'd like the town to sign a letter stating that the town does not have any interest in the property for cemetery use, to avoid any questions about the title so the pending sale can go through.

The town attorney has advised that the council is the appropriate body with the authority to consider this request.

Attached are:

- The original deed showing the verbiage at the very bottom of the deed
- The latest survey from Wayne Wood showing the 2.66 acre lot remaining
- The latest deed filed
- The latest tax invoice showing the map lot 045-033-028-000

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

5/9/2023

To: Town of Gray ME

My name is Dianna Ridlon and I have inherited a piece of property off Depot Rd in Gray from my mother's trust.

I do have this property under contract currently and the title search came back showing in a past deed # 2738p172 verbiage *"Meaning also for this land to be used for a cemetery or burial ground purpose if the Town of Gray should desire to purchase it from grantees for this reason, at any future date"*.

Due to this verbiage the title company will not deliver a clear title.

I have spoken with the trust attorney who stated it's a simple letter from the town stating they do not want to purchase this land for a burial site.

Basically, the town has two options.

1) The town buys the land for a cemetery

Or

2) The town signs off on wanting to buy the land and lets me sell the land.

Attached:

The original deed showing the verbiage at the very bottom of the deed.

The latest survey from Wayne Wood showing the 2.66-acre lot remaining.

The latest deed filed.

The latest tax invoice showing the map lot 045-033-028-000

Thank you.

Dianna Ridlon

4 Chelsey Lane Gray ME 04039

207 8319781

(506)

172

Know all Men by these Presents.

That I, Annie C. Carr of Gray in the County of Cumberland and the State of Maine

Carr
to
Morrill
&
War

in consideration of One dollar (\$1.00) and other valuable considerations

paid by Matthew G. Morrill and Annie A. Morrill of said County and State

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Matthew G. Morrill and Annie A. Morrill

See
Book 3492
Page 78

original deed

as joint tenants and not as tenants in common, their heirs and assigns, and to the survivor of them and the heirs and assigns of the survivor of them forever. A certain lot or parcel of land situated on the northerly side of the Depot Road more particularly described as follows; Beginning at a point on the northerly side of the Depot road and running northerly two hundred forty two and one half (242 1/2) feet S-33° E to a point thence north 48° E one hundred fifty four (154) feet to a point and land of Matthew G. Morrill, thence north 38° west seven hundred ninety two (792) feet to a point and land of Matthew G. Morrill, thence north 52° east six hundred twenty five (625) feet to a point, stone and hub and land of Karl Merrill, thence southerly 38° East one thousand twenty (1020) feet to the side line of said Depot Road and a point, thence southerly along road line 52° west twenty (20) feet to land of one Grant, thence along Grant line in a northerly direction 38° west two hundred forty nine (249) feet to a point, thence northerly one hundred seventy five (175) feet along Grant line to a point, thence southerly 38° west along Grant line to the side line of Depot Road, thence along line of Depot road southerly 52° west three hundred thirty seven (337) feet more or less to a point and land of Annie C. Carr, and the point of beginning, (Containing fourteen (14) acres more or less.

Meaning to convey to the Grantees a portion of the premises that I acquired by will from my husband, Peter Carr, and recorded in the Cumberland County Registry of deeds January 20, 1955. Lizzie Gallup to Peter and Earl Carr December 11, 1936 Book 1509 Page 472 and Earl Carr to Peter Carr by quit claim deed about 11/10/43.

Meaning also for this land to be used for a cemetery or burial ground purpose if the Town of Gray should desire to purchase it from grantees for this reason, at any future date.

RECORDING REQUESTED BY
AND AFTER RECORDING RETURN TO:
Richard J. Abbondanza, Esq.
Hopkinson & Abbondanza, P.A.
6 City Center, Suite 400
Portland, ME 04101

DLN: 1002240182277

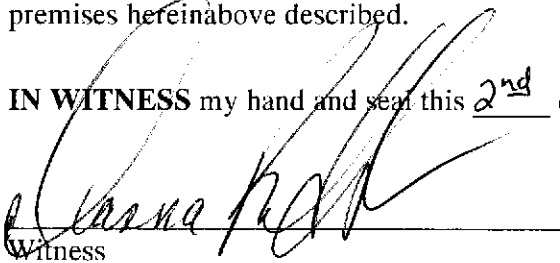
DEED

CARLENE DURGIN of Gray, County of Cumberland, and State of Maine, for consideration paid, grants, conveys and forever quitclaims to **CARLENE E. DURGIN, DIANNA RIDLON and DENISE PRIDE, Trustees, or their successors in trust, of the CARLENE E. DURGIN LIVING TRUST dated September 27, 2021, and any amendments thereto**, of Gray, County of Cumberland, and State of Maine, with quitclaim covenant, a certain lot or parcel of land situated in Gray, County of Cumberland, and State of Maine, more particularly bounded and described as follows:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS my hand and seal this 2nd day of February, 2022.



Witness

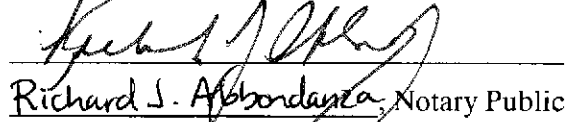


CARLENE DURGIN

State of Maine
County of Cumberland, ss.

Personally appeared before me **CARLENE DURGIN** and acknowledged the foregoing instrument to be her free act and deed on February 2, 2022.

Before me,



Richard J. Abbondanza, Notary Public

My commission expires: May 6, 2025

EXHIBIT A

(Depot Road)

A certain lot or parcel of land located in Gray, Cumberland County, Maine, more particularly described as follows:

The parcel located on the northwesterly sideline of Depot Road in Gray, conveyed by Annie C. Carr to Matthew G. Morrill and Annie A. Morrill by deed recorded at the Cumberland County registry of Deeds in Book 2738, Page 172, more particularly described as follows:

Beginning at a point on the northerly side of Depot Road and running northerly two hundred forty-two and one half (242½) feet (S 33° E) to a point; thence N 48° E one hundred fifty-four (154) feet to a point and land now or formerly of Matthew G. Morrill; thence N 38° W seven hundred ninety-two (792) feet to a point and land now or formerly of Matthew G. Morrill, thence N 52° E six hundred twenty-five (625) feet to a point, stone and hub and land now or formerly of Karl Merrill, thence S 38° E one thousand twenty (1020) feet to the sideline of said Depot Road and a point; thence S 52° W, along the road line, twenty (20) feet to land now or formerly of one Grant; thence along Grant line N 38° W two hundred forty-nine (249) feet to a point, thence northerly one hundred seventy-five (175) feet along Grant line to a point; thence S 38° W along Grant line to the sideline of Depot Road; thence along line of Depot Road S 52° W three hundred thirty-seven (337) feet, more or less, to a point and land now or formerly of Annie C. Carr, and the point of beginning.

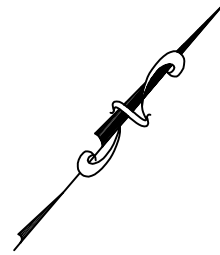
Excepting that portion of the above lot previously conveyed to Dennis M. Durgin and Carlene E. Durgin by deed of Evelyn Durgin recorded at the Cumberland County Registry of Deeds in Book 25195, Page 24.

Further Excepting that portion of the above lot conveyed to Ross Allen Spurling by deed dated April 17, 2012, and recorded in the Cumberland County Registry of deeds in Book 29531, Page 112.

Further excepting that portion of the above lot conveyed to Betsy J. Durgin by deed dated November 29, 2018, and recorded in the Cumberland County Registry of Deeds in Book 35337, Page 68.

The parcel herein conveyed contains 2.66 acres, more or less.

Meaning and intending to convey the same premises conveyed to Carlene Durgin by deed dated March 17, 2021, and recorded in the Cumberland County Registry of Deeds in Book 38030, Page 84, on April 6, 2021.



N/F
Dennis Durgin
Carlene Durgin
(17,260/340)

N/F
Dennis M. Durgin
(29,943/323)

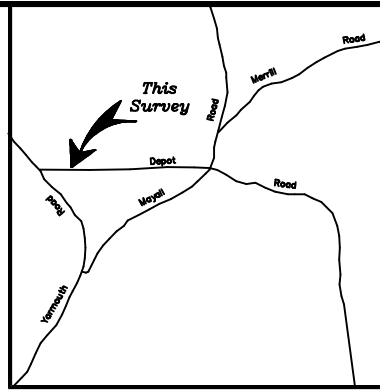
Remaining Land:
Total Lot Area: 116,157 sq.ft.
R.O.W. Area: 12,136 sq.ft.
Net Lot Area: 104,021 sq.ft.

N/F
Ross Allen Spurling
(29,531/112)

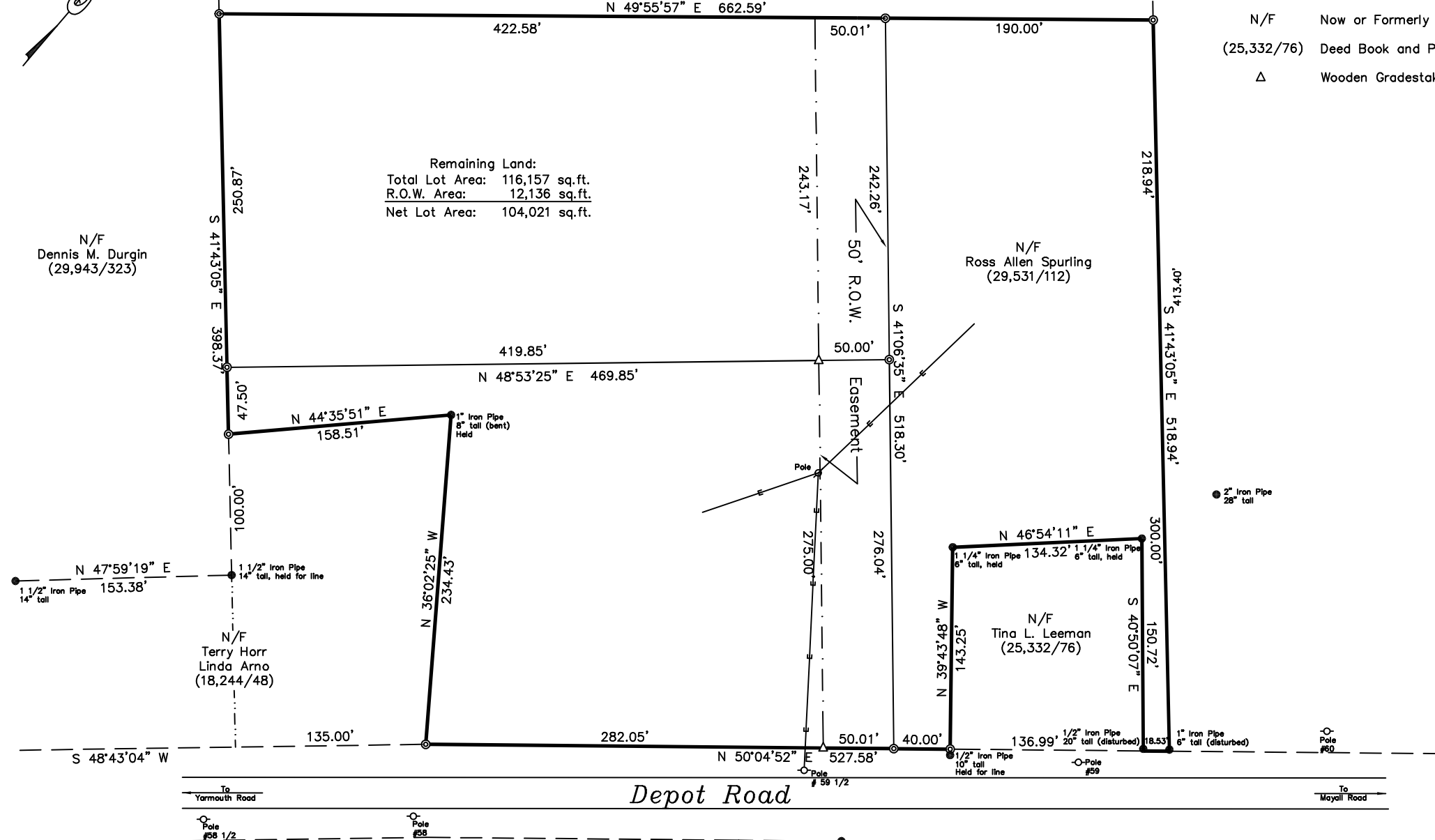
N/F
Pike Industries, Inc.
(23,578/296)

N/F
Tina L. Leeman
(25,332/76)

- LEGEND**
- ⊙ 5/8" Capped Rebar (#1328) Set
 - Iron Pipe or Pin Found as Noted
 - Utility Pole
 - N/F Now or Formerly of
 - (25,332/76) Deed Book and Page Reference
 - △ Wooden Gradestake Set

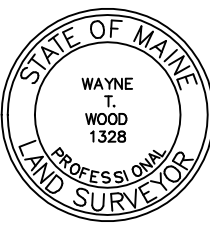


VICINITY MAP



PLAN REFERENCES

1. "Gravel Pit ~ Site Plan off Route 115 in Gray, Maine for Dennis Durgin" dated April 2002 by Wayne T. Wood & Co.
2. "Durgin Gravel Pit Existing Site Plan" dated January 4, 2001 by Pine Tree Engineering.
3. "Frontier Acres by Michael Valente III ~ Wade B. Trudel" dated January 1980 by Survey, Inc recorded in the Cumberland County Registry of Deeds in Plan Book 126 on Page 34.
4. "State of Maine Department of Transportation Right of Way Map State Aid Highway No. 1 & 2 - Gray Project No. 004470.00" dated February 1990 DOT File No. 3-379.
5. "State of Maine Department of Transportation Right of Way Map State Aid Highway No. 1 - Gray Federal Aid Project No. S-0139 (2)" dated February 1973 DOT File No. 3-220.



NOTES

1. Owner of record is Dennis M. Durgin by a quitclaim deed of Cynthia A. Rogers recorded in the Cumberland County Registry of Deeds in Book 26,905 on Page 166.
2. All bearings are referenced to Magnetic North of the Year 1980 per the plan in Plan Reference 3 and are calculated from angles of an actual on the ground survey.
3. The subject parcel is shown on the Town of Gray Tax Map #45 as Lot #33-28.

Plan of Land/Proposed Lot
On
Depot Road
In
Gray, Maine
For Owner of Record:
Dennis Durgin
P. O. Box 51 ~ Gray, ME 04039

WAYNE T. WOOD & CO.

Gray, Maine 04039
Drwn. By: KLW/WTW
Scale: 1" = 60'
Chkd. By: WTW
Bk.No. 122

(207)657-3330
Date
October 2011
Job No.
211073

April 2023	REVISED	Added utilities
December 2017	REVISED	Create New Lot

**TOWN OF GRAY MAINE
24 MAIN ST
GRAY, ME 04039-9407**



2023 REAL ESTATE TAX BILL

CURRENT BILLING INFORMATION

LAND VALUE	\$47,200.00
BUILDING VALUE	\$0.00
TOTAL: LAND & BLDG	\$47,200.00
FURNITURE & FIXTURES	\$0.00
MACHINERY & EQUIPMENT	\$0.00
COMPUTER EQUIPMENT	\$0.00
MISCELLANEOUS	\$0.00
TOTAL PER. PROPERTY	\$0.00
HOMESTEAD EXEMPTION	\$0.00
OTHER EXEMPTION	\$0.00
NET ASSESSMENT	\$47,200.00
TOTAL TAX	\$658.44
LESS PAID TO DATE	\$0.00
TOTAL DUE ⇨	\$658.44

Fiscal Year July 01, 2022 - June 30, 2023

OFFICE HOURS

Mon-Wed 8:30 - 4:00
Thursday 8:30 - 6:30
Friday 8:30 - Noon

**THIS IS THE ONLY BILL
YOU WILL RECEIVE**

S123036 P0 - 1of1 - M5

1013 CARLENE E DURGIN LIVING TRUST
PO BOX 512
GRAY, ME 04039-0512

ACCOUNT: 001938 RE
MIL RATE: 13.95
LOCATION: DEPOT RD
BOOK/PAGE: B39150P43 02/07/2022

ACREAGE: 2.66
MAP/LOT: 045-033-028-000

JULY 1, 2022 - DECEMBER 31, 2022
1ST HALF DUE: 10/03/2022 **\$329.22**
JANUARY 1, 2023 - JUNE 30, 2023
2ND HALF DUE: 04/03/2023 **\$329.22**

TAXPAYER'S NOTICE

PLEASE READ.

Interest at 4% per annum charged after 10/03/2022 and 04/03/2023. If you have an escrow account or have sold your property after 04/01/2022, please forward a copy of this bill to your mortgage holder or new owner.

INFORMATION

The Town's certified assessment ratio for Fiscal Year 2023 is 100%.

If you have questions regarding your valuation, please contact the Assessor at (207) 657-3339, ext. 112.

For information regarding payments, interest, cost changes, and/or refunds, please call 657-3339 extension 103.

As a result of the money our municipality receives from the state legislature through the State Municipal Revenue Sharing Program, Homestead Exemption Reimbursement, and State Aid to Education, your property tax bill has already been reduced by 28.51%

The total bonded indebtedness of the Town of Gray as of August 8, 2022 is \$8,145,432.

If you would like to receive general tax information by e-mail, sign up at www.graymaine.org/subscribe for Urgent Alerts: Finance.

CURRENT BILLING DISTRIBUTION

School	\$325.99	48.12%
Municipal	\$287.21	45.20%
County	\$23.57	3.50%
TIF	<u>\$21.66</u>	<u>3.18%</u>
TOTAL	\$658.44	100.00%

REMITTANCE INSTRUCTIONS

Please make check or money order payable to
TOWN OF GRAY and mail to:

**TOWN OF GRAY
24 MAIN ST
GRAY, ME 04039-9407**

Any payments received by mail postmarked after the due date
will be subject to interest.

TOWN OF GRAY, 24 MAIN ST, GRAY, ME 04039-9407

2023 REAL ESTATE TAX BILL
ACCOUNT: 001938 RE
NAME: CARLENE E DURGIN LIVING TRUST
MAP/LOT: 045-033-028-000
LOCATION: DEPOT RD
ACREAGE: 2.66



INTEREST BEGINS ON 04/04/2023

DUE DATE	AMOUNT DUE	AMOUNT PAID
04/03/2023	\$329.22	

PLEASE REMIT THIS PORTION WITH YOUR SECOND PAYMENT

TOWN OF GRAY, 24 MAIN ST, GRAY, ME 04039-9407

2023 REAL ESTATE TAX BILL
ACCOUNT: 001938 RE
NAME: CARLENE E DURGIN LIVING TRUST
MAP/LOT: 045-033-028-000
LOCATION: DEPOT RD
ACREAGE: 2.66



INTEREST BEGINS ON 10/04/2022

DUE DATE	AMOUNT DUE	AMOUNT PAID
10/03/2022	\$329.22	

PLEASE REMIT THIS PORTION WITH YOUR FIRST PAYMENT

RELEASE OF OPTION

The Town of Gray, County of Cumberland, and State of Maine, by and through its Town Manager and Town Council Members, hereby release its option to use certain land in Gray, County of Cumberland and State of Maine, as a cemetery or burial ground. Said option was granted in that certain deed from Annie C. Carr to Matthew G. Morrill and Annie A. Morrill, dated March 16, 1963, and recorded in the Cumberland County Registry of Deeds in Book 2738, Page 172.

Dated this ____ day of May, 2023.

WITNESS

TOWN OF GRAY, MAINE

By: Nathaniel Rudy
Its: Town Manager

STATE OF MAINE
_____ ss.

May ____, 2023

Then personally appeared the above-named Nathaniel Rudy, Town Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Town of Gray.

Before me,

Notary Public / Attorney at Law
Printed Name:
My Commission Expires:

Dated this ____ day of May, 2023.

WITNESS

TOWN OF GRAY, MAINE

By: Sandra Carder
Its: Town Council Member

STATE OF MAINE

_____ ss.

May ____, 2023

Then personally appeared the above-named Sandra Carder, Town Council Member, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of Town of Gray.

Before me,

Notary Public / Attorney at Law

Printed Name:

My Commission Expires:

Dated this ____ day of May, 2023.

WITNESS

TOWN OF GRAY, MAINE

By: Krista Chappell
Its: Town Council Member

STATE OF MAINE

_____ ss.

May ____, 2023

Then personally appeared the above-named Krista Chappell, Town Council Member, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of Town of Gray.

Before me,

Notary Public / Attorney at Law
Printed Name:
My Commission Expires:

Dated this ____ day of May, 2023.

WITNESS

TOWN OF GRAY, MAINE

By: Dan Maguire
Its: Town Council Member

STATE OF MAINE

_____ ss.

May ____, 2023

Then personally appeared the above-named Dan Maguire, Town Council Member, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Town of Gray.

Before me,

Notary Public / Attorney at Law

Printed Name:

My Commission Expires:

Dated this ____ day of May, 2023.

WITNESS

TOWN OF GRAY, MAINE

By: Martin Meaney
Its: Town Council Member

STATE OF MAINE

_____ ss.

May ____, 2023

Then personally appeared the above-named Martin Meaney, Town Council Member, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Town of Gray.

Before me,

Notary Public / Attorney at Law
Printed Name:
My Commission Expires:



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN CLERK

Britt Barton, Town Clerk
townclerk@graymaine.org
(207) 657-3339 ext: 104

May 8, 2023

Council Members,

Please take into consideration appointing Susan Tsukroff as the Warden for the Town of Gray Election to be held on June 13, 2023.

Susan is a long-time Gray resident and has years of experience as an Election worker for the Town of Gray.

She has shown willingness to commit her time to participating in the elections and presently held the position of Warden in 2022.

Thank you,

A handwritten signature in cursive script, appearing to read "Britt L. Barton".

Britt L Barton
Town Clerk
Gray, Maine

TOWN OF GRAY
JUNE 13, 2023
ANNUAL TOWN MEETING WARRANT

Cumberland, SS.

State of Maine

To Britt Barton, Town Clerk of the Town of Gray

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Gray in said County and State, qualified by law to vote in Town affairs, to meet at Newbegin Center on Route 100/Lewiston Road in Gray, Maine on Tuesday, June 13, 2023, at 7:00 AM, then and there to act upon Article 1. The polls for voting for public officials and on Articles 2 through 14 shall open at 7:00 AM and close at 8:00 PM.

Article 1. To choose, by ballot, a Moderator to preside at said Annual Town Meeting.
To choose by secret ballot the following public officials:

1. **Voting two members of the Town Council to serve a three-year term until June 2026.**
2. **Voting for two members of the MSAD #15 Board of Directors to serve three-year terms until June 2026.**
3. **Voting for one member of the MSAD #15 Board of Directors to serve a remaining two-year term until June 2025.**
4. **Voting for one member of the Gray Water District Trustee to serve a five-year term until June 2028.**

To decide by secret ballot the following Budget Articles:

Article 2. Shall the Town vote to accept revenue and any Federal, State, and other sources of revenue and to appropriate the same to help fund the total Municipal Budget for FYE 2024 (detailed below) as recommended by the Town Council?

Article 3. Shall the Town vote to raise and appropriate \$12,741,976 to fund the FYE 2024 Municipal Budget, as recommended by the Town Council?

(Administration: Clerk, HR, Elections, GA, Finance, Code Enforcement, Assessing, Planning, Comm. & Info. Tech.)		\$2,020,643
Municipal Expenses		\$4,651,974
Library and Parks & Recreation		\$474,772
Public Safety/Street Lights		\$1,813,722
Public Works		\$3,324,946
Council (legal), Boards and Committees		\$71,703
Law Enforcement		\$325,191
Community Service Agencies		\$59,025
Total Budget FYE 2024		\$12,741,976

(Fiscal Note: If passed, **this article shall only be effective if the voters also pass Article 12** below to increase the so-called LD 1 property tax levy limit.)

Article 4. Shall the Town vote to raise and appropriate \$10,500 for Town Council compensation for FYE 2024, as recommended by the Town Council?

(Note: This appropriation must be voted on as a separate article, pursuant to Art. II, Sec. 6 of the Town Charter.)

Article 5. Shall the Town vote to appropriate \$3,116,356 from the Capital Reserve Fund for FYE 2024, for the following Capital Projects, as recommended by the Town Council?

Road Resurfacing	\$710,000	
Bridge Repair and Replacement	\$121,000	
Parks and Recreation	\$10,000	
Fire & Public Safety	\$0.00	
Public Works, Town Vehicles & Equipment	\$148,000	
Public Buildings	\$134,600	
Technology	\$162,642	
Library	\$18,000	
Debt Service	\$1,347,114	
Land Acquisition	\$50,000	
FY25 Capital Project Reserve	\$325,000	
Professional Services	\$90,000	
Total Capital Projects FYE 2024		\$3,116,356

Article 6. Shall the Town vote to appropriate from the TIF Revenue Fund and authorize the Town Council to expend TIF Revenue in an amount not to exceed \$626,753 for Gray Village and related road construction and utilities planning, design, and engineering; stormwater/wastewater systems feasibility studies; and construction of sports fields to supplement Douglass Field, all in accordance with the TIF District Development Program documents, as recommended by the Town Council.

Article 7. Shall the Town vote to accept and appropriate for their designated purposes all the various Town "enterprise account" funds (e.g., nonmajor special revenue funds, recreation enterprise funds) for FYE 2024, as recommended by the Town Council?

Article 8. Shall the Town vote to place funds received from the disposition of Town-owned personal property with a value of \$100,000 or less in the Capital Reserve Fund, and to appropriate the same for capital projects, as recommended by the Town Council?

Article 9. Shall the Town vote to accept all funds generated by donations and fund-raising activities on behalf of the Town's Recreation Department, the Dry Mills Schoolhouse, the Gray Public Library Association, the Gray Fire Rescue Association, and various Town Committees, and to appropriate the same for their intended purposes, as recommended by the Town Council?

Article 10. Shall the Town vote to authorize the payment of tax abatements, including any interest due thereon, from the property tax overlay or, if necessary, from the unassigned fund balance, as recommended by the Town Council?

Article 11. Shall the Town vote to authorize the Town Council to accept and appropriate funds on behalf of the Town, federal, state, and private funds received in the form of grants or gifts during the period from July 1, 2023, through June 30, 2024, as recommended by the Town Council?

Article 12. Shall the Town vote to increase the Town of Gray's property tax levy limit established for FYE 2024 by State law to \$810,033 in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit, as recommended by the Town Council?

(Approval of the Municipal Budget requires approval of this Article.)

Article 13. Shall the Town vote to authorize the transfer of up to \$417,000 from the Unassigned General Fund Balance into the Land Acquisition Fund, provided that in no event shall the Unassigned General Fund Balance be reduced as a result of such transfer to a level less than 2/12 of the Town's Net Assessment for Commitment; and authorize the transfer of up to an amount in excess of 3/12 of the Town's unassigned general fund balance at June 30, 2023 to the Capital Reserve Fund; and to appropriate up to said amounts from the Land Acquisition Fund and Capital Reserve Fund for costs associated with infrastructure improvements and acquisition of land necessary to achieve the open space and Gray Village development goals identified in the Town's Comprehensive Plan and the Gray Village Master Plan as the Town Council deems to be in the Town's best interest?

Article 14. Shall the Town vote to authorize the issuance of up to \$850,000 in general obligation bonds or notes of the Town to pay and/or reimburse the cost of improvements to the septic system that services multiple buildings on the Pennell Complex and the construction of additional public facilities and programmatic space for the Town Recreation Department and child-care program in the Manual Arts building, said bonds and notes hereby authorized and the proceeds thereof hereby appropriated for said purpose, with the details of such bonding (including provisions that the bonds may be prepaid or subject to call for redemption with or without premium) to be determined by the Town Council?

(Fiscal Note: Total estimated debt service of this bond issue is approximately \$983,152.91, of which principal is \$850,000 and estimated interest at 5.05% over five years is \$133,152.91.)

FINANCIAL STATEMENT—TOWN OF GRAY: The issuance of bonds by the Town of Gray (the “Town”) is one of the ways in which the Town borrows money for certain purposes. The following summary of the bonded indebtedness of the Town of Gray is as of the date of this Special Town Meeting:

Bonds Now Outstanding and Unpaid	\$ 5,612,130
Interest to be Repaid on Outstanding Bonds	\$ 1,137,870
Total to be Repaid on Bonds Issued	\$ 6,750,000
Additional Bonds Authorized But Not Yet Issued	\$ 0
Total Additional Bonds to be Issued if Approved by Voters	\$ 850,000.00
Estimated of Potential New Interest	\$ 133,152.91
Total Additional Bonds to Be Issued and Estimated Interest if Approved by Voters	\$983,152.91

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity.

Absentee Ballot Processing:

- ✓ **During** Election Day (06/13/2023) Processing Time(s): 10:00 AM, 2:00 PM, 4:00 PM, and 8:00 PM.

The Gray Town Democratic Committee, the Gray Town Republican Committee, the Green Independent Party will be notified, in writing, the absentee ballot processing times.

The Registrar of Voters is available to accept new registrations and corrections to the voter list at the Municipal Offices at the Henry Pennell Municipal Complex, 24 Main Street in Gray. The Municipal Offices are open Mondays, Tuesdays, and Wednesdays 8:30AM - 4:00PM, and Thursdays 11AM – 6:30PM and Fridays, 8:30AM – 12:00 noon. Proof of residency and identity is required. A person who is not registered is not eligible to vote in the Annual Town Meeting.

Municipal Officers of Gray, Maine _____
Dated at Gray
This 16th day of May, 2023

A true copy.

Attest: _____
Judy Rand, Resident of Gray

Attest: _____
Town Clerk

The warrant and sample ballots shall be posted in the Town offices at least 7 days prior to the election.



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

ADMINISTRATION

Jonathan Hartt, HR Director
jhartt@graymaine.org
(207) 657-3339 x102

MEMORANDUM

Date: May 11, 2023
To: Gray Town Council
From: Jonathan Hartt
Re: Personnel Policy Recommendations

Thank you for considering these recommended changes to the Town's Personnel Policy, which we hope will help "facilitate the efficient administration of Town business while promoting and maintaining equal employment conditions for all Town employees."

Section 1- Mission Statement:

The Town's policy would benefit from language clarifying the document's purpose and updating the list of protected status to reflect current state and federal law. For instance, the Maine Human Rights Act (MHRA) affords protection against discrimination on the basis of familial status. This status has been added. However, the Town's attorney noted that political affiliation is not a protected status, which would obviate the need to include it in this section. This has been moved to Section 4. It also seems appropriate to remove mention of preference afforded to candidates based on their residency in the Town.

Section 3- Administration:

Added language further clarifies the Human Resource Director's role in supporting the Town Manager with personnel policy implementation.

Section 4- Employment:

- A. Section A now lists additional laws related to equal opportunity employment.
- L. Section L provides additional guidelines and procedures around personnel files and verification of employment.
- P. Conflict of Interest language pertaining to employment in general has been removed from Section A: Applications and added to Section P: Conflict of Interest.

Section 7- Benefits:

- B. Section B contains clarifying language regarding benefit eligibility.
- F. Section F revisions address an employee's potential need for additional sick time. The Town's attorney added language noting that the type of leave described could potentially qualify for Maine Family Medical Leave for FMLA. While not a paid benefit, the context described could be a triggering event for an unpaid benefit. Also, sick time donation language has been removed because we don't have a sick time donation program in place to implement the policy as intended and further additions/revisions to the policy would be necessary to establish a qualified program per the IRS regulations. Based on this and

information from HR professionals at other municipalities, sick time donation requirements would be untenable at current staffing levels.

- G. Section H adds language entitling department heads from hire to earn vacation time at a higher rate because (a) department heads have responsibilities requiring them to work more than a typical 40-hour work week, often including evenings and weekends, (b) most are “on-call” 24/7, and (c) the Town does not offer employment contracts to anyone other than the Town Manager.

Section 12- Political and Outside Activities:

Revised language further clarifies expectations for employees, balancing the Town’s need as a government entity to prohibit political advocacy while on duty and an employee’s First Amendment rights.

Section 13- Safety

Revised language clarifies and creates administrative procedures pertaining to Worker’s Compensation and OSHA Form 300.

The Return to Work policy (now included in this Safety section) was recommended by the Maine Municipal Association and adopted by the Town Council on 10/04/22. The Town’s attorney has added language to ensure best practice and compliance with the Americans with Disabilities Act.

PERSONNEL POLICY

Town of Gray

Adopted: February 2, 2010

Amended: February 21, 2012

Amended: February 18, 2020

Amended: June 7, 2022

Amended: December 20, 2022

Amended: May 16, 2023

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Be it hereby resolved by the Town Council of Gray, Maine:

Section 1 - Mission Statement

The Town of Gray (hereafter “Town”) ~~is committed to providing a fair and equitable system of personnel administration~~~~recognizes that employment within its government shall be based on merit.~~ ~~By supporting our employees, we can ensure that they are able to provide the highest quality services to our residents.~~ As an Equal Opportunity Employer, the Town shall employ and promotes employees based on merit and without discrimination as to race, color, creed, age, sex (including pregnancy, sexual orientation, andor gender identity), physical or mental sexual orientation, disability, religion, ancestry, national origin or familial status, or genetic information~~or political affiliation;~~ ~~the best qualified persons who are available at the salary level established for the position, with first preference being given to citizens of the Town, all other factors being equal.~~

The Personnel Policy that follows is designed to facilitate the efficient administration of Town business while promoting and maintaining equal employment conditions for all Town employees. Positions have been classified, where necessary, to clarify policies which apply strictly to employees with similar duties, authority, compensation or responsibilities. This policy is adaptive in nature and may be amended to meet the Town's future needs. This policy shall be applicable to all employees as defined within and is not a contract of employment.

Section 2 - Definitions

- 1) Appointing Authority: The Town Manager or the Town Council.
- 2) Employee: Denotes any person hired to a position by the Town Manager.
- 3) Regular, Full-Time: Employees who are not in a temporary, per-diem or probationary status and who are regularly scheduled to work the Town’s full-time schedule are, generally, eligible for the Town’s benefit package, subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions.
- 4) Regular, Part-Time: Employees who are not assigned to a temporary, per-diem or probationary status and who are regularly scheduled to work less than a full-time schedule, but no less than 20 hours per week. These employees receive all legally mandated benefits and are eligible for the Town’s benefit package at full cost to the employee subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions. If hours worked during a pay period drop under 20 hours per week, no vacation or sick time will be accrued for that pay period.
- 5) Probationary: Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classifications.

- 6) Temporary: Employees who may or may not work a specified number of hours per week but who is employed on a short-term basis at the discretion of the Town, usually for a specified term or project or are employed as part of seasonal operations, and whose employment will normally end at the conclusion of those seasonal operations during any given year.

Employment beyond any initially stated period does not; in any way imply a change in employment status. Temporary employees retain their status until they are legally notified of a change. A change to or from this category can be accomplished only with the written consent of the Town Manager. Although temporary employees receive legally mandated benefits they are ineligible for the Town's benefit package.

- 7) Per-diem: Employees who routinely work either a full-time or a part-time schedule and who accept additional compensation in lieu of participation in all but legally-mandated benefits. The Town offers this category in limited classifications and to a limited number of employees, such as Rescue EMTs. Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible classification. A change to or from this classification can be accomplished only with the written consent of the Town Manager.
- 8) FLSA: Fair Labor Standards Act.
- 9) Legally Mandated Benefits: Social Security and Workers Compensation Insurance.
- 10) Full-Time Schedule: For the purposes of determining benefits eligibility, a full-time schedule means a minimum of thirty-five (35) hours per week, based on a calendar year.
- 11) Good Standing: Employees who are not the subject of disciplinary action by the Town are considered in good standing.
- 12) Immediate Family: Includes parents, spouse/domestic partner, brother, sister, children (including step-children), grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law.
- 13) Hire Date: The date when an individual is notified of their employment with the Town of Gray. This date is not to be confused or used synonymously with an employee's start date which effects their benefit eligibility date.
- 14) Start Date: The date on which an employee actually commences work for the Town of Gray. This date is used to determine an employee's benefit eligibility date as applicable.

Section 3 - Administration

As the Town Council-appointed administrative head of the Town, the Town Manager shall be the Administrator of the Personnel Policy. It ~~shall be~~ their duty to:

- a) Encourage and exercise leadership in the development of sound personnel practices among the departments of the Town;
- b) Advise the Gray Town Council regarding manpower needs and utilization;
- c) Foster and develop programs for the improvement of employee effectiveness including training, safety, health, counseling and courtesy when dealing with the public and respectfulness of municipal property;

- d) Establish and maintain records of all Town employees in the public service, setting forth as to each employee: classification, title, salary or status, sick time, vacation time and any other relevant data;
- e) Ensure that at least one bulletin board shall be set up within easy access to each employee for the purpose of required Department of Labor posters, advertising job position openings, public notices, departmental regulations, etc.;
- f) Apply and perform any act, which may be necessary or desirable to carry out the purposes and provisions of the Personnel Policy.

The Town Manager designates the Human Resources Director to assist in the duties outlined above. The Human Resources Director should be considered a first point of contact for employees and external parties on personnel-related matters.

Section 4 - Employment

A. Applications

- 1) Original hires to positions in Groups I, II, III and IV shall be announced by posting notices in the Town Office, Post Office and such other places within the Town as may be deemed appropriate by the Town Manager, including at least one newspaper of general circulation. The Town Manager shall have final hiring authority on all municipal hires.
- 2) Applications shall be made on forms provided by the Town. Such forms shall require information covering training, experience and other pertinent information. All applicants must sign their application forms. Any misrepresentations, falsifications or material omissions may result in an applicant's exclusion, or, if the person has been hired, termination.
- 3) Preference may be given to qualified applicants who are residents of the Town. Preference will not be given based on political affiliation.
- 4) Vacancies in positions above the entrance level shall be filled by promotion whenever, in the judgment of the Town Manager, it is in the best interests of the Town to do so. In the case of promotion, appropriate consideration shall be given to the applicant's qualifications, record of performance or seniority.
- ~~5) A person responsible for the hiring of new employees within a department may not hire a relative. A relative is a "person connected with another by blood or affinity".~~
- 6) The Town is an Equal Opportunity Employer and is committed to complying fully with all state and federal employment laws, including, but not limited to, the Americans with Disabilities Act (ADA), the Americans with Disabilities Amendments Act (ADAA), the Pregnant Workers Fairness Act (PWFA), and the Maine Human Rights Act. :

7)6) The Town complies with the Immigration Reform and Control Act of 1986. Each new employee must complete Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility the original to be kept on file with the Human Resources Department.

8)7) The Town will check references and needed licensure of qualified job applicants.

9)8) An offer of employment is conditional on the following where applicable: a medical examination, a psychological evaluation, a criminal background check, a drug and alcohol test and a driving record. It is the practice of the Town of Gray to initiate at least a criminal background check for all prospective employees, as well as necessary independent contractors and volunteers to ensure the welfare and safety of the citizens in the Town of Gray.

B. Classifications

The Town Manager shall develop and recommend a classification plan for all positions in Groups I, II, III and IV. The classification plan shall consist of job descriptions specifying title, typical duties and responsibilities. The Town Manager shall assign the position a salary or wage range in accordance with the adopted pay schedule.

Before the classification plan, or any part thereof, shall become effective, it shall be approved, by order from the Gray Town Council.

The Town has established four (4) employment classifications.

- a) Group I: All full-time, salaried exempt employees.
- b) Group II: All full-time, hourly paid employees
- c) Group III: All regular part time employees.
- d) Group IV: All probationary, temporary, casual and per-diem employees. (This category **does not** include full-time hires in probationary status.)

C. Probation

The probationary period is intended to give a new employee the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period of time to evaluate an employee's capabilities, work habits, and over-all performance. Either the employee or the Town may end the employment relationship at will, during the probationary period, with or without cause or advance notice.

All new or rehired employees shall work on a probationary basis for the first six months from their date of hire or a time as established in writing by the Town Manager. Probationary basis shall be consistent with regulations as established by the FLSA.

During the initial probationary period, new employees are eligible for legally-mandated benefits. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) days of employment after their start date. New employees shall be eligible for other benefit programs at full cost to the employee. (A list of Town-offered optional benefits is available in Appendix E) Upon satisfactory completion of the initial probationary period, employees enter the established classifications.

An employee who is promoted or transferred within the Town may be required to complete a secondary probationary period with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence.

In cases of promotions or transfers within the Town, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to their former position or to a comparable position for which the employee is qualified, depending on the availability of such positions and the Town's needs.

Employment status is not changed until the end of the secondary probationary period that results from a promotion or transfer within the Town.

D. Conduct

All employees of the Town are expected to follow rules of conduct that will protect the interest and safety of all employees and the Town. Situations or conduct which would reflect negatively or bring discredit upon the Town are also unacceptable. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions that may result in disciplinary action, up to and including termination of employment:

- a) Theft or inappropriate removal or possession of property;
- b) Falsification of time-keeping records;
- c) Working under the influence of alcohol or illegal drugs;
- d) Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace while on duty or while operating employer-owned vehicles and equipment;
- e) Fighting or threatening in the workplace;
- f) Boisterous or disruptive activity in the workplace;
- g) Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- h) Insubordination or other disrespectful conduct;
- i) Violation of safety or health rules;
- j) Smoking in prohibited areas;
- k) Sexual or other unlawful or unwelcome harassment;
- l) Possession of dangerous or unauthorized materials such as explosives/firearms in the workplace;
- m) Excessive absenteeism or any absence without notice;
- n) Unauthorized absence from the work station during the workday;
- o) Unauthorized use of Town owned equipment;
- p) Illegal or inappropriate activity engaged in while using Town-owned vehicles and equipment, including, but not limited to violation of federal/state law or local ordinance, including those governing cell phone usage and text messaging regulations.
- q) Violation of the Personnel Policy;

- r) Unsatisfactory performance or conduct.

(This list is not intended to be exclusive.)

E. Professional Dress Standards

Appropriate professional attire ensures a safe, distraction-free work environment. Town of Gray employees, including volunteers, interns, and any other individual who would represent the Town, are expected to dress appropriately, and present a professional image while at work.

Professional Attire

Professional attire is expected of all employees consistent with the work location and the nature of work. Employees are asked to use good judgment and present themselves at all times in a manner that best represents the Town. Inappropriate attire includes clothing that is too tight or revealing; clothing with rips, tears, holes, or frays; or any extreme style or fashion in dress, footwear, accessories, fragrances, or hair. Basic elements for appropriate attire include clothing that is in neat and clean condition.

Examples of appropriate Town Hall office and Gray Public Library attire include:

- **Shirts:** Shirts with collars, professional or business casual blouses or tops. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, muscle shirts, camouflage, and crop tops.
- **Pants:** Dress slacks, trousers, and denim. Examples of inappropriate pants include shorts, camouflage, and pants worn below the waist or hip line.
- **Shoes:** Dress shoes, loafers, dress sandals. Examples of inappropriate footwear include flip-flops and construction or hunting boots.

Departments may elect to establish different standards based on job roles, safety / OSHA requirements, and level of interaction (or lack thereof) with members of the public. Departments with specific uniform practices in place should refer directly to department guidelines.

ID Badges

Employees visiting or working in Town Hall and the Library must wear their Town-issued ID badge and display the badge where it can be easily read. Picture IDs should be clear and unmarked.

Procedures

Department heads or those with supervising responsibilities are accountable for supporting and enforcing dress and appearance standards in their areas of responsibility. This includes coaching employees whose appearance is inappropriate. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time. Repeated violations will lead to

disciplinary action as determined by the Personnel Policy. Questions about procedures should be referred to Human Resources or the Town Manager.

Accommodations

Exceptions and reasonable accommodations will be made as needed. For instance, managers may make appropriate exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. An employee who is unsure of what is appropriate should check with his or her department head.

Additionally, the Town of Gray respects the religious beliefs of its employees and will make, upon request, an accommodation in terms of workplace attire when accommodation is available and does not create an undue hardship or safety issue for the Town. Requests for religious accommodation should be made in writing to the Town Manager.

F. Electronic Communications Policy

See Appendix for current policy.

G. Telephone and Personal Cell Phone Usage

Staff are expected to avoid making or receiving personal calls during work hours. Urgent calls to/from family members can be made/received and should be brief. Employees are expected to exercise the same discretion in using personal cell phones.

Employees contacted by creditors or collection agencies should immediately inform the caller of this policy and end the call. The employee should inform the agency in writing advising them not to contact them at work. Creditors failing to honor such a request can be reported to the Federal Trade Commission at www.ftc.gov.

H. Smoking

Smoking is not allowed in any workplace. It is the policy of the Town to comply with all applicable federal/state laws, and local ordinance regarding no smoking in the workplace and in public places.

Excerpt from the Town of Gray “No Tobacco, Alcohol or Medical Marijuana Use” Ordinance:

“No person(s) shall use or partake of any form of tobacco, alcohol or medical marijuana on/in Town of Gray property, 365 days a year, 24 hours a day. There will be no designated areas to use or partake of any form of the same on/in Town of Gray property. No litter associated with tobacco, alcohol or medical marijuana may be discarded on/in Town of Gray property.”

I. Drug Free Workplace Act

Under the Drug-Free Workplace Act, any employee who performs work for a

government contract or grant must notify the Town of a criminal conviction for drug-related activity occurring in the workplace. Employees concerned with substance dependency and abuse issues are encouraged to discuss these matters with their supervisor or the Town Manager.

J. Drugs

No employee may use, possess, distribute, sell or be under the influence of drugs while on the job or representing the Town. Prescription drugs may be used only if they do not impair the employee's job performance. Violations will result in disciplinary action, which may include termination.

K. Alcohol

No employee may use, possess, distribute, sell or be under the influence of alcohol while on the job and / or representing the Town at official Town proceedings or at Town-hosted events, except those related to Town Council approved economic development campaigns as described in Section 6.F. Violations will result in disciplinary action, which may include termination.

L. Personnel Files

The Town maintains a personnel file ~~on~~ for each employee. Personnel files are confidential and are the property of the Town. Personnel files are ~~to be~~ kept locked and secured ~~under the Town Manager's control in the Human Resources office.~~ A personnel file may include items such as hiring data, applications, resumes, reference letters, signed job descriptions, change of status forms, performance reviews, letters of recognition, corrective actions, and exit interview information. Other documents such as medical information and Workers' Compensation information are part of the employee personnel file but, because of the confidential nature of this information, are kept in a secure location separate from the employee personnel file.

Requests for this information are subject to the following requirements and procedures:

— Employee Requests - Pursuant to 26 M.R.S.A § 631, an employee is permitted to review and copy the employee's personnel file upon written request. This right additionally applies to a former employee or a duly authorized representative of the employee or former employee. (including former employees and duly authorized representatives). However, a upon written request for such information must be submitted to the Town. File review and copying must take place at the location where the personnel files are maintained, during normal office hours unless, at the ~~Town Managers~~ Human Resource Director's discretion, a more convenient time and location for the employee is arranged.

1) Employees are entitled to one free copy of their personnel file per calendar year upon written request.

2) Verification of Employment - Prospective employers, financial institutions, and residential property managers may request information on a former or current

employee's work history and salary. All such requests should be referred to Human Resources. Responses to written requests for verification of employment will be made on the form provided only when the request is accompanied by a former or current employee's signed authorization to release such information. A written verification of employment form that has been completed by Human Resources will be returned directly to the requesting party. Telephone requests for verification of employment by prospective employers, financial institutions, and residential property managers will be limited to confirming information stated by the external party.

M. Evaluations/Reviews

Supervisors and employees are strongly encouraged to discuss job performance, goals and professionalism. Formal Written Performance Evaluations are to be completed every twelve months, on or about the anniversary of the date of hire. Employee evaluations shall be signed by the employee, Department Head and Town Manager. An employee may attach a written statement within ten (10) calendar days after any evaluation given to be included in their personnel file.

N. Outside Employment

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their Department Head who shall inform the Town Manager of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, they shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to perform their regular duties first.

O. Vital Information

In order to comply with federal and state regulations as well as for insurance and payroll purposes, employees must notify the Human Resources Director, in writing, of any of the following changes:

- a. Address and/or telephone number
- b. Change in marital status
- c. Change in dependent status
- d. Legal change in name or citizenship status
- e. Additional or relevant education or skills acquired since date of
- f. employment
- g. Person to be notified in case of emergency
- h. Change in military status or reserve requirements

P. Conflict of Interest

No employee of the Town shall have any financial interest in or profit from any

contract, purchase, sale or work performed by the Town unless otherwise provided for by the Town Council. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or immediate family as listed in the definitions portion of this Policy. Actual conflicts of interest, as well as incidents or situations which create the appearance of a conflict, must be avoided.

1) Employment - The Town discourages the employment of individuals to work in a direct or indirect line of supervision with an employee who is a member of the individual's immediate family. The Town prohibits officers or employees of the Town from using their official position to advance, advocate, hire, or promote the employment of their immediate family in any position. Employees must disclose to the Town Manager any employment relationship that may be a conflict of interest.

4)2) Purchasing - No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose this, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

2)3) Gratuities - Compensation paid to the employee in accordance with the Pay Schedule, and reasonable expenses as approved by the Town Manager, shall constitute the sole remuneration for services rendered by an employee in the discharge of Town duties. No additional reward, gift or other form of remuneration shall be accepted by any employee for the discharge of their Town duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Personal gains may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any "kickbacks", bribes, substantial gifts or special consideration, as a result of any transaction or business dealings involving the Town.

Q. Confidentiality

During the course of their duties, employees of the Town are often privy to information about individuals, which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations, General Assistance and personnel actions. Employees are expected to respect the confidential nature of such information. Violations will result in disciplinary action, which may include termination.

Section 5 – Hours of Work

The hours of work (starting times, quitting times, lunch times and overtime) will be established within each department subject to the Town Manager's approval.

The hours of work may be changed by mutual agreement of the Department Head and the department employees, subject to Town Manager's written approval.

A. Overtime

Any time actually worked in excess of 40 hours in one work week shall be compensated by overtime pay at a rate of time and one-half, with the exception of employees in Group I. For those employees in Group I, it is understood that compensation is based on the job responsibility; and the person filling the position will be expected to accomplish the work assigned to the position regardless of hours required. For the purposes of overtime calculation, holiday and vacation time will be considered time actually worked, with the exception of floating holidays. Public Works and Maintenance employees will be paid overtime for time worked after their normal daily scheduled hours.

In accordance with FLSA, temporary summer Recreation employees are exempt from overtime.

In accordance with FLSA, Law Enforcement and Fire Protection Employees are entitled to overtime if they work in excess of 212 hours in a consecutive twenty-eight (28) day period.

Fire Protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

B. Compensatory Time

Compensatory time is paid time that is earned and accrued by an employee in lieu of immediate cash payment for working overtime hours. Accrual of compensatory time in hours will equal 1.5 the overtime hours worked to correctly compensate the employee in regular hours. (see example below)

- a. Overtime hours worked 2.5 hours = 2.5 hours multiplied by 1.5= 3.75 compensatory time hours.

All compensatory time accrued must be used within six months of their accrual date. At such a time, expired compensatory time will be paid out at the current rate of pay for the

employee in the regular hours as calculated, as the regular hours have already been calculated at the required 1.5 rate.

Unless otherwise indicated in writing, each employee will be paid for the overtime hours worked during the normal payroll process. Each Department Head may determine whether the needs of their department are better served by allowing compensatory time to accrue for their employees in lieu of immediate cash payment for overtime hours worked. An employee may submit a written request to their Department Head for accrual of compensatory time in lieu of immediate cash payment for working overtime hours in advance of the hours worked, which will be subject to the Department Head's advance approval.

C. Absences

In the event of an absence due to illness or other personal cause, it is the responsibility of employees to notify their Department Head directly of the absence, as early as possible, but no later than fifteen (15) minutes after their scheduled starting time. If the Department Head is unavailable the employee should contact the Town Manager's Office. A signed Absence request form must be submitted to the Human Resources Department within three working days for Payroll purposes if utilizing eligible time. Absenteesim and excessive tardiness may lead to disciplinary action and/or possible termination.

A completed Absence request form must be submitted by the employee to their Department Head to request utilization of eligible time available. Scheduled Absence requests must be submitted with sufficient time in advance of the requested time off. The Department Head will process an Absence request within a reasonable amount of time (not to exceed five business days unless otherwise indicated to the employee in writing within that time frame). Department Head approval of such requests should cause a minimum loss of service to the public and is subject to approval by the Town Manager. Department Head requests shall be submitted to the Town Manager.

D. Call-In

Except as otherwise provided by law, any employee in Group II who is subject to being called in to work during their normal off-duty hours shall be paid a minimum of three (3) hours pay for each such call-in. Should they be required to work less than two (2) of the three (3) hours, three (3) hours will be the maximum paid in lieu of overtime compensation. Should they be required to work more than two (2) of the three (3) hours, overtime pay will be calculated on actual time worked.

E. Emergencies

Emergencies requiring the closure of any of the Town's facilities will be announced on local radio and television stations. Employees should be notified no later than one hour prior to the normal opening of the Town's affected public facilities. Employees who scheduled to work will be paid their normally-scheduled hours during official closures. Emergency and essential staff may be asked to work during official closures and will receive regular pay.

Section 6 – Compensation

A. Pay Schedule

The Town Manager shall prepare a pay schedule for all of the positions in the Town. The pay schedule shall reflect fairly the difference in duties and responsibilities and shall be related to compensation for comparable positions in other public and private employment.

The Town Manager shall submit the pay schedule to the Gray Town Council in the form of a resolution. The Council may adopt the pay schedule with or without amendment. Thereafter, no position shall be assigned a salary higher than the maximum provided for the position unless the pay schedule is amended in the same manner as herein provided for its adoption.

Any pay schedule amendments of position or re-assignment requests shall be brought to the attention of the Town Manager by the Department Heads. Changes will be made by the Town Manager in writing and will be based on employee merit.

B. Pay Dates

All employees are paid bi-weekly. If payday falls on a regularly scheduled holiday, employees will receive pay on the last day of work before the regularly scheduled payday. To receive pay before a scheduled vacation or to have pay direct-deposited to bank accounts, employees must submit a written request to the Finance Department. Any questions concerning payroll deductions may be addressed to the Finance Department.

C. Positions Changes

When an individual position is changed by reorganization, creation of a new position, or a change in duties and responsibilities, revisions of the pay schedule or possible job classification changes are necessary and the Town Manager shall recommend the necessary revisions to the Town Council for their approval.

When a regular employee is out for an extended period of time due to illness or injury, the Department Head must review the vacancy to determine if the operations can continue without the position being filled temporarily. The written analysis must include the cost benefits of using existing personnel, including any overtime incurred, versus the promotion or hiring to fill the vacancy. If it is determined that the position must be filled during this period the following shall apply:

- 1) Promotions: In those cases where a regular part-time employee is temporarily promoted to fill the full-time vacancy, the person promoted shall be entitled to receive, all benefits provided to that position as indicated in the positions job classification. The time served in the temporary position shall count towards their second probationary period (as referenced under Section 4-C). Should the

individual be returned to their regular part-time status, they shall be entitled to receive all benefits provided to that position as indicated in the positions job classification.

- 2) Hire: If a new person is hired temporarily to fill the full-time vacancy they shall only be entitled to the legally mandated benefits and holiday pay. If they are hired to the position as a full-time employee, then the time worked shall count towards their initial probationary period.

D. Cost of Living Adjustment (COLA) / Merit Raises

Any salary or wage adjustment based on COLA will commence on July 1, of each respective year.

Merit raises will be based on an employee's annual performance evaluation. Merit raises will be awarded as determined in writing by the Town Manager.

E. Fire / Rescue Per-Call Stipend

Fire and Rescue per-call "time" is not included in actual time calculations and is not included in overtime calculations.

F. Travel Expenses

1. Local Travel Expenses

Employees required to drive personal vehicles for approved municipal purposes shall be reimbursed by the Town at the current federal mileage rate. Other approved expenses will also be reimbursed using a prorated Federal per-diem rate.

- a) Requests for local travel reimbursement must be approved by the employee's Department Head or the Town Manager, and must be accompanied by itemized receipts or submission of a travel expense form claiming prorated Federal per-diem reimbursement.
- b) Authorization for personal car use by employees for routine Town business will be at the discretion of the Town Manager. All employees must show proof of insurance and a valid driver's license.
- c) Authorization for personal car use by employees for a specific purpose and approved, in writing, in advance by the Town Manager.
- d) Reimbursement for authorized personal car use shall be at a rate as determined by the Town Council, which will be no less than the Federal mileage rate.
- e) All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, and mileage calculations shall be documented by the employee and submitted along with the reimbursement request, unless otherwise stipulated in advance by the Department Head or

Town Manager.

- f) When two or more persons travel together on official authorized trips, costs shall be paid to one employee based on the total mileage involved.
- g) Employees are prohibited from purchasing alcohol or intoxicants using Town funds.
- h) Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

2. Overnight Travel Expenses

Employees are occasionally required to travel overnight and/or out of town for meetings, events, and professional training and certification purposes.

- a. Out-of-town travel expenses for employees must be authorized by the Town Manager or their designee, in writing, in advance of the use for which reimbursement is sought.
- b. Travel expenses will be reimbursed using either a submission of itemized travel expense receipts or an employee may elect to receive the Federal per-diem rate for lodging and meal expenses.
- c. All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, unless otherwise stipulated in advance by the Department Head or Town Manager. Mileage calculations shall be documented by the employee and submitted along with the reimbursement request.
- d. It is understood that travel to conferences and training events may require lodging at rates that exceed the Federal per-diem rate. Employees should make the best effort to balance travel goals, personal safety, and the cost of lodging, and submit documentation of the lodging expense and the Federal per-diem rate with their request to the Town Manager to deviate from the per-diem rate.
- e. Employees electing to use the Federal per-diem meal expense rate may request an advance on their expense report to help cover travel costs.
- f. Employees shall pro-rate total daily meal expenses by one third (1/3) for meals that are covered by the registration for an event, and for meals occurring before or after partial travel days, unless they receive written permission to deviate from this policy.
- g. Employees are prohibited from purchasing alcohol or intoxicants using Town funds.

- h. Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

3. Managerial Authority

Town Department Heads will include anticipated professional development and training travel expenses for department staff in their annual budget proposal, including the purpose of the travel, a list of those travelling, the duration of travel, the estimated cost, and the source of funding. The Town Manager will review annual budget proposals before submitting them to the Town Council.

The Town Manager will include their own anticipated professional development and training expenses in their annual administrative budget proposal, including the purpose of the travel, the duration of travel, the estimated cost, and the source of funding. The travel schedule will be reviewed by Town Council as part of the Town's annual budget development.

Other training sessions and opportunities to participate in professional conferences may arise during the year. Whenever possible, these costs shall be reviewed and approved in advance by the Town Council. Whenever timing for such travel does not allow for Council review, the Town Manager will notify the Town Council Chair in advance of the proposed travel. The Town Department Heads will submit any unanticipated travel costs and time for review under this process, provided the cost is within their department budget.

The Town Manager will submit their own unanticipated travel costs and time for review under this process, prior to travel.

Town staff may participate in community economic development activities that require use of Town funds for outreach events, meetings with prospective developers and business representatives, and campaigns to develop strategic business relationships.

- a. Expenses for community economic development campaigns must be authorized by the Town Council, in writing, in advance of the use for which reimbursement is sought.
- b. Community economic development travel and expenses should follow the Town's local and overnight travel policies.
- c. The Town Council has discretion in pre-approving use of Town funds for Community economic development purposes, including use for travel, lodging, meals, alcohol, and entertainment. Notwithstanding other provisions of this policy, the Town Council has the sole discretion to approve the reimbursement of expenses for economic development activities that may include the purchase of alcohol provided that the Council determines such activities were conducted in a responsible and safe manner that does not present a risk to the Town or its staff.

G. Outside Compensation

Any employees receiving payment for services, from non-Town sources, rendered during their normal workday and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Town Treasurer. This provision does not apply to activities outside the workday or during periods of vacation.

Section 7 - Benefits

A. Social Security

The Town participates, jointly, with employees in Social Security payments. This is a federally mandated benefit and is dependent on current Federal Government standard reimbursements.

B. Health and Major Medical Insurance

Employees in Groups I, II and III are eligible to participate in a Town-sponsored group health insurance plan, which includes hospitalization and Major Medical. The Town will contribute toward coverage for employees in Groups I, II and III as determined annually by the Municipal Budget. When employment ceases, the Town will terminate payment of this benefit and COBRA will be offered as mandated by federal law. COBRA is to be administered by the insurance company if possible. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) days of employment after their start date in their newly eligible status.

C. Life Insurance

Employees in Groups I, II and III may be eligible for Life Insurance at a rate of 1 times their annual salary. The Town will pay toward coverage for employees in Groups I, II and III as determined by the Town Council (according to the most updated Appendix).

D. Town Offered Optional Benefits

Employees in Groups I, II and III may be eligible for other optional benefits at full cost to the employee. A list of Town offered optional benefits is available in the Appendix.

E. Retirement

Employees in Groups I, II, and III are eligible to participate in the Town-established retirement plan. For Groups I and II, the Town will match up to an amount as determined by the Town Council (according to the most updated Appendix), should an employee elect to participate. All new employees shall not be eligible for retirement benefits for the first sixty (60) days of employment.

F. Sick Time

The Town has established a sick time benefit to ensure that employees have a financial

resource during periods of illness. The Town does not view sick time as additional vacation or personal time to be utilized at the will of the employee. Sick time shall be used during periods of actual illness or at the written discretion of the Town Manager. Sick time may be utilized to care for an employee's immediate family as listed in the definitions portion of this Policy. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

Employees in Groups I & II shall be entitled to one (1) day of sick time for each month while employed by the Town. For accrual purposes, one (1) sick day shall equal eight (8) work hours. They shall accrue 3.692 hours per bi-weekly pay period.

Employees in Group III shall earn sick time at an hourly rate of .04615 hours for every hour worked. This accrual rate is determined as follows:

$$3.692 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .04615 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.846 sick hours per pay period ($40 \times .04615 = 1.846$).

For the purposes of sick accrual calculations, holiday and vacation time will be considered time actually worked. Sick time, personal time, discretionary time, FMLA and bereavement time will not be considered time actually worked. In the event an employee needs leave due to personal illness or to care for an immediate family member and the employee has exhausted all sick time accruals, the employee may be paid for up to 8 hours of leave by borrowing against future sick time accruals upon prior approval by the Town Manager. Following such an occurrence, the employee shall not be entitled to be paid through sick time accrual until his/her/their accruals have been restored to a positive balance. If an employee leaves employment with the Town for any reason, the Town shall deduct any negative balance of sick time accrual from the employee's accrued vacation payout or final paycheck. This provision is intended to address the use of paid sick leave only, and shall not impact the employee's rights under Maine or federal family medical leave laws.

The Town Manager may require a physician's certificate as a condition of an employee's utilization of sick time. Employees, who utilize three or more days of sick time consecutively, may be required to furnish a physician's certificate, explaining the employee's condition in direct relation to their ability to perform their job responsibilities in accordance with their job description. Persons drawing workers' compensation or absent on an FMLA absence will not accrue sick time.

All unauthorized use of sick time shall be considered as an unauthorized absence from work and as unpaid time. Unauthorized use of sick time shall be considered an action subject to discipline.

Accrual Cap

Accrual of sick time will not exceed 960 hours. Employees who have an excess of this cap as of January 1, 2023 will maintain their sick time hours until such time as the

accrued hours may fall below 960 hours, at which time the cap will be in force.

Sick Time Donation

~~Regular full-time employees and regular part-time employees may choose to donate up to twenty-four (24) hours to another full- or part-time employee of the Town of Gray in a fiscal year.~~

Payout for Accumulated Sick Time

As of October 1, 2022, employees in Groups I & II, having achieved at least ten (10) years of service to the Town of Gray will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, not to exceed three hundred and sixty (360) hours.

As of October 1, 2022, employees in Groups I & II having achieved at least five (5) years of service will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, up to two hundred (200) hours.

As of October 1, 2022, payout is not available to employees in Groups I & II having achieved less than five (5) years of service.

An employee who is not in good standing upon separation from employment for any reason will receive no payout of accumulated sick time.

G. Personal Time

Any employee in Groups I or II will receive an annual personal time allocation of 16 hours. Personal time does not accrue year to year and is not subject to payout upon separation.

Whenever possible, personal time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

H. Vacation Time

Employees in Groups I & II shall be entitled to two (2) weeks (80 hours) of vacation time each year. Employees with five years of service and department heads shall be entitled to three (3) weeks (120 hours) of vacation time each year. Employees with ten (10) years of service shall be entitled to four (4) weeks (160 hours) of paid vacation time each year. For accrual purposes, one (1) vacation day shall equal eight (8) work hours. Vacation time shall be accrued to each eligible employee during each pay period at the following rates:

- a. Under five years of service-3.08 hours;
- b. Five-ten years of service-4.62 hours;
- c. Ten years of service and after-6.16 hours.

Employees in Group III shall earn vacation time at an hourly rate of .0385 hours for every hour worked. This accrual rate is determined as follows:

$$3.08 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .0385 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.54 vacation hours per pay period ($40 \times .0385 = 1.54$).

Whenever possible, vacation time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

Vacation time is not intended to be cumulative. Vacation time will cease accruing at the employee's individual limit as determined by their year's of service and their employment classification. Exceptions may be made at the written discretion of the Town Manager.

Exceptions may be made at the discretion of the Town Manager; provided however, with respect to the Town Manager's own annual time, they must, each year, advise the Town Council of the status of their annual time and, if applicable, request written permission from the Town Council to carry the same forward to the next year. Copies of the Town Manager's status report on their own annual time and the Town Councils written response shall be placed in the Town Manager's personnel file. Town employees and the Town Manager must take extended time within 180 days of the year earned.

I. Discretionary Time

Additional time off with pay may be granted in writing to any employee by the Town Manager at their discretion. Such time must be used within one (1) calendar year and is not payable to the employee upon separation from employment in good standing.

J. Bereavement Time

Special time with pay shall be granted to employees in Groups I, II & III for up to three (3) days for absence caused by the death of a member of the immediate family, as listed in the definitions portion of this Policy.

K. Leave of Absence

Other than FMLA, a leave of absence without compensation shall not exceed a length as determined in writing by the Town Manager and shall be based on the employee's past work performance.

A person on a leave of absence without pay shall not be entitled to holiday, sick or vacation pay. The Town Manager may permit holiday, sick and vacation pay on notice if extenuating circumstances exist and the leave of absence is less than thirty (30) days.

L. Military Service Leave

Employees in Groups I & II who are members of the organized military reserves and who are required to perform field service will be granted Military Service Leave in addition to the vacation leave, but not to exceed two (2) weeks in any calendar year. For any such periods of Military Service Leave, excluding weekend duty, the Town will pay the employee the balance between base pay and the employee's regular daily compensation; the total equaling their regular pay. The employee shall furnish the Human Resources Department with an official statement from military authorities indicating their rank, pay and allowances.

M. Holidays

Paid holidays for employees in Groups I & II and III shall be as follows:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Indigenous Peoples' Day
Presidents' Day	Veterans Day Thanksgiving Day
Patriots' Day Memorial Day	The Day after Thanksgiving
Juneteenth	Half Day before Christmas
Independence Day	Christmas Day
New Year's Day	Labor Day

Employees in Groups I, II shall be compensated for their normal regularly scheduled working hours on the date of the holiday or its observance date (as described below (a)). If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Groups I & II, the holiday shall be accrued as floating holiday time to be used within 6 months following the date of the accrual. If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Group III, the holiday shall be accrued as floating holiday time at a rate of one-half the average daily schedule for the employee, as worked for the previous three months, to be used within 6 months following the date of the accrual. Floating holiday time is not intended to be cumulative and is not included in overtime calculations.

The Department Head may request payment through payroll for employees for holiday hours which would normally be accrued as floating holiday(s) if the accrual of such floating holiday(s) will cause a loss of service to the public or potentially interfere with the productivity of a department. All such requests are subject to the written approval of the Town Manager. Floating holiday time paid instead of accrued is not included in overtime calculations.

- a. When a holiday falls on a Sunday, the following Monday shall be observed for all employees who are not regularly scheduled for Sunday. When a holiday falls on a Saturday, the preceding Friday shall be observed for all employees who are not regularly scheduled for Saturday.
- b. Because of the nature of the position, certain employees in Groups II & III may be required to work during a holiday. Should this occur, hourly paid employees will be paid time and a half for the hours worked on the holiday for all holidays except Thanksgiving and Christmas, for which they will be paid holiday pay

plus two times their hourly rate for hours worked on the holidays.

- c. There is one standard exception to the holiday schedule. The Transfer Station will be closed on Easter Sunday and open on Patriots' Day without holiday compensation being paid for hours worked on Patriots' Day. Other exceptions to the holiday schedule may be necessary when considering the dates of the holiday (or their observance date) and the needs of the Town, or by a written request of the Department Head to the Town Manager. Any such exception(s) is/are subject to the approval of the Town Manager and must be determined with sufficient advance time to notify the public.

N. Jury Duty

A Town employee called for jury duty will receive his or her regular pay check. They are required to forward any payments received for their jury duty service to the Human Resources Department with the exception of mileage reimbursement. This procedure will compensate employees for any difference in pay. Employees excused from jury duty must report back to work if it is during their normal working hours.

O. Family Medical Leave Act

See Appendix for details.

P. Earned Paid Leave

See Appendix for details.

Q. Remote Work

The purpose of this policy is to define the Town of Gray's rules for remote working or teleworking (i.e., when employees work any hours from a location other than Town facilities). The Town of Gray recognizes that, in some cases, telework arrangements can provide a mutually beneficial option for both the Town and its employees. This policy is intended to set expectations and ensure that work goals can be met, and it may be altered at any time as needed.

Eligibility

The Town Manager will determine which positions are most suitable for remote work, depending on the Town's needs and the position's responsibilities.

Not all jobs can be performed from off-site locations. In general, positions requiring face-to-face interaction with customers and office personnel are not suitable for telecommuting arrangements.

While employees and work managers have the freedom to develop arrangements tailored to employee and departmental needs, the following basic requirements must be met:

- Employees must be able to carry out the same duties, assignments, and other work obligations at their remote workspace (or home office) as they do when

working on Town premises. At a minimum, employees should maintain a remote workspace where they can attend remote meetings, participate in phone calls, and conduct their work assignments comfortably and without interruption.

- The IT Systems Administrator must confirm the suitability of workspace equipment, such as hardware, software, anti-virus protection, phone/fax, and Internet/data lines.
- Candidates for temporary telecommuting arrangements must demonstrate good time-management and organizational skills, and be self-motivated, self-reliant, and disciplined.

To request a remote work arrangement, employees must submit their request in writing to their supervisor. This request must outline a proposed work schedule, specific deliverables, and procedures to ensure continuity of business.

Eligibility determinations will be made thoughtfully and reviewed with the employee for any changes or updates at least annually.

All remote work must receive prior approval, and a Remote Work agreement prepared by Human Resources must be signed by the employee, department head, and Town Manager. Evaluation of remote employees' performance will focus as much on work output and completion of objectives as time-based performance. Employees and department heads should meet frequently to discuss progress and results.

The Town Manager reserves the right to revoke the eligibility of an employee for remote work at his/her discretion. Notice of revocation will be given as far in advance as possible, but shall not be required.

Hours and Availability

Positions working remotely will be provided with the number of hours they are expected to work on site and/or remotely. The workweek should approximately mirror normal business hours on Town premises.

- Employees must be readily available to their work managers and co-workers during core work hours. There are two core periods each day. The first runs from 9:30 a.m. to 11 a.m. and the second from 1:30 p.m. to 3 p.m.
- Employees must be available to attend scheduled meetings and participate in other required office activities at the remote workspace as needed. Except for extraordinary circumstances, the Town normally provides at least 24 hours' notice for such events.
- Employees must arrange for flextime and/or other accommodations for childcare during their work hours as part of maintaining an uninterrupted remote workspace, particularly during core hours.

Employees will report their hours and activities to their supervisor.

- Those who are classified as non-exempt (Groups II-IV) must record all hours worked on a Time Card worksheet and provide this information to their supervisor. Time Card worksheets should be submitted on a weekly basis on Fridays by 12:00 p.m.

- Non-exempt employees who need to work outside of scheduled work hours will seek approval from their supervisor whenever possible, and will report any overtime to their supervisor and the Human Resources Director.

Workspace & Equipment

The employee will establish an appropriate work environment within his or her remote workspace for work purposes.

- Employees should seek a quiet and distraction-free working space, to the extent that such a space is possible.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.
- Employees are required to notify the Town of any illness or injury incurred in the course and scope of performing work remotely.

As a general rule, the Town of Gray will not be responsible for costs associated with the setup of the employee's remote workspace, such as remodeling, furniture, or lighting, nor for repairs or modifications to the remote workspace. However, if an employee is in need of a reasonable accommodation in accordance with the Americans with Disabilities Act (ADA), an employee may submit such a request to Human Resources and such requests will be considered to the extent that a reasonable accommodation exists and would not create an undue hardship on the Town of Gray.

The Town of Gray will determine the equipment needs for each employee on a case-by-case basis. If the Town provides equipment used for remote work, is to be used for Town business purposes only. Employees must keep it safe and avoid any misuse.

Consistent with the Town's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of proprietary Town and citizen information accessible from their remote workspace.

Specifically, employees must:

- Keep their equipment password protected.
- Store equipment in a safe and clean space when not in use.
- Follow all data encryption, protection standards, and settings.
- Refrain from downloading suspicious, unauthorized, or illegal software.
- The Town discourages the use of an employee's home workspace for the conduct of in-person meetings or for visitation by coworkers or the public in connection with work being conducted remotely and shall not be liable for any damage or injury sustained by any person other than the employee authorized to work in such remote workspace.

Town Records

During remote work, employees shall be required to maintain all work product and records in a manner consistent with the Town's standard recordkeeping practices and in full compliance with the Maine Freedom of Access Act and Record Retention Rules established by the Maine State Archivist. Employees shall not delete or destroy any records that are otherwise required to be maintained by the Town per these laws and rules.

It shall be the responsibility of the employee to ensure that he/she can satisfy these recordkeeping requirements while working remotely.

Meeting Etiquette

While distractions are often unavoidable, employees should strive to keep them to a minimum.

- No music or television in the background is permitted during meetings.
- Employees should remain muted during video or audio conferencing unless the employee is speaking.
- Turning on video is encouraged but not required.
- Employees should avoid eating food during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.
- Casual dress is acceptable; however, use discretion. Loungewear, pajamas, or other apparel considered inappropriate in a professional work setting are not permitted while an employee is working remotely.
- Avoid multi-tasking. Employees are expected to give their full attention to meetings as if the meetings were held in-person.

R. Emergency Telework

In the event of an emergency such as a weather disaster or pandemic, the Town Manager may allow or require certain employees to temporarily work from home to ensure business continuity.

- These employees will be advised of such work requirements by the Town Manager or the employee's department head.
- These employees are required to follow the guidelines provided in the Remote Work Policy.

Preparations should be made by employees and department heads well in advance to allow remote work in emergency circumstances. The Communications & Information Department is available to review equipment needs and to provide support to employees in advance of emergency telework situations.

Section 8 – Resignations

An employee may resign from Town employment in good standing. Good standing (as defined in the definitions section of this policy) shall, in this instance, require the submittal of a written notice fourteen (14) working days in advance of the last day of work. Failure to comply with this rule may be cause for denying future employment with the Town and disqualify the employee from any payments that may have been issued to them for a resignation in good standing. The Town Manager may shorten the period of notice for extenuating circumstances.

Section 9- Disciplinary Procedures

A. Just Cause

The Town shall base disciplinary actions or measure on a "just cause" basis.

B. Disciplinary Actions

The appointing authority shall have the right to impose disciplinary action, on any employee whose work performance or conduct, in the judgment of the appointing authority, justifies such action.

The steps of disciplinary action are as follows:

- 1) First written warning
- 2) Second written warning
- 3) Suspension (as defined below in C.)
- 4) Termination

All warnings must clearly identify each issue of discipline, as well as the appropriate corrective measures to be taken by the employee (including their time frame for completion) in order for the appointing authority to consider each issue as resolved.

There are certain types of employee problems that are serious enough to justify immediate suspension or termination. Notice of such action against an employee must be in writing and filed with the employee not later than the effective date of action. Such notice shall specify the penalty and contain a statement of the reason or reasons therefore. The employee shall have the right of appeal, as outlined in the grievance procedure.

C. Suspension

As step 4 (four) in the disciplinary action process, suspension of any employee's employment may be done in writing at the discretion of the appointing authority, with special consideration to the following written conditions:

- 1) Suspension with or without pay;
- 2) Specific time frame;
- 3) Conditions for reinstatement.

D. Discharged Without Just Cause

If it is determined that an employee has been discharged without just cause, he or she shall be reinstated to his or her former position with full pay for all time lost. In the event that a Department Head wants to discharge an employee, the action shall first be approved by the Town Manager.

E. Employee Termination

Employment may be terminated for the following reasons:

- 1) Resignation -voluntary employment termination initiated by an employee;
- 2) Discharge -involuntary employment termination initiated by the Town;
- 3) Layoff -involuntary employment termination initiated by the Town for non-disciplinary reasons or
- 4) Retirement -voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the Town.

At the time of termination an exit interview may be scheduled. Employees will receive final pay in accordance with State law at the next regularly scheduled pay date.

Town Property: Employees must return all property belonging to the Town at the time of their termination or upon immediate request.

Section 10 – Grievance Procedure

Grievances are limited to written disputes, claims or complaints of those issues which are related to aspects of the employer-employee relationship between the employee and the Town. The grievance in writing must include the following:

- A clear and concise statement of the facts giving rise to the grievance, including date, time and place of the alleged incident, if any, relating to the grievance, and characterizing each particular act or omission;
- A copy of any documents relating to the grievance (if any); and
- A statement setting forth the remedy sought.

To resolve the grievance the following course of action should be taken consecutively:

- 1) The grievance shall be filed in writing with the Department Head within five (5) working days of the alleged incident, particular act or omission. The Department Head shall issue a written decision within five (5) working days from the date received.
 - a. If the grievance arises from an alleged incident, particular act or omission on the part of the Department Head, the grievance shall be filed with the Town Manager within five (5) working days of the alleged incident, particular act or omission.
- 2) The individual may appeal the decision of the Department Head to the Town Manager within five (5) work days of the date of receipt of the Department Head's decision. The Town Manager shall issue a written decision within five (5) working days from the date the appeal is received. The Town Manager's decision shall be final.
 - b. If the grievance arises from an alleged incident, particular act or omission on the part of the Town Manager, other than a decision of the Town Manager on appeal of a grievance or disciplinary action, the

grievance shall be filed with the Town Council within ten (10) working days of the alleged incident, particular act or omission. The Town Council will hold a hearing, within fifteen (15) working days, in regard to said grievance and issue a decision. The decision of the Town Council shall be final.

Section 11 –Harassment

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. All employees must avoid offensive and inappropriate or harassing behavior at work and are responsible for assuring that the workplace is free from hostile behavior at all times.

This policy refers not only to supervisor-subordinate actions but also actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

A. Sexual Harassment

Sexual harassment is the attempt to control, influence or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform their job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by a person and in any form.

- 1) Specific conduct which is prohibited includes, but is not limited to:
 - a) Threats or insinuations, implicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
 - b) Unwelcome sexual flirtations, advances, or propositions;
 - c) Verbal or written abuse of a sexual nature;
 - d) Graphic verbal comments about an individual's body;
 - e) Sexually degrading words used to describe an individual, or
 - f) The display in the workplace of sexually suggestive objects, comments or pictures.

Any Department Head or employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

B. Harassment

Derogatory or vulgar comments or actions regarding a person's sex, sexual orientation, religion, age, ethnic origins, race, physical appearance, or the distribution of written or graphic materials having such an effect, are prohibited. Any employee who believes he/she has been the subject of such harassment should report the alleged conduct to their Department Head or the Town Manager. Any Department Head or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

C. Reporting a Complaint

Any employee who believes he/she has been the subject of harassment should report all alleged acts to their Department Head or the Town Manager. If the complaint involves an employee's direct supervisor or if the employee feels uncomfortable with reporting the matter to their direct supervisor, the complaint should be brought to the attention of the Town Manager. If the complaint concerns the town Manager then the employee should bring the matter to the attention of the Town Council Chairperson.

D. State Law

Effective October 19, 1991, the Maine Legislature passed a new law regarding Sexual Harassment in the Workplace. In compliance with this law, the Town is also required to provide annual written notification to all employees regarding sexual harassment. The Town is also required to provide training to all new employees on sexual harassment before their first anniversary of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.

Section 12 – Political and Outside Activities

Except as otherwise provided by law, no person who is an employee of the Town shall be eligible to hold any elective office in the Town government.

While in the employ of the Town, an employee shall not:

- 1) engage in political activity while on duty;
- 2) use the influence of his or her employment capacity for or against any candidate for any county, state, federal, or Town elective office (i.e., Town Council or School Board); or
- 3) use Town facilities, equipment, materials, or supplies to communicate, organize, assist, or advocate for or against any candidate for any county, state, federal, or Town elective office, or for or against a political cause, regardless of whether he or she is on or off duty.

For purposes of this Section 12, political activity means to advocate expressly for or against any candidate for any county, state, federal, or Town elective office; to circulate nomination papers, petitions, or campaign literature for any county, state, federal, or Town elective office; to advocate expressly for or against a political cause; and/or to knowingly give, solicit, accept, or receive a political contribute for any candidate for any county state, federal, or Town elective office or for a political cause.

~~This provision is not to be construed to prevent Town employees from carrying out the duties and responsibilities of an employee's position; No Town employee shall orally, by letter, or in any other manner, solicit or assist in soliciting any assessment, subscriptions or contributions for candidate for elective office in the Town government. This shall not prevent Town employees from becoming, or continuing to be, members of any political organization; from attending political functions organization meetings; from donating personal time, service, or resources to a political cause or candidate for any office; from expressing their views on political matters; or running for any Town, State or Federal elected position, or~~ from voting with complete freedom in any election.

The Town Manager shall endeavor to keep all municipal properties free of political or campaign literature and materials.

Section 13 – Safety

The Town of Gray recognizes that an organized and systematic loss control program is important to our operational and administrative systems. The safety and health of employees and of the public and the protection from loss of the Town's physical facilities is both a moral and legal obligation.

It is intended that the Town of Gray will undertake initiatives to maintain safe and healthful working conditions and facilities, develop safe operating procedures, and utilize its financial and personnel resources to achieve a loss free environment of our employee for our employees and for the public.

The responsibility for this undertaking is shared by the Manager, Supervisors and employees. Oversight of the loss control/safety program will be done by a Committee of various employees as approved by the Town Manager. However, all employees must work cooperatively to ensure that workplace safety is a matter of continual concern, equal in importance to all other operation considerations.

The Town requires all employees to complete mandatory safety training that complies with Federal (OSHA), State and local requirements. Each Department Head is required to ensure the proper training for each of their employees. Written proof, signed by the employee and Department Head/Certified Training Authority or a valid ~~c~~Certificate of course completion, shall be required for all training, and will be added to each employee's ~~p~~Personnel ~~f~~File. Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings, or otherwise communicated by the Town. An employee's failure to comply may result in disciplinary action and/or termination.

A. Workers' Compensation

The Town participates in a federally mandated Workers' Compensation ~~s~~ ~~p~~Program. The following actions are required by all employees:

- 1) All ~~accidents-injuries~~ to personnel, no matter how minor, during the work schedule ~~must-will~~ be reported immediately to the Department Head or ~~the Town Manager~~ Human Resources, but in no event later than 60 days after

~~the date of injury. The Town~~ Maine law requires the Town to file a first injury report First Report of Injury ~~to be filed with the~~ Workers' Compensation Board within ~~three-seven (73)~~ three-seven (73) days of ~~incident~~ receiving notice of an injury. A copy of the report will be provided to the employee and forwarded to the Human Resources Department so it can added to the employee's confidential personnel file as well as the annual OSHA Form 300 file maintained by Human Resources.

- 2) ~~All~~ An employees suffering an on-the-job ~~accident~~ injury will be sent to the Town-specified doctor for examination at the Town's expense.
- 3) The employee will receive their normal pay for that day and, if eligible, will be entitled to utilize sick, vacation or personal time respectively for any regularly-scheduled time missed between the incident and the date that ~~w~~ Workers' compensation benefits may begin.

B. Infectious Disease

See Appendix for the Infectious Disease Policy.

C. OSHA Form 300

OSHA Form 300 is a form to record all reportable injuries and illnesses that occur in the workplace. An annual log is completed for each Town work site by Department Heads/staff assigned by Human Resources. The summary form must be posted in the workplace from February 1 to April 30 of the year following the year covered by the form at each work site. Human Resources maintains all logs and summaries for submission to OSHA. OSHA Form 300 logs and summaries are kept for five years. For more information, please visit the Occupational Safety and Health Administration website at www.osha.gov/recordkeeping.

D. Return to Work

The Town of Gray is concerned about the health and well-being of its employees. We are committed to working with our employees and their healthcare providers to find work designed to assist injured workers in transitioning back to the workplace by performing meaningful work within their capabilities.

Process

At any time, The Town may require written documentation from a licensed physician describing the limitations, progress, and physical abilities of the employee, subject to the limitations of applicable state and federal law.

To accommodate temporary work restrictions, there must be a reasonable expectation that the employee will be able to resume full duties within/or by 30 calendar days (subject to available work that will be beneficial to the employer). Work consistent with temporary work restrictions may be assigned to the employee for up to 30 calendar days (or until the employee is capable of returning to full duty, whichever occurs first). In the event that a

modified duty assignment becomes available, the employee is expected to accept the assignment.

The employee is expected to be an active participant in this process by providing M1 Practitioner's Reports (a Workers' Compensation Board form completed by the physician) following medical appointments and communicating changes in their restrictions. The employee and employer commits to following restrictions as outlined in the M1 Practitioner's Reports or otherwise agreed upon.

Note

This policy recognizes the Family Medical Leave Act, the Town of Gray Personnel Policy, along with Standard Operating Procedures (SOPs) that the department may have. It is intended to work in conjunction with them.

Modified work is not intended to be used as permanent reasonable accommodation under the Americans with Disabilities Act. Provided, however, that in the event an employee requires a temporary work restriction or accommodation beyond 30 calendar days, the Town will evaluate such needs pursuant to applicable state and federal law, including, but not limited to, the Americans with Disabilities Act as amended.

No temporary work assignment described or covered under this guideline is intended or offered as a permanent assignment.

Section 144 – Severability

If any provision of this Personnel Policy to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the Personnel Policy which can be given effect without the invalid provision or application. For this purpose, the Personnel Policy is severable.

APPENDIX A - FAMILY MEDICAL LEAVE ACT

This appendix contains information from the U.S. Department of Labor. For the most current information, please visit www.dol.gov/agencies/whd/fmla/law

The **Family & Medical Leave Act** (29 U.S.C. § 2601 et seq.) is a federal law guaranteeing unpaid time off for employees to deal with family and personal matters. In 2008, the FMLA was amended, through the National Defense Authorization Act of 2008 (PL 110-181), to provide new leave entitlements related to military service. In addition, comprehensive new regulations promulgated by the U.S. Department of Labor (DOL) in November, 2008 have clarified and revised some FMLA requirements, effective January 16, 2009.

“Traditional” Non-Military FMLA Leave. The law requires covered employers to grant up to **12 workweeks** of unpaid leave in a 12-month period to eligible employees for the following reasons:

- 1) the birth and care of the employee’s newborn child;
- 2) placement of a child with the employee for adoption or foster care;
- 3) to care for the employee’s spouse, son, daughter or parent, (but not parent-in-law) with a serious health condition; or
- 4) for the employee’s own serious health condition that makes him/her unable to perform the functions of his/her position.

“Serious health condition” is defined in detail in DOL regulations. See 2008 regulations [29 C.F.R. §§ 825.113; 825.115](#). *“Son or daughter”* means a biological, adopted, or foster child, stepchild, legal ward or in a loco parentis relationship who is either under age 18, or over 18 and incapable of self care due to a physical or mental disability. See 2008 regulation [29 C.F.R. § 825.122](#) for more details.

Military FMLA Leave. Two new leave entitlements were provided in 2008 to deal with military family leave issues.

(1) **Military Caregiver Leave.** Eligible employees may take up to **26 workweeks** of unpaid leave within a 12-month period for the purpose of caring for a “covered servicemember.” The employee must meet the basic FMLA eligibility requirements discussed below and must also be the spouse, son, daughter, parent or “next of kin” of a covered servicemember.

- *“Next of kin,”* for the purposes of Military Caregiver leave, is the nearest blood relative of that individual other than the servicemember’s spouse, parent, son or daughter according to list of priorities in the regulations at [29 C.F.R. § 825.127](#).
- *“Covered servicemember”* means a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term *“serious injury or illness”* is defined (**only** for the purpose of deciding who is a “covered servicemember”), as an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform his/her military duties. See 2008 regulation [29 C.F.R. § 825.127](#).
- Unlike other FMLA leaves, Military Caregiver leave starts on the first day leave is taken and ends 12 calendar months from that date, regardless of the usual method the employer uses to calculate the 12 month period for other FMLA leaves. See discussion below.
- An employee is limited to a combined total of 26 workweeks of FMLA leave in one 12-month period, which includes all FMLA leave taken for any reason.

- An employee may take additional 26-week Military Caregiver leaves for a different service member or to care for the same servicemember with a subsequent injury or illness, provided that no more than 26 weeks of leave may be taken in one 12-month period.
- The Military Caregiver Leave entitlement became effective immediately upon passage on January 28, 2008.

(2) **Qualified Exigency Leave.** Eligible employees may take up to **12 workweeks** of unpaid FMLA leave in a 12-month period because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a “covered military member” who is on active duty, or call to active duty status, in support of a contingency operation.

- A “*qualified exigency*” is defined in the regulations to include a number of broad categories for which leave may be used. These include:

- o Short-notice deployment (used up to 7 days from notification date);
- o Military events and related activities;
- o Childcare and school activities;
- o Financial and legal arrangements;
- o Counseling (other than with a medical provider);
- o Rest and recuperation leave of up to 5 days;
- o Post-deployment activities (may be used up to 90 days from termination of active duty status); and
- o Additional activities not part of the categories listed above, but agreed to by employer and employee.

Additional detail and examples of each of the types of qualifying exigency are provided in the 2008 regulations at [29 C.F.R. § 825.126](#) and in the U.S. DOL [Fact Sheet on Military FMLA Leave](#).

- “*Covered military member*” as used for Exigency Leave is *not* the same as the term “covered servicemember” as used for Military Caregiver Leave. A “covered military member” includes members of the National Guard, the Reserve, or certain retired members of the Regular Armed Forces or retired Reserve. The Exigency Leave entitlement was **not** extended to family members of members of the Regular Armed Forces. In addition, the call to duty must be a federal call to active duty. State calls to active duty are not covered unless under certain orders of the United States President as listed in the regulations. See 2008 regulation [29 C.F.R. § 825.126\(b\)](#) for more detail. 29 C.F.R. § 825.126(b)

- An employer may request copies of the military member’s orders or other documentation from the military, and may request that the employee provide certification of the exigency. The DOL has created a form ([Form WH-384](#)) that employers may use for this purpose. Also see 2008 regulation [29 C.F.R. § 825.309](#) for more information. 29 C.F.R. § 825.309

Employee Eligibility:

In order to be eligible for any type of FMLA leave, an employee must work for a covered employer and meet the following criteria:

- The employee must have worked for the employer for at least 12 months (in total, and not consecutively). According to the 2008 FMLA regulations, employers do not need to count breaks in service of more than 7 years. Several exceptions to the 7 year limit are listed in 2008 regulation [29 C.F.R. § 825.110\(b\)](#);
- The employee must have worked at least 1,250 hours over the 12-month period immediately preceding commencement of the leave;
- The employee must work at a job site at which there are at least 50 employees or at least 50

employees must work within 75 miles of the work site.

All “public agencies” are covered employers under the federal FMLA. 29 C.F.R. § 825.108. This includes federal and state governments, municipalities, or government agencies. *Id.* However, even though a municipality is a “covered employer” under the FMLA, it may not be required to provide FMLA leave to its employees because the municipality may have no “eligible” employees. As noted above, in order to be eligible for FMLA leave, an employee must work at a worksite where there are at least 50 employees, or at least 50 employees must work within 75 miles of the employee’s worksite. Thus, in practice, a municipality must have at least 50 employees (within a 75-mile area) before it will be required to grant leave under the federal FMLA. See 2008 regulation [29 C.F.R. § 825.108\(d\)](#).

Determining number of employees employed: Before deciding if the 50-employee threshold has been met, one must determine which entity is the “public agency” or municipal employer. Generally, a municipality is considered a single employer for purposes of determining employee eligibility. See [29 C.F.R. § 825.108\(c\)](#). Often questions arise as to whether the “municipality” includes school, sewer, water or other municipal functions, or whether these are separate employers for purposes of the FMLA. DOL regulations indicate that this determination should be made on a case by case basis and that the U.S. Bureau of Census, *Census of Governments* may be used as one guiding factor on this issue. See [29 C.F.R. § 825.108\(c\)](#) and www.census.gov/govs. Once the bounds of the municipal employer are determined, one must then determine how many “employees” that employer employs. The FMLA uses the same definition of “employee” used in the Fair Labor Standards Act. ([29 U.S.C. § 203](#)). Because there are numerous exceptions and qualifications applicable to the determination of the municipal employer and number of employees, municipalities are strongly encouraged to seek legal advice in determining if the 50-employee threshold has been met.

Counting the 12-month leave period:

The law requires employers to provide 12 workweeks of leave within a “12-month period” for all types of FMLA leave except Military Caregiver leave. Employers may choose among 4 methods to calculate the 12-month leave period provided the method chosen is applied consistently and uniformly to all employees. See [29 C.F.R. § 825.200](#). These are:

- (1) a calendar year;
- (2) any fixed 12-month year, such as a fiscal year, or a year beginning on the employee’s anniversary date;
- (3) a 12-month period measured forward from the date any employee’s first FMLA leave begins; or
- (4) a rolling 12-month period measured backward from the date an employee uses FMLA leave.

Municipal employers that have eligible employees (i.e., over 50 employees within a 75-mile radius) are encouraged to adopt a policy that notifies employees of the method the employer has chosen to measure the 12-month period. If the employer does not designate a method of calculating the leave year in advance, the employer must allow employees to use whatever counting method that would be most beneficial to the employee. [29 C.F.R. § 825.200](#). When implementing (or changing) a method of calculating the leave year, the employer must give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. *Id.*

Certification:

Employers may require that employees provide certification of the need for leave under the Military Exigency leave entitlement. The DOL has issued a form that may be used to certify this exigency. See [Certification of Qualifying Exigency for Military Family Leave \(Form WH-384\)](#).

Employers may require medical certification of the need for leave when leave is requested to care for the employee's family member, a covered servicemember or for the employee's own serious health condition. Generally, the employee must be allowed at least 15 days to obtain the certification. The DOL has published three new forms that may be used to obtain medical certification Individual forms were created to certify:

- (1) the employee's own serious health condition ([Form WH-380-E](#));
- (2) a family member's serious health condition ([Form WH-380-F](#));
- (3) and a covered service member's serious injury or illness ([Form-385](#)).

Second or third medical opinions are potentially available at employer expense. See the DOL's [Compliance Guide](#) for more information concerning medical certification and 2008 regulations at [29 C.F.R. § 825.305 – 825.313](#).

Recertification of the need for leave may be required generally no more often than every 30 days and only in connection with an absence. Additional guidelines and restrictions, including those relating to recertification of intermittent leave, are outlined in the regulations at [29 C.F.R. § 825.308](#) and [825.305](#).

Fitness for Duty. Pursuant to a uniformly applied policy, an employer may ask for medical certification of fitness to return to work upon completion of approved leave for the employee's own serious health condition. Any such inquiries must be consistently applied, and must be sought only in regard to the particular health condition that caused the need for leave. Under the 2008 FMLA regulations, an employer may require that the certification address the employee's ability to perform the essential functions of the job, *if* the employer provided a list of these essential functions no later than the time it provided the [Designation Notice \(Form WH-382\)](#) to the employee. In addition, the Designation Notice must have indicated that the Fitness for Duty Certification would be required to address these functions. No second or third opinions on a Fitness for Duty certification are allowed, although an employer may ask for clarification of the certification within specific limits in the regulations. See 2008 regulation, [29 C.F.R. § 825.312](#). For more information concerning certification requirements, see 2008 regulations at [29 C.F.R. §§ 825.305 – 825.313](#).

Intermittent Leave:

If medically necessary, intermittent leave or a reduced work schedule must be allowed under the federal FMLA to care for a child, parent, or spouse or for the employee's own serious health condition. Intermittent leave may also be used to care for a covered servicemember with a serious injury or illness. In addition, only the amount of leave actually used while on an intermittent/reduced leave schedule may be charged against the employee's leave entitlement. Employers may not require an employee to use more time than necessary and must account for the intermittent leave, using the smallest time segments available in their timekeeping system (which must be an hour or less). Intermittent leave for the birth or placement of a child is only available with consent of the employer. See [29 C.F.R. § 825.202 - 825.205](#).

Employer Notice Requirements:

- o All covered employers must post the DOL's **FMLA Poster/General Notice** ([Form WH-1420](#)) in a conspicuous location even if the employer has no eligible employees. (Note: the DOL has issued a new poster in conjunction with its 2008 regulations).
- o Employers with any eligible employees *must* provide the same information contained in the FMLA Poster/General Notice in any handbooks and/or any written policy materials. If the employer does not maintain policy manuals or written policy materials, the employer must provide general information on FMLA rights to new employees at the time of hire. Electronic distribution of the notice is allowed, if certain conditions are met. See new regulation [29 C.F.R. § 825.300](#).
- o Within five business days after a leave request is received, or the employer has been made aware of the employee's need for leave, the employer must give the employee a notice concerning his/her basic eligibility for leave (e.g. whether the employee has worked for the employer for 12 months, 1,250 hours and/or whether the 50 employee threshold has been met). At the same time, the employer must also furnish a notice outlining the employee's rights and responsibilities relating to FMLA leave. The notice must indicate any requirement to provide certification of the need for leave, whether military or non-military. Specific information which must be included in the notices includes: requirements relating to substitution of paid leave, key employee status, requirements for periodic reports, benefit premium payments, and several other items listed in new regulations at [29 C.F.R. § 825.300\(b\)](#). The notice of eligibility may be verbal or in writing. The DOL has created a sample form entitled,

Notice of Eligibility & Rights and Responsibilities ([Form WH-381](#)) which satisfies this employer obligation.

- Within five business days after the employer gains enough information to make a determination as to whether the requested leave qualifies as FMLA leave (e.g. medical certification has been received), the employer must provide a "**Designation Notice**" to the employee. The Designation Notice notifies the employee whether the leave will be designated as FMLA leave and counted against the employee's leave entitlement. If the employer plans to require a fitness for duty certification upon return to work, and/or if the employer will require that the certification address the essential functions of the employee's job, these requirements must be included in the Designation Notice, along with a list of those essential functions. A sample **Designation Notice** ([Form WH-382](#)) has been prepared by the DOL. See 2008 regulations, [29 C.F.R. § 825.301](#) for more details on Designation Notice requirements.
- The employer must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave is known at the time the employer designates the leave as FMLA-qualifying, the employer must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the information with the Designation Notice, the employer must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice may be oral or in writing, but if oral notice is given, it must be confirmed in writing no later than the following payday. The written notice

may be in any form, including a notation on the employee's pay stub. See 2008 regulation 29 C.F.R. § 825.300(d)(6).

Employee Notice Obligations:

Generally, employees must provide at least 30 days notice of the need for leave that is foreseeable. See [29 C.F.R. § 825.302](#) for more detail. For unforeseeable leave, an employee or his/her spokesperson must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. The regulations provide that it generally should be practicable for the employee to provide notice of unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements. See [29 C.F.R. § 825.303](#) for more detail.

Preservation of benefits:

During an approved leave, the employer must maintain the employee's group health insurance on the same terms as if the employee continued to work.

The employer is not required to maintain other non-health insurance benefits (such as life insurance) during the leave. However, the FMLA does require employers to restore an employee returning from approved leave to the same benefits he/she had prior to the leave, with no penalty or waiting periods. Thus, if an employee fails to pay his/her benefit premiums during the leave, an employer may decide to continue such benefits at its own expense during the leave or should make sure that applicable benefit plans allow immediate resumption of benefits. See the [DOL Compliance Guide](#) and 2008 regulation [29 C.F.R. §§ 825.209 – 825.215](#) for more information.

Substitution of Paid Leave:

FMLA leave is generally unpaid leave. However, employees may substitute available paid leave for otherwise unpaid FMLA leave. Employers may also require that an employee use available paid leave. Any paid leave time used by the employee does count toward the employee's FMLA leave entitlement. The 2008 regulations clarify that if an employee wants to substitute paid leave, he/she must comply with the employer's paid leave policies and procedures with respect to use of that paid leave. The employer must notify employees of any additional procedural requirements that apply to the use of paid leave in the **Notice of Rights and Responsibilities** (given to employees when leave is requested). See 2008 regulation [29 C.F.R. § 825.207](#) for more information.

Reinstatement:

Upon return from an approved leave, the employee must be reinstated to the same or an equivalent position, with the same pay, benefits, and other terms and conditions. Certain exceptions apply for "key employees." See DOL [Compliance Guide](#) for more information on key employees.

Education employees:

Special rules apply to some employees of local educational agencies, including public elementary and secondary schools. “Instructional employees” are subject to special rules when taking leave (a) more than 5 weeks prior to the end of a term; (b) less than 5 weeks prior to the end of a term; and (c) less than 3 weeks from the end of a term. For more information see: [29 C.F.R. § § 825.600 – 825.604.](#)

Discrimination:

An employer may not interfere with, restrain or deny the exercise of FMLA rights. Employees may not be discharged or discriminated against for taking leave. Nor may the use of FMLA leave be used as a negative factor in a “no fault” attendance policy or in any employment action, including hiring, promotion or disciplinary actions. See 2008 regulation, [29 C.F.R. § 825.220.](#)

Enforcement:

The FMLA is enforced by the U.S. DOL’s Employment Standards Administration, Wage and Hour Division. The agency investigates complaints of violations, and is authorized to bring action in court to compel compliance. In addition, eligible employees may bring a private lawsuit against an employer for violations. An employee is not required to file a complaint with the Wage and Hour Division prior to bringing such action. See 2008 regulations at [29 C.F.R. § 825.400 – 825.404.](#)

APPENDIX B – MAINE FAMILY MEDICAL LEAVE ACT

This appendix contains information from the state of Maine. For the most current information, please visit <https://www.mainelegislature.org/legis/statutes/26/title26sec844.html>.

Maine has enacted its own Family Medical Leave Law (MFMLA) entitling eligible employees of certain employers to 10 workweeks of leave in any two-year period. (26 M.R.S.A. § 843 *et seq.*; PL 2007 c. 233) The MFMLA is modeled after the federal FMLA, but has some important differences. It is very possible that some employees could be covered under either the state or federal FMLA laws, or both. Thus, when presented with a leave request, an employer should analyze the eligibility requirements of each law separately.

Covered Employers:

Maine’s FMLA applies to city, town and municipal agency employers with 25 or more employees. *See* 26 M.R.S.A. § 843(3). The law defines “employee” quite broadly, to include any person “permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment.” Employee does not include an independent contractor. 26 M.R.S.A. § 843(1).

Employee Eligibility:

Employee eligibility under the MFMLA differs from the federal FMLA in three important ways:

- In order to be eligible for MFMLA leave, an employee must have worked for the same employer for at least 12 *consecutive* months (under federal law, the 12 month work requirement need not be consecutive).
- An employee must work at a permanent worksite with at least 15 employees.
- Under the MFMLA there is no 1,250 hour work requirement.

Thus, in some situations, an employee may not qualify for federal FMLA leave because the individual has not worked 1,250 hours in the previous year, but the individual may qualify for Maine FMLA leave because he/she has been employed for 12 consecutive months.

Leave Entitlement:

Under the MFMLA, an eligible employee is entitled to up to 10 workweeks of leave in a two-year period for the following reasons. Effective September 20, 2007, the Legislature added “domestic partners” to the entitlement to leave, and added a new entitlement to leave for military deaths/injuries. Effective July 18, 2008, the MFMLA includes a right to leave for the purpose of caring for a sibling. (PL 2007 c. 519).

- (1) the birth of the employee’s child or the employee’s domestic partner’s child;
- (2) placement of a child 16 years of age or less with the employee or with the employee’s domestic partner in connection with the adoption of the child by the employee or the employee’s domestic partner;
- (3) A child, a domestic partner’s child, parent, domestic partner, sibling or spouse with a serious health condition;
- (4) The employee’s own serious health condition;
- (5) The donation of an organ of that employee for a human organ transplant;

(6) The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in 37-B M.R.S.A. §102, or the U.S. Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty. PL 2007 c. 388; PL 2007 c. 261.

Serious health condition is defined in the law as an illness, injury, impairment or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential medical care facility; or (b) continuing treatment by a health care provider. 26 M.R.S.A. § 843(6).

Domestic partner is defined as: the partner of an employee who:

- Is a mentally competent adult as is the employee;
 - o Has been legally domiciled with the employee for at least 12 months;
 - o Is not legally married to or legally separated from another individual;
 - o Is the sole partner of the employee and expects to remain so;
 - o Is not a sibling of the employee; and
 - o Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. PL 2007 c. 375.

Sibling is defined as "a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements."

Intermittent Leave:

In response to a 2006 court decision that held that the MFMLA contained no requirement for intermittent leave, the Maine Legislature amended the law to allow intermittent leave in circumstances similar to the federal law. See *Brown v. Eastern Maine Medical Center*, 2006 U.S. Dist. LEXIS 50593 (D.Me. 2006); PL 2006 c. 233.

Effective September 20, 2007, the MFMLA requires covered employers to provide intermittent leave or a reduced work schedule, if medically necessary, for the employee's serious health condition, a parent, child, domestic partner or spouse with a serious health condition, or for organ donation. Intermittent leave for the birth, adoption or foster care placement of a child is available only by agreement of the employer and employee. PL 2006 c.233.

If intermittent leave is taken, the employer may temporarily transfer the employee to an available alternative position for which the employee is qualified and (1) which has equivalent pay and benefits and (2) better accommodates the intermittent leave schedule. PL 2006 c. 233.

Employee Notice/Certification:

An employee needing leave is required to give at least 30 days prior notice of the intended start and end of leave, unless prevented from giving notice by a medical emergency.

The employee may be required to provide medical certification from a physician to verify the amount of leave needed. Note that the law allows an employee that has "in good faith" relied on treatment by prayer or spiritual means, pursuant to the tenets of a recognized church or

religious denomination, to submit certification from an accredited practitioner of those healing methods. 26 M.R.S.A. § 844(1)(B).

Employers must post a poster concerning MFMLA, available from the Maine DOL.

Preservation of Benefits:

An employer must allow an employee on leave to maintain employee benefits at his/her expense. The parties may negotiate to maintain benefits at employer expense.

Restoration:

At the conclusion of an approved MFMLA leave, the employer must restore the employee to the same or an equivalent position with same seniority status, benefits, pay and other terms and conditions of employment. There is a limited exception to the employee's right to job restoration, if the employer can prove that the employee was not restored to the same or equivalent position due to conditions unrelated to the employees exercise of leave rights. 26 M.R.S.A. § 845.

Discrimination:

The use of leave may not result in the loss of any employee benefits accrued before the leave was taken. Nor may the leave result in loss of seniority or contract rights. In addition, an employer may not interfere with, restrain or deny the exercise of or the attempt to exercise any right provided under the MFMLA. Nor may an employer discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for exercising any right under the Maine FMLA or for opposing any practice made illegal by the MFMLA. 26 M.R.S.A. § 846-7.

APPENDIX C - ELECTRONIC COMMUNICATION POLICY

The Town of Gray (“the Town”), in an age of growing technology and electronic communication, is implementing a policy to clearly define employee expectations and responsibilities.

“**System**” means all telephones, computers, facsimile machines, voicemail, e-mail, and other electronic communication, copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System. “**Electronic Communication**” means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, any part of the System, including, but not limited to e-mail, voicemail, and Internet usage.

All parts of the System are owned by the Town and/or are provided solely for use in the Town’s business activities. All Electronic Communications are the Town’s property. The Town has the right and the ability to monitor and review all Electronic Communications at any time without notice to its employees or any other party and for any purpose whatsoever.

Town employees may not use the System, or send, receive, create or store Electronic Communications upon the System, in a manner that is illegal, disruptive to others, or that interferes with the Town’s business activities. All Town employees are prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit:

- a) Any information that is sexually explicit, obscene, or of a sexual nature, that contain libelous or defamatory material, or that would not be permitted on any bulletin located on Town property;
- b) Any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law; or
- c) Any communications that are derogatory of fellow employees (except as may be required as part of the Town’s business activities). The System may also not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations. Except as otherwise provided below, the System may not be used for any purpose that is not related to Town business.

E-mail is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional employee use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.

Voicemail is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up System space.

Internet Usage is to be limited to matters of business connected to the Town. The occasional use of the Internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the System without permission from Town technical staff is prohibited.

The workplace activities of Town employees reflect upon, and may create liability for, the Town. The person signing as an employee below acknowledges receiving a copy of this policy and understands that the Town may take disciplinary action, up to and including termination of employment, against any employee who violates the terms of this policy as those terms may be changed and/or supplemented from time to time by the Town.

APPENDIX D – EMPLOYER / EMPLOYEE CONTRIBUTION

A. Retirement Contribution:

Ordered the Gray Town Council will match the retirement contribution amount for the town employees at 6% and will increase the contribution at 7.5% for 10 years of service, 8% for 15 years of service, 8.5% for 20 years of service and a maximum of 9% for 25 years of service and that the increase to employees retirement plan will not exceed the employee's contribution.

APPENDIX E - OPTIONAL BENEFITS

- A. Vision Plan
- B. Dental
- C. Income Protection
- D. Medical Reimbursement Plan
- E. All other Town Manager approved plans that are 100% Employee funded

APPENDIX F – INFECTIOUS DISEASE POLICY

A. Purpose

This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.

B. Policy

1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.

C. Procedures

- 1) The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
- 2) Where allowed by law, the Town retains the right to test employees for infectious diseases.
- 3) The Town must maintain confidentially regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.

- 4) Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.
- 5) Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will:
 - a) Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - b) Assist in the identification of reasonable accommodations to be made, if any.
 - c) Assist individual departments, if necessary, in complying with this policy.
 - d) The Town will treat all occupational infectious disease injuries or illnesses according to state law.
- 6) The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
- 7) Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
- 8) An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

D. Accidental Needle Stick Procedure

Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

- 1) Wash the puncture site thoroughly with soap/disinfectant and water.
- 2) Report the incident to your supervisor.
- 3) Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
- 4) Complete Incident and/or Workers Compensation forms.
- 5) Establish your potential exposure risk to infectious diseases.

- 6) Notify your Department Head to establish your:
 - a) Tetanus status,
 - b) Hepatitis B status, and
 - c) HIV exposure.
- 7) Seek further medical attention if necessary.

E. Procedure for Exposure to AIDS infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

- 1) Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.
- 2) Report the incident to your supervisor.
- 3) Complete the Incident and Workers Compensation forms.
- 4) Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.
- 5) The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
- 6) If all three specimens are negative, you are considered not to be infected.
- 7) Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
- 8) Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.
- 9) Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

APPENDIX G – EARNED PAID LEAVE (Effective January 1, 2021)

As defined by 26 MRSA Section 1043(11), The State of Maine’s Earned Paid Leave (EPL) Law requires employers with more than 10 employees to provide earned paid leave equal to or in excess of the Earned Paid Leave Law.

Covered Employees: Covered employees under the Earned Paid Leave Law include, but may not be limited to, full-time, part-time, temporary, on-call, call firefighters (under certain work events and unless excluded as outlined below), and per diem employees.

Exclusions: Employees determined to be seasonal employees by the Unemployment Insurance Commission will not accrue Earned Paid Leave during the seasonal period of June 15 – September 15. Employees, such as Election Workers and call firefighters, who are paid less than \$1,000 in a calendar year, are excluded from the Earned Paid Leave Law. Additionally, call firefighters who are only paid when they choose to respond to a fire or other emergency may also be excluded from the Earned Paid Leave Law.

Regular Full-time and Part-time Employees: The Town of Gray currently provides a benefit greater than this EPL law for its regular full-time and part-time employees through its paid vacation, sick, personal, and wellness policies. To comply with Maine’s Earned Paid Leave Law, regular full-time and part-time employees may utilize up to 40 hours of accrued vacation, sick, or personal time during the calendar year for any type of time off as needed. Employees in this classification should refer to the Town’s established paid leave policies and contact their supervisor or Human Resources for clarification.

Accrual of Earned Paid Leave (EPL): All Covered Employees, other than Regular Full-time and Regular Part-time Employees as outlined above, are entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one calendar year of employment. Accrual of this leave begins at the start of employment, but may only be used as set forth below. Unused EPL time will roll over and be available to the covered employee in their next year of employment. However, the maximum amount of EPL available to the covered employee will not exceed 40 hours in one calendar year.

Use of Earned Paid Leave: Once eligible employees, including probationary employees, have been employed for 120 calendar days, they may use earned paid leave in increments of a minimum of ½ hour (30 minutes) for any reason, such as illness, personal and family emergencies, personal time, and vacation. Per diem and on call employees, who sign up, accept shifts when available to work, or are called in to work, may utilize Earned Paid Leave if they need to arrive late or leave early for a shift or have signed up for a shift but are not able to make or work the shift for some unforeseen reason. Per diem and on call employees are not eligible to use EPL for days on which they have not been assigned to a shift.

Notice Requirements: Eligible employees must provide at least four weeks’ prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

Restrictions of use of Earned Paid Leave: EPL may be denied or canceled by the Department Head during defined peak work periods where approval of such leave would inhibit the ability of the department to safely maintain adequate levels of service to the community.

Leave Accrual upon Separation: (1) Regular full-time and part-time employees: Any unused Earned Paid Leave will be paid to regular full-time and part-time employees at time of separation consistent with existing Town vacation, sick, and personal time policies. (2) Temporary, on-call, and per diem employees: Employees of this classification who are covered employees and not otherwise excluded from eligibility to accrue EPL will not be paid for any unused and accrued Earned Paid Leave upon separation of employment. If a temporary, on-call, or per diem employee returns to work within 365 days of their last date of employment, that employee is entitled to any unused balance of EPL.

**TOWN OF GRAY
EMPLOYEE PAID TIME OFF**

Accrual Rates

Full-Time Employees (Groups I & II)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	3.08 hours per pay period	3.692 hours per pay period
5-10 Years of Service	4.62 hours per pay period	<i>See above</i>
10 Years of Service or More	6.16 hours per pay period	<i>See above</i>

Part-Time Employees (Group III)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	.0385 hours per hour worked	.04615 hours per hour worked
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Vacation Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Vacation Time	Notes
Less than 5 years of Service	Two weeks (80 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
5-10 Years of Service	Three weeks (120 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
10 Years of Service or More	Four weeks (160 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.

Sick Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Sick Time	Notes
Less than 5 years of Service	960 hours	Employees who have an excess of this cap as of October 1, 2022 will maintain their sick time hours until the accrued hours may fall below 960 hours.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Payout for Accumulated Sick Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Payout Amount	Notes
Less than 5 years of Service	0	No sick time paid out upon separation of employment.
5-10 Years of Service	50% of accrued sick time amount, 200 hours maximum	Employee must be in good standing with the Town.
10 Years of Service or More	50% of accrued sick time amount, 360 hours maximum	Employee must be in good standing with the Town.

Personal Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Time Received each Year	Notes
Less than 5 years of Service	16 hours	Personal time does not accrue year to year and is not subject to payout upon separation.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Bereavement Time

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Bereavement Time	Notes
Less than 5 years of Service	Up to 3 days of absence caused by the death of a member of the immediate family	See definitions portion of the Personnel Policy.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Earned Paid Leave

Covered Employees	EPL Accrual and Utilization	Notes
Groups I-III (Full-Time and Part-Time Employees)	Up to 40 hours of accrued vacation, sick, or personal time may be used during the calendar year for any type of time off as needed.	Refer to the Town's established paid leave policies for more information.
Group IV (All temporary, seasonal, and per diem employees)	Entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year. After 120 days of employment, EPL time may be used in 30-min increments for any reason.	Accrual of this leave begins at the start of employment. Refer to EPL section above for requirements, exclusions, and restrictions.

Digest of Amendments

Originally Adopted March 1, 1979

Amended

December 21, 1999

September 18, 2001

December 4, 2001

April 6, 2004

January 6, 2009

February 17, 2009

July 7, 2009

February 2, 2010

February 21, 2012

February 18, 2020

June 7, 2022

Repealed and Replaced including Appendices

Acknowledgment

I acknowledge that I have received a copy of the Town Personnel Policy, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Town policies I should direct them to my Department Head or the Human Resources Department.

I know that Town policies and other related documents do not form a contract of employment and are not a guarantee by Town of the conditions and benefits that are described within them. Nevertheless, the provisions of such Town policies are incorporated into the acknowledgment, and I agree that I shall abide by its provisions.

I also am aware that Town of Gray, at any time, may on reasonable notice, change, add to, or delete from the provisions of the Town policies for which I will be notified.

Employee's Printed Name

Position

Employee's Signature

Date



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager
nrudy@graymaine.org
(207) 657-3339

May 11, 2023

Town Manager (TM) Report to Town Council (4/27/2023 – 5/11/2023):

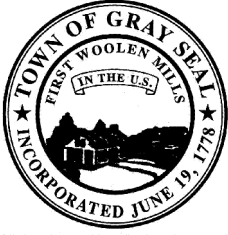
- 4/30-5/1: TM attended a Negotiation Strategies class at the Harvard Kennedy School Executive Education program in Cambridge, MA
- 5/9: TM participated in a call with MeDOT representatives regarding road construction projects in the Gray Village
- 5/10: TM attended the Gray New Gloucester Rec Community Café lunch hosted in New Gloucester
- 5/11: TM met with GPCOG economic development staff to discuss Gray Village planning

Upcoming:

- 5/22-6/23: TM Time off
- 5/24: TM will attend a Local Roads class with Interim Public Works Director
- 5/25: TM will attend GPCOG Summit in Windham – Town Council members are invited to attend
- 5/29: Town staff will observe Memorial Day Holiday, with adjustments to schedule per department

Other activities:

- TM coordinating with Department Heads on presentation of Town budget.
 - TM coordinating between the Principle Group, Council, the GPCOG, Gorrill-Palmer, and Town staff on matters related to zoning and ordinances to implement the 2020 Comprehensive Plan, as well as Gray Village planning, Main Street planning, and the Yarmouth Road construction projects.
 - The Town Hall offices will open to the public at 11 AM on Thursdays, to provide office staff with time to complete administrative tasks. We will experiment with this model to see how it helps with productivity and efficiency in Town functions. This schedule is subject to change in the future, and Gray citizens are welcome to please contact me with any questions or concerns.
-



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE ASSESSOR

Lauren Asselin, Assessor
lasselin@graymaine.org
(207) 657-3339 ex. 112

May 11, 2023

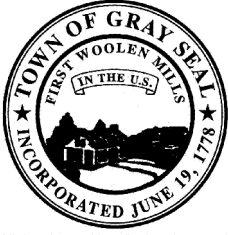
Assessing Department Report to the Town Manager (03/25/2023 – 04/20/2023):

- 3/27 – Budget Workshop
- 3/28 - Meeting with the Town Manager
- 3/29 – Posted amended RFP for future revaluation/ equalization project
- 3/29 – Worked on warrant articles
- 4/3 – Meeting to go over mil rate projections
- 4/4 – Meeting with Auditor, Finance Director, and Town Manager to discuss budget
- 4/5 – Follow up on budget/warrant articles
- 4/6 – Follow up with Town Manager and Council Chair on budget presentation information
- 4/7 -Meeting with Auditor and Finance Director to discuss warrant articles
- 4/19 – Meeting with Council Chair and Town Manager to discuss mil rate increase
- 4/20 – Meeting with the Auditor, Finance Director, and Town Manager regarding budget
- 4/20 - Attended Sebago Lakes Region Rotary Club Meeting

Other Activities/Accomplishments:

- Continued work on FY2024 budget
 1. TIF Spreadsheet
 2. Tax Rate Calculation form
 3. Mil Rate projections
 4. LD-1 calculation
- Completed property inspections and associated data input
- Processed property transfers for February and March
- Input new Tree Growth classification applications
- Completed 6-month self-evaluation for annual goals
- Continued training the Assessing Assistant – Cynthia Schaeffer
 1. Personal Property input
 2. BETE/BETR applications
 3. Property inspections

Challenges/Obstacles:



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

DEPARTMENT OF BUILDING AND
GROUNDS

Mo Russo III, Director
mrusso@graymaine.org
207-657-3339 ext.131

April 24, 2023

Department of Buildings and Grounds Report to Town Manager 3/28-4/24/2023

- 4/04 Attended Wild Blueberry Festival Meeting
- 4/06 Meeting with Electrical Contractor for projects at Transfer Station and Public Safety
- 4/06 Parks and Facilities Supervisor attended Garden Club Meeting
- 4/07 Project walk through at 2 Turnpike Acres
- 4/11 Attended Town Council Budget Workshop and Public Hearing
- 4/14 Carpet cleaning of Newbegin and Council Chamber
- 4/14 Received notification of funding from Efficiency Maine that we will receive \$32,000 towards the instillation of 4 EV Charger Plugs to be installed on the Pennell Complex
- 4/14 Received Project Agreement Letter from Department of Agriculture, Conservation, and Forestry for the Crystal Lake Boat Ramp replacement in the amount of \$77,601 or 75% of project costs, which ever is less.
- 4/17 Staff observed Patriots Day Holiday
- 4/24 Carpet cleaning of Library

Town Council Tracking Worksheet Items:

Other Activities / Accomplishments:

- 14 Requests for Service for the period of 3/28-4/24 outside of normal daily routine.
- New LED Sign has been installed, will begin displaying messages soon.
- Work continues on projects.

Challenges / Obstacles Requiring Assistance Outside of the Department:

2022

Annual REPORT

**CUMBERLAND COUNTY
SHERIFF'S OFFICE**

"FIRST TO SERVE 1760"

OUR AGENCY'S MISSION

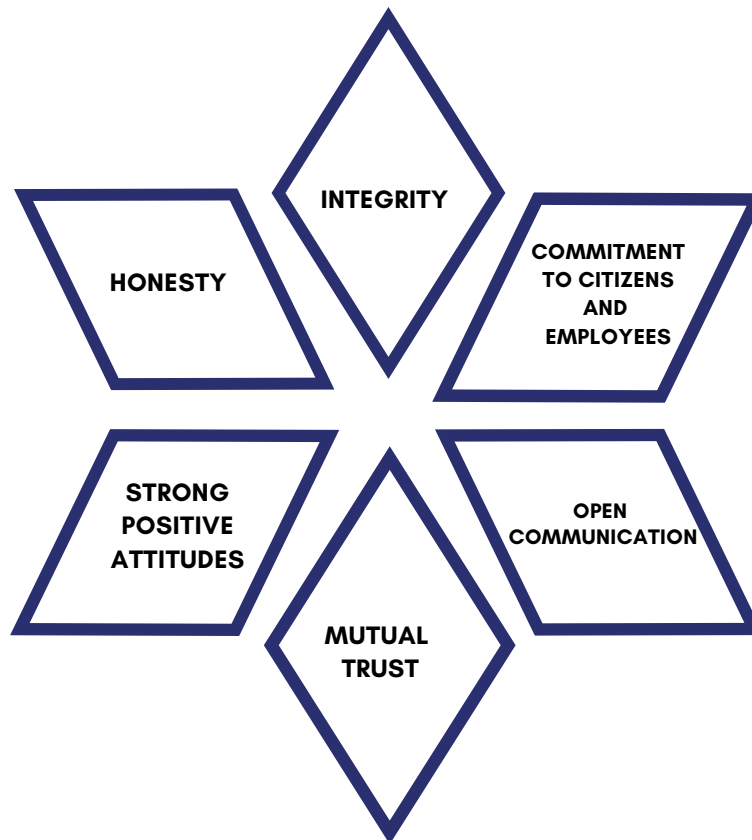
The Cumberland County Sheriff's Office is committed to preserve the peace, enforce the law and protect the rights and property of those we serve. Further, to provide a safe and secure detention environment for those placed in our custody. We will accomplish this in partnership with the citizens we serve to promote public safety in our communities.

OUR JAIL'S MISSION

To provide a healthy, safe, secure, humane and cost effective environment in which to detain persons alleged to have committed, or convicted of crimes.

OUR VISION STATEMENT

The Cumberland County Sheriff's Office is committed to providing outstanding public safety through community partnership, exemplary leadership, and efficient resource management. Our commitment to the Cumberland County Community is always task one. We create an atmosphere of partnership with the community working towards the common goal of protecting life and property, thus enhancing the overall quality of life. Through mutual trust and respect as well as fair and equitable enforcement of the law, human dignity shall be safeguarded for all. We shall continue to commit to the quality of this relationship by always being exemplary leaders, performance driven, results oriented and customer service based. As well, we shall be progressive in our use of technology, innovative in our day to day performance and resourceful in obtaining equipment and utilizing resources.



ACCREDITATION & CERTIFICATIONS

Sheriff Kevin Joyce and the Cumberland County Sheriff's Office are committed to excellence in service. To ensure that we maintain this standard, the agency is the proud recipient of four accreditation awards and one major certification.

- Corrections - American Correctional Association (ACA)
- Law Enforcement - Commission on Accreditation for Law Enforcement Agencies (CALEA)
- Medical - National Commission on Correctional Health Care (NCCHC)
- Law Enforcement - National Sheriff's Association Triple Crown Award
- Corrections - Prison Rape Elimination Act Certification (PREA)

There are numerous reasons for the importance of these processes. There is pride in being the best at your job; there is increased professional knowledge and there is a reduction in viable litigation. The Cumberland County Sheriff's Office is the only Sheriff's Office in the state to have earned these five major achievements.



First accredited in 2000, the Cumberland County Jail is proud to have been successfully re-accredited six times! All aspects of the Jail's functions are analyzed and evaluated ensuring a safe and healthy environment for inmates and staff alike. We were recently re-accredited in January of 2023. There are 384 professional standards that we are required to meet along with Maine Department of Corrections standards. The process requires the input of all employees at the agency ensuring that all details and processes are captured and best practices are followed. There is a positive side effect of this process in that there is pride felt in achieving and maintaining this difficult goal. Being a part of improving our working conditions and the conditions of those remanded into our care and custody provides great satisfaction.



First accredited in 2015, we were awarded reaccreditation status by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in 2019. Each year a CALEA Compliance Service Member reviews 25% of the Agency's accreditation files to ensure we as an agency are meeting professional standards on a regular basis. There are 184 professional standards that we are mandated to meet along with several other mandated policies required by the Maine legislature. The process requires input of all agency employees ensuring that all details and processes are captured and best practices are followed. The Cumberland County Sheriff's Office also hosts CALEA Assessors once every four years for a full onsite assessment. Our next onsite assessment is June of 2023.



The Cumberland County Jail was first accredited in 2009. There are 64 standards to be met within the three year accreditation cycle. We received a three year reaccreditation in November of 2020. Along with the NCCHC standards, our inmate health care provider must also meet all Maine Department of Corrections standards. The inmate medical program will be reviewed for re-accreditation in the fall of 2023.



In 2020, we were honored by the National Sheriffs' Association as a "Triple Crown" Sheriff's Office for being nationally accredited for law enforcement, corrections, and for inmate healthcare. Although national accreditation is a voluntary process, we believe that following national standards each and every day, compels our agency to remain a progressive and professional law enforcement agency.

Sheriff Kevin J. Joyce

Dear Fellow Citizen,

I am pleased to present the Cumberland County Sheriff's Office 2022 Annual Report. Throughout 2022, the Cumberland County Sheriff's Office has maintained its commitment to the citizens of Cumberland County by providing the best law enforcement services and a safe and secure county jail.

This comprehensive report reflects the hard work and dedication of every member of the Cumberland County Sheriff's Office.

While we started to get back to "normal" after the pandemic, we still struggled to attract applicants for corrections and to a lesser extent, law enforcement. During 2022, we kept the jail operating safely and efficiently due to the dedicated, committed and resilient corrections staff making it possible, even though we had 75+ vacancies in the jail. Additionally, we averaged about 5 vacancies in the law enforcement division, with a number of key personnel retiring during 2022 in both the corrections and law enforcement divisions.

We are committed to recruiting staff in 2023. While it has been a struggle to hire competent employees for corrections and law enforcement, this is an opportunity re-invent the corrections and law enforcement professions by changing some of the ways we operate to become more efficient.

I am very proud of the work and dedication exhibited by the Corrections Officers, Deputy Sheriff's and the Support Staff each and every day. I truly appreciate their efforts under some very stressful and sometimes uncertain circumstances that they have faced over the last two years. Thank you for your continued support of the Cumberland County Sheriff's Office.



A handwritten signature of Kevin J. Joyce in blue ink.

Kevin J. Joyce, Sheriff

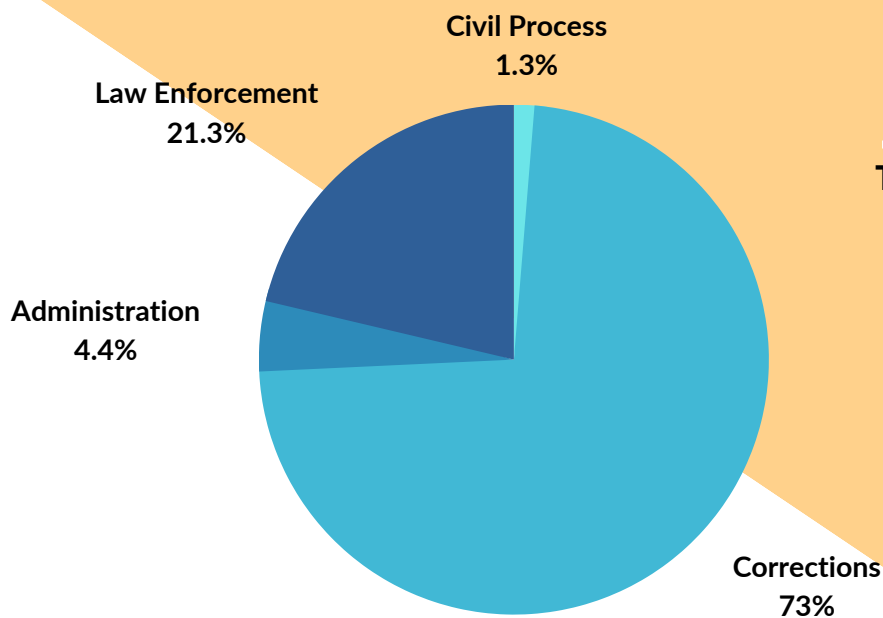
GENERAL OPERATIONS

The Cumberland County Sheriff's Office operating budget in 2022 totaled: **\$29,490,740.00**



This is a **\$1,157,682.00** increase from the prior year

COUNTY BUDGET BREAKDOWN



GENERATED REVENUE

- Inmate Telephone & Tablets **\$158,965.00**
- Corrections Commissary **\$170,165.00**
- Grants Awarded **\$519,455.00**
- Civil Division **\$185,239.00**
- False Alarm **\$7,900.00**

.....
TOTAL REVENUE \$ 1,041,724.00

PATROL DIVISION

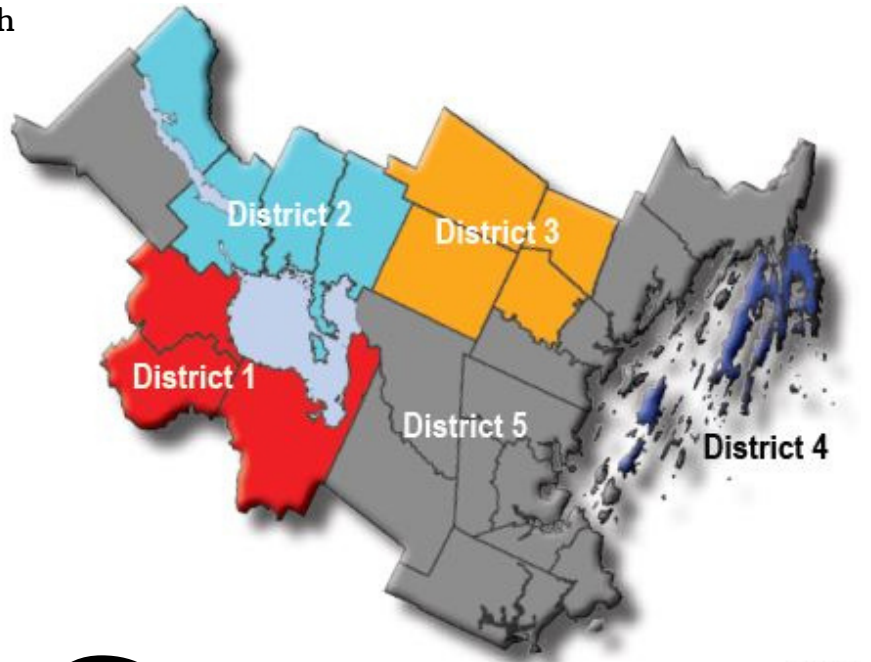
DISTRICT 1: Baldwin, Sebago, Standish

DISTRICT 2: Casco, Frye Island, Harrison, Naples, and Raymond

DISTRICT 3: Gray, New Gloucester, North Yarmouth, and Pownal

DISTRICT 4: Chebeague Island, Harpswell, Long Island

DISTRICT 5: All towns and cities with their own Police Department

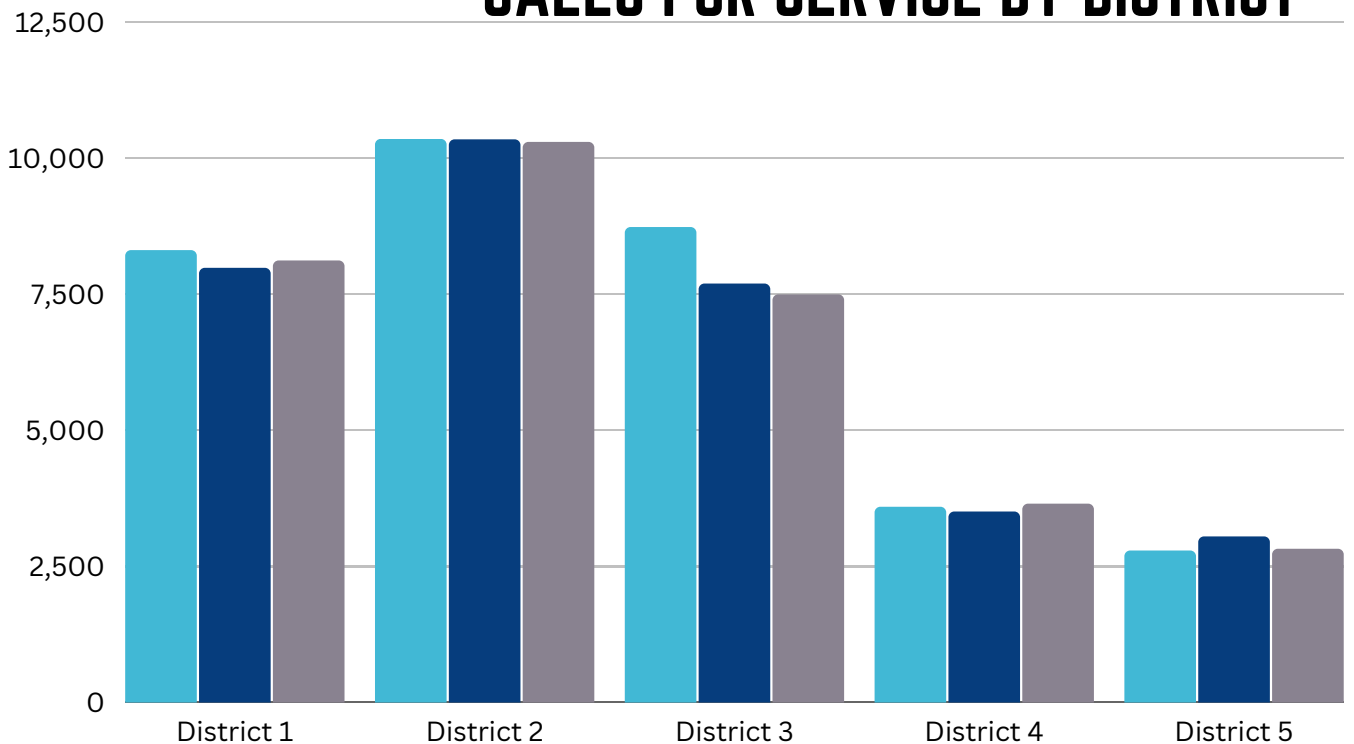


CALLS FOR SERVICE

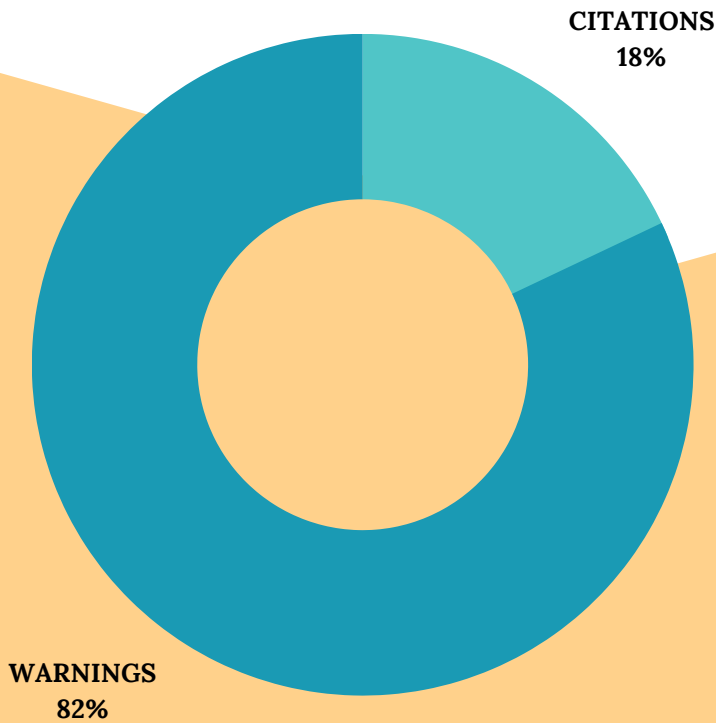
33,746

WHICH IS A 3.7% INCREASE FROM 2021

CALLS FOR SERVICE BY DISTRICT



PATROL DIVISION - TRAFFIC



TOTAL TRAFFIC STOPS

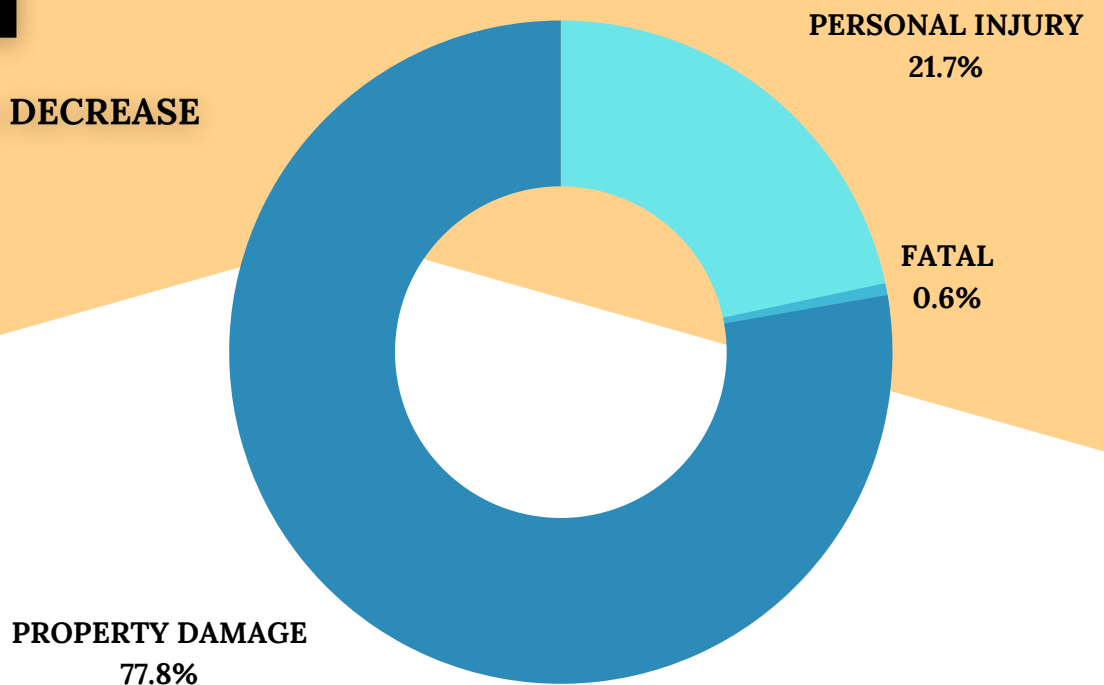
6,310

WHICH IS A 17.8% INCREASE FROM
2021

TOTAL TRAFFIC ACCIDENTS

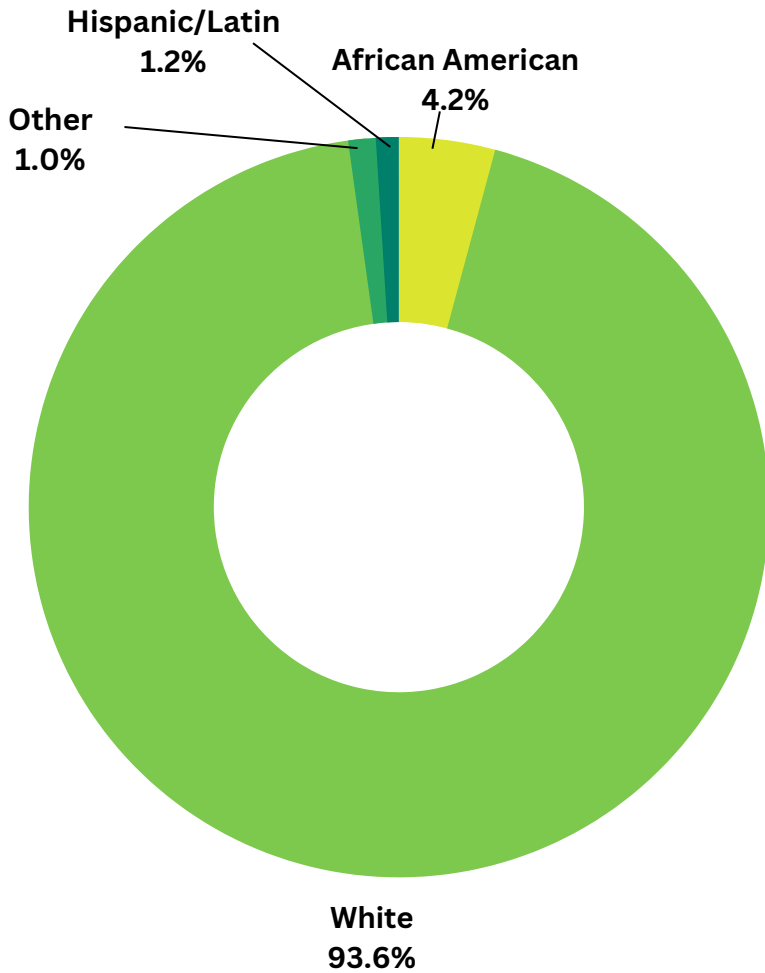
1,211

WHICH IS A .25% DECREASE
FROM 2021

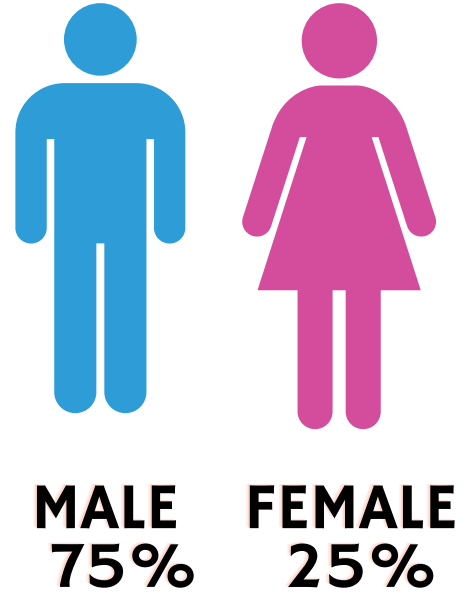


PATROL DIVISION - ARRESTS

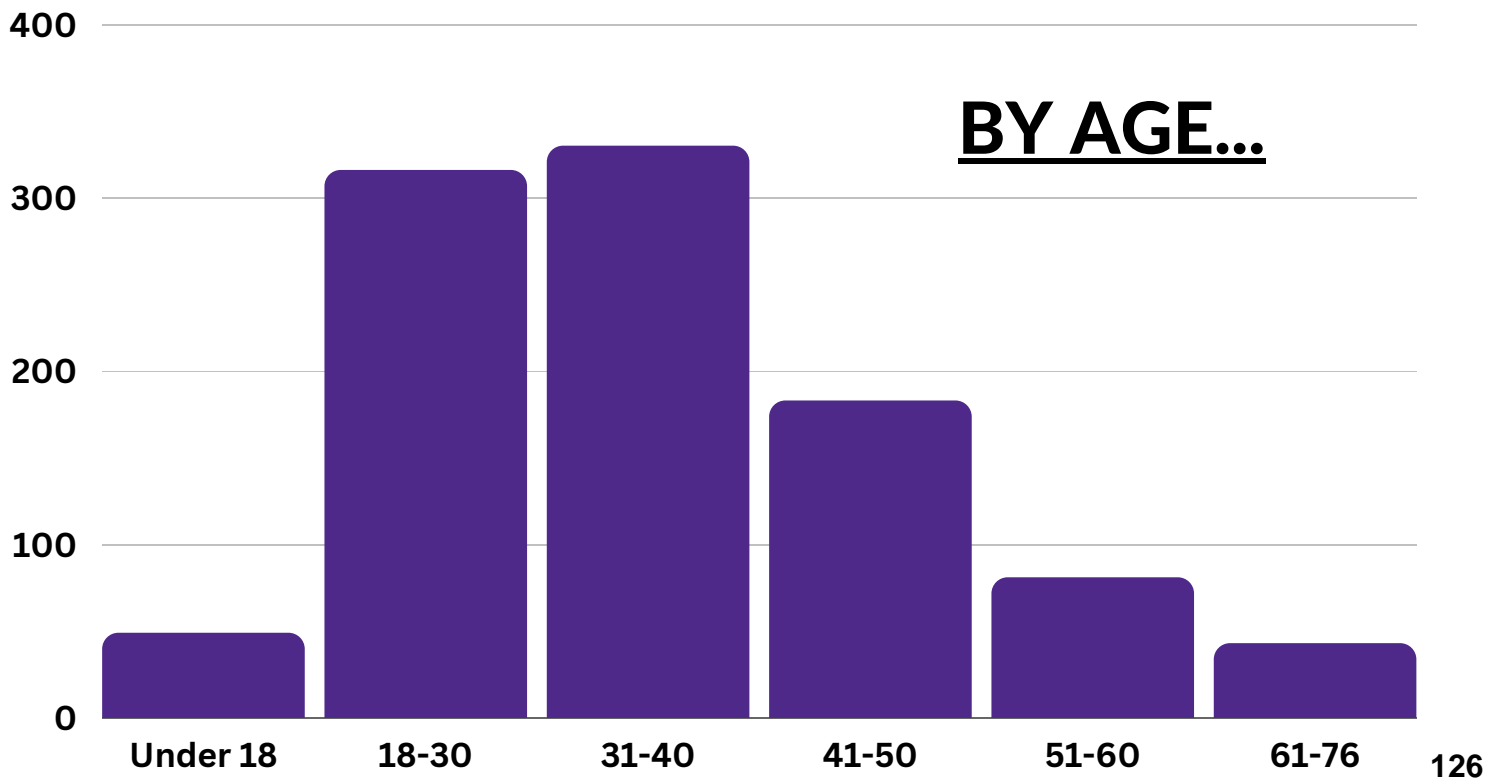
BY RACE...



BY SEX...



BY AGE...

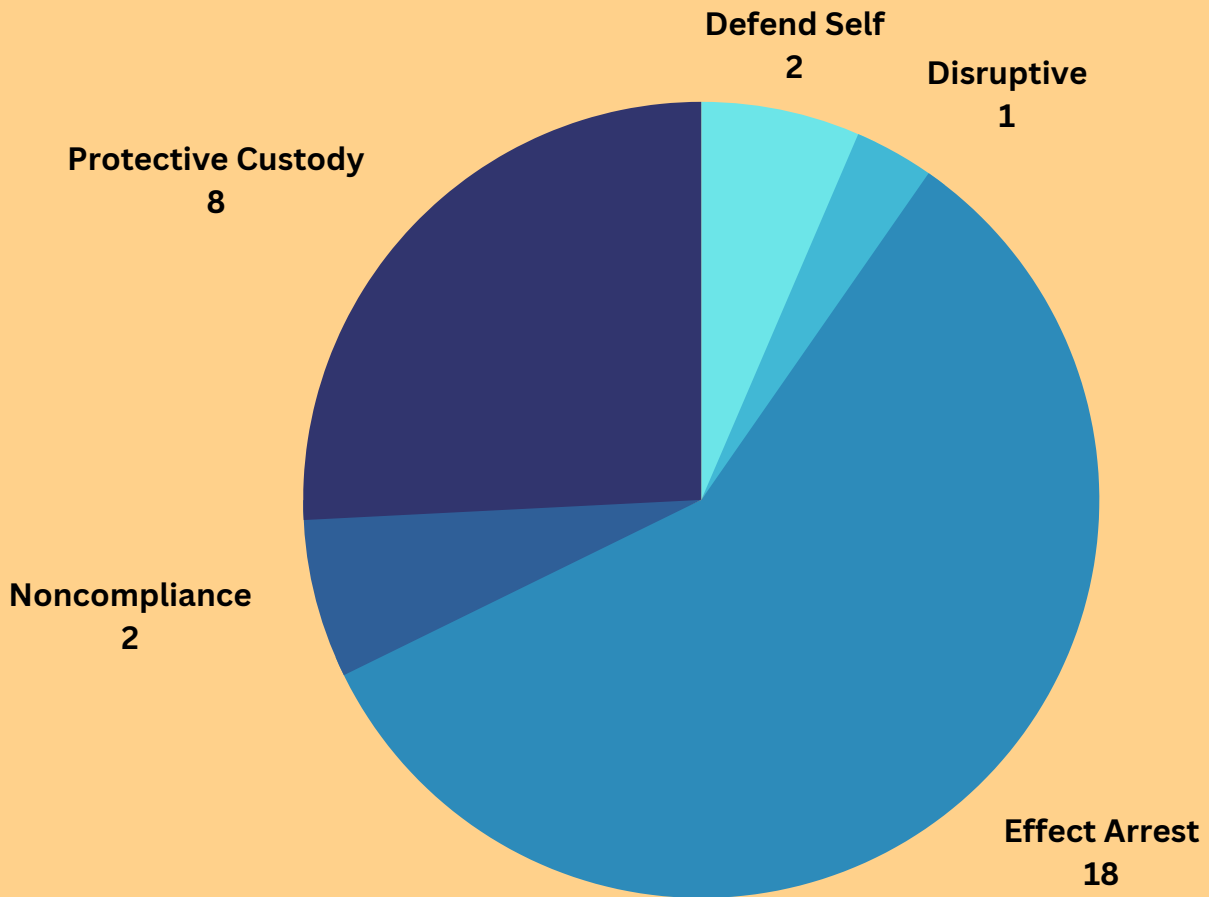


USE OF FORCE

is defined as the means of compelling compliance or overcoming resistance to an officer's command(s) in order to protect life, property, or take a person into custody.

In 2022 there were 37 Use of Force incidents.

USE OF FORCE BY REASON



PATROL UNITS



MARINE PATROL

The Harpswell Marine Patrol unit actively patrols the ocean and shores of Harpswell. The Marine Patrol Unit has two deputies whose responsibilities include marine harvester inspections.

In 2022 there were a total of 233 bushels inspected. Shell fish harvesting violations resulted in three (3) citations and four (4) verbal warnings being issued by the deputies. The deputies performed eighteen (18) water quality checks.

DIVE TEAM

The Cumberland County Sheriff's Office Dive Team is continually prepared for any underwater emergency or investigation in, but not limited to, the waters of Cumberland County.

The Dive Team conducted nine, 8-hour training sessions throughout the year. One training session provided support to the Sebago Lake Rotary Polar Dip in Raymond. The training sessions are designed to maintain the diver's underwater skills, dive equipment integrity, and water craft operation and navigation.

We welcomed a new diver to the team, as well as a new tool, a Garmin GPS Plotter.



UNMANNED AIRCRAFT SYSTEM (UAS)

The Sheriff's Office has four (4) certified Unmanned Aircraft System (UAS) operators. The UAS was flown eight (8) times in 2022, of which four (4) instances were for training. Certified operators flew once for a public demonstration, twice for crime and crash scene photography, and once for search of a subject who fled a traffic stop, into the woods.

At the end of the year the Sheriff's Office was able to secure funding to purchase a Forward Looking Infrared (FLIR) attached to one of the drones. This technology will assist with searches for lost people or suspects.

CRASH RECONSTRUCTION UNIT

The Crash Reconstruction Unit consists of highly trained and dedicated members that specialize in the investigation of motor vehicle crashes. This unit responded to fourteen (14) calls for service in 2022, and began partnering with the UAS Team for scene responses. The Reconstruction Unit is called upon for their expertise after serious crashes that result in, amongst other things, serious bodily injury, death or substantial property damage.

EMERGENCY SERVICES UNIT (ESU)

The Cumberland County Sheriff's Office Emergency Services Unit (ESU) is a highly trained, multi-jurisdictional team comprised of law enforcement officers from the Sheriff's Office and multiple other local police departments within the County. The team did experience staffing issues, and was down nearly 1/3 of the normal staffing.

The ESU team expanded their work with other area tactical teams and partnered with the Southern Maine Special Response Team from York County.



K-9 UNIT



The four (4) K-9 teams received 259 calls for service in 2022. That is a **66% increase** from the prior year. The calls included tracking, vehicle searches, jail searches, narcotics searches, schools, and various other agency assists. The Cumberland County Sheriff's Office welcomed a new K-9, Rain. (pictured left)



HONOR GUARD



The Cumberland County Sheriff's Office Honor Guard stands ready to honor those who gave their lives serving their communities. Additionally the Honor Guard serves as the Sheriff's Office Ambassadors for community events and preside over various ceremonial events throughout the year. As communities begin to open up in the post-COVID world the Honor Guard has been able to participate in more events.



2022 HONOR GUARD EVENTS:

6 - FUNERALS/WAKES

7 - CEREMONIES

4 - PARADES

WREATHS ACROSS AMERICA

HONOR FLIGHT

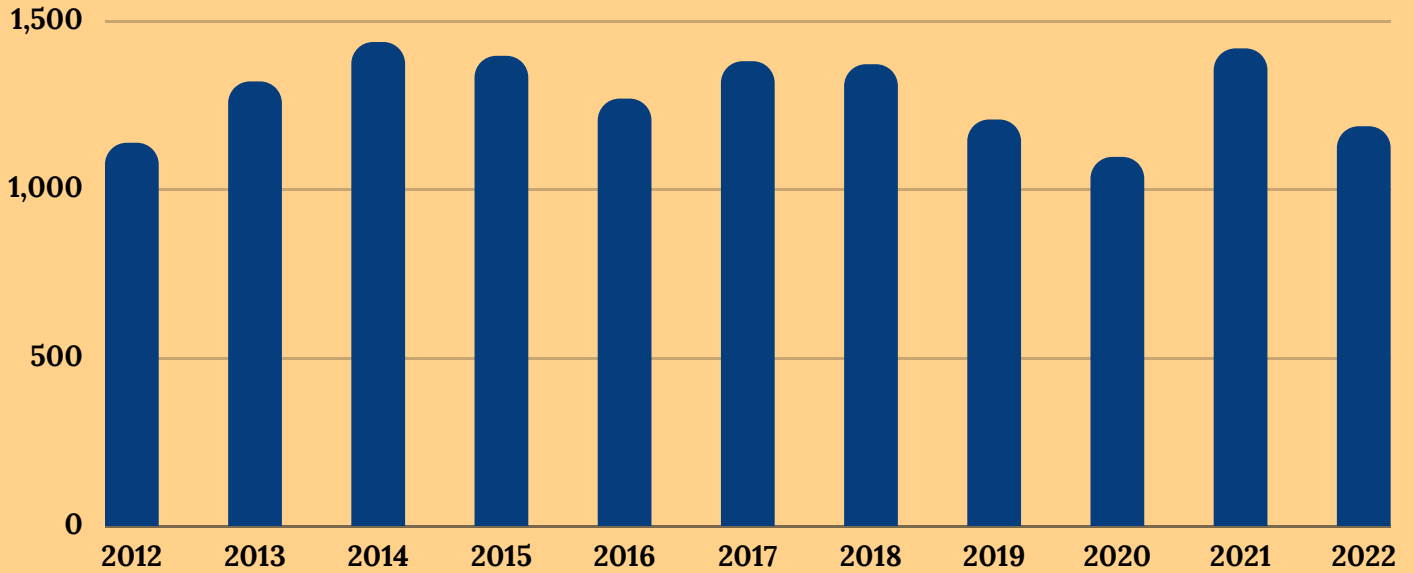
YARMOUTH CLAM FESTIVAL

CASCO DAYS PARADE

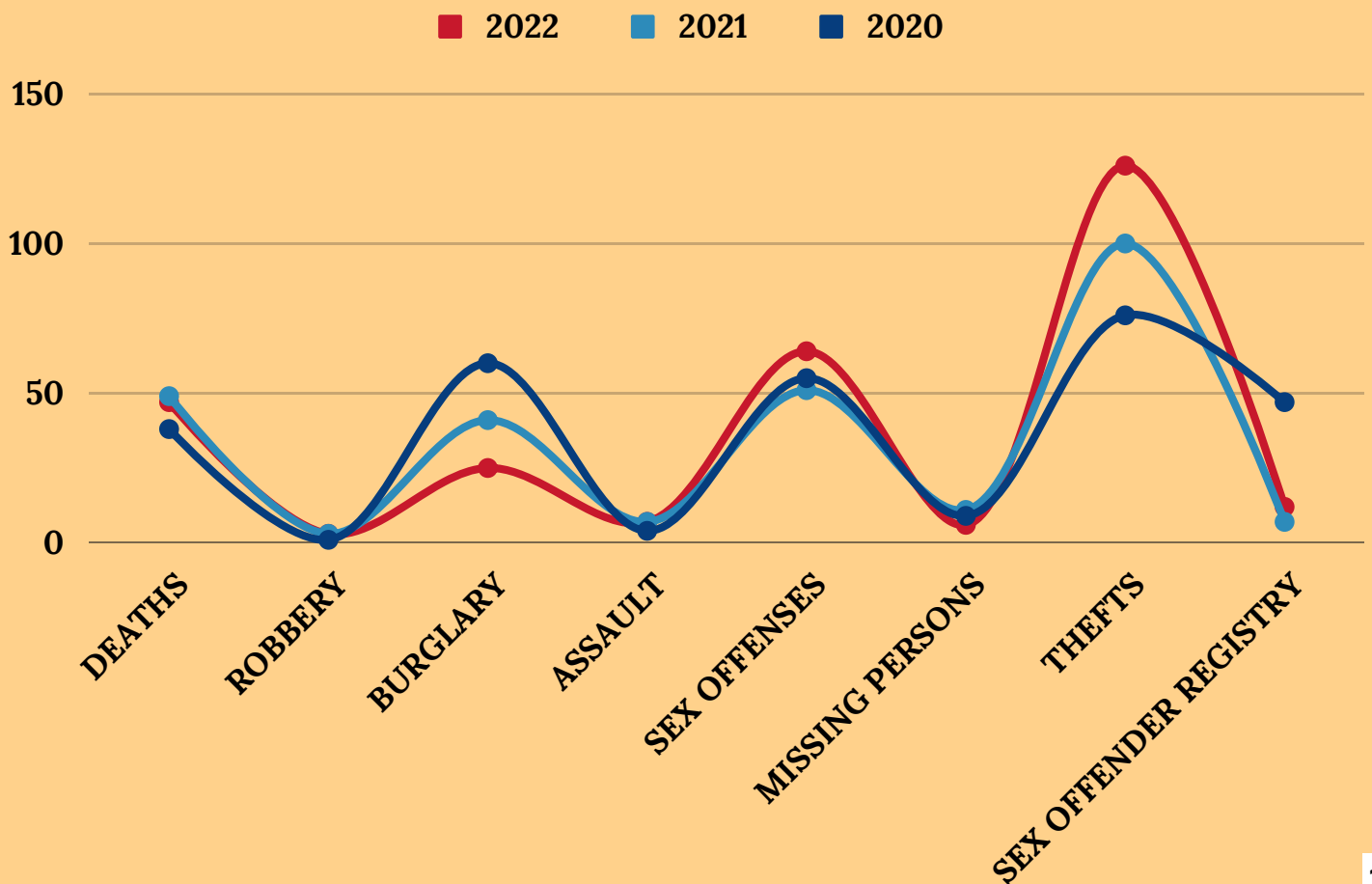


CRIMINAL INVESTIGATIONS DIVISION (CID)

Total Annual Criminal Investigator Case Load



Criminal Investigator Cases by Type



CID UNITS

The Criminal Investigation Division (CID) is responsible for primarily felony-level crime and providing criminal investigative support to the Patrol Division. CID conducts a broad spectrum of criminal investigations to include deaths, sexual assault, armed robbery, burglaries, fraud, computer crimes and counter-drug operations.

01

POLYGRAPH EXAMINER

The polygraphist conducted twenty-nine (29) polygraph exams in 2022. Twenty-nine (29) were classified as pre-employment exams and zero (0) were criminal exams.

02

EVIDENCE TECHNICIAN/PROPERTY DETECTIVE

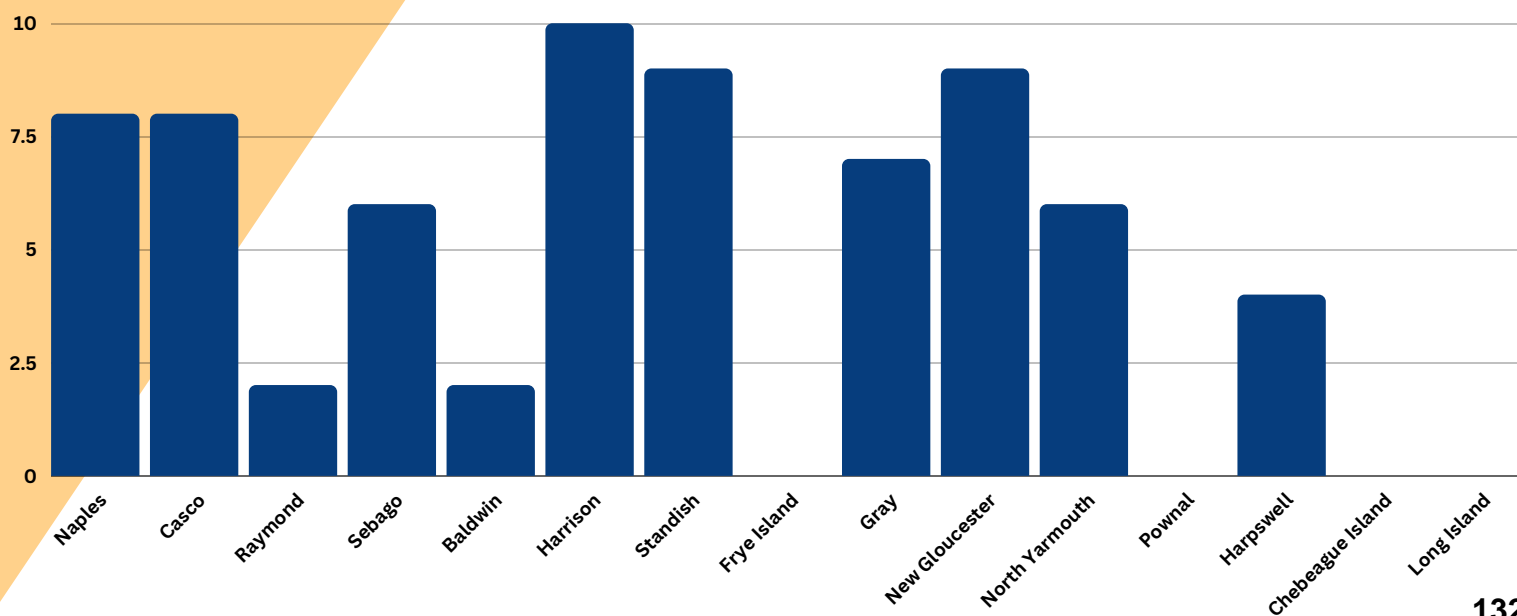
There were 184 work orders submitted to the Evidence Technicians requesting some form of forensic processing. This included anything from fingerprint identification, to drug testing, or serial number restoration of firearms.

03

SEX OFFENDER REVIEW

The Sheriff's Office regularly reviews all registered sex offenders that live and work within the County. These reviews are done every 90 days. The graph below represents the average number of sex offenders in the respective towns of Cumberland County that they reside.

You can also find more details at
<https://sor.informe.org/cgi-bin/sor/index.pl>



CID UNITS CONTINUED....

04

INTERNAL AFFAIRS UNIT

This Internal Affairs Unit processes all complaints against the Sheriff's Office employees to determine the validity of the complaint and to ensure best practices are followed by the agency.

They are also responsible for conducting pre-employment background investigations for any applicants.

INTERNAL COMPLAINTS

Corrections Division Formal Complaints.....2

Field Services Division Formal Complaints.....4

Corrections Division Non-Jail Personnel.....0

EXTERNAL COMPLAINTS

Corrections Division Formal Complaints.....1

Of the seven (7) complaints, six (6) were sustained and one (1) not sustained.

05

RECORDS

The Sheriff's Office reviews backgrounds and applicants who have submitted applications for firearms purchase(s), or concealed firearms permits

Additional the Records Clerk handles all Freedom of Access Act (FOAA) Requests.

420

FIRARMS & BACKGROUND CHECKS

1,024

FOAA REQUESTS

SUPPORT SERVICES DIVISION

The focus of the Support Services Division is civil process, training, law enforcement policy development, grant acquisitions and community outreach.

The Civil Process Unit

The Civil Unit serves a variety of civil documents to include: civil lawsuits, divorce papers, and various landlord/tenant court documents.

3,734
CIVIL PAPERS SERVED

\$506,530
**TOTAL VALUE OF GRANTS
WRITTEN**

Grant Acquisition Process

Competitive grants are processed and reviewed by the grant authority and if selected are usually awarded within three to five months of the submission. Awarded grants must usually be spent within one to three years of the award.

Congressional Spending - \$250,000
Justice Assistance Grant (JAG) Portland- \$12,835
Justice Assistance Grant (JAG) Windham - \$7,297
Bureau of Justice Assistance-Connect and Protect Grant - \$203,319
Bureau of Highway Safety- Impaired Driver Grant - \$10,000
Bureau of Highway Safety- Speed Enforcement - \$7,200
Midcoast Government Grant- \$15,879



Community Outreach

The Cumberland County Sheriff's Office organized and/or attended eighteen (18) public events in 2022, all designed to support the needs of our community. Events ranged from senior awareness programs, and youth initiatives to consumer fraud awareness. We live and work here and understand the importance of helping create a safe and health community.

These Community Outreach events were developed in a collaborative approach to support the needs of our community partners and address community safety, quality of life issues and improve community communication and understanding.

- Trunk or Treat
- Coffee with the Sheriff
- National Night Out
- Real Men Wear Pink
- Sand for Seniors
- Touch a Truck Fundraiser
- National Drug Take Back



VOLUNTEERS IN POLICE SERVICE (VIPS)

The Volunteers in Police Service (VIPS) completed 1,189 hours of service for the communities of Cumberland County. This freed up our law enforcement personnel to provide regular law enforcement services.

The VIPS have four specially trained volunteers in Trauma Intervention who provide immediate, compassionate services to victims of crimes, trauma and other tragic events.

The work that the VIPS do for the Sheriff's Office and the citizens of Cumberland County saves over \$26,365 per year in non-law enforcement tasks and allows the Sheriff's Office to enhance the services that we are able to provide to our communities.



POLICE ATHLETIC LEAGUE (PAL)

This program provides much needed equipment and helps pay fees for school and youth leagues struggling to keep sporting programs afloat in this difficult economy. The PAL program donated \$5,254 to various Cumberland County sports programs in 2022.

PAL also awarded scholarships to four Cumberland County High School seniors in 2022.

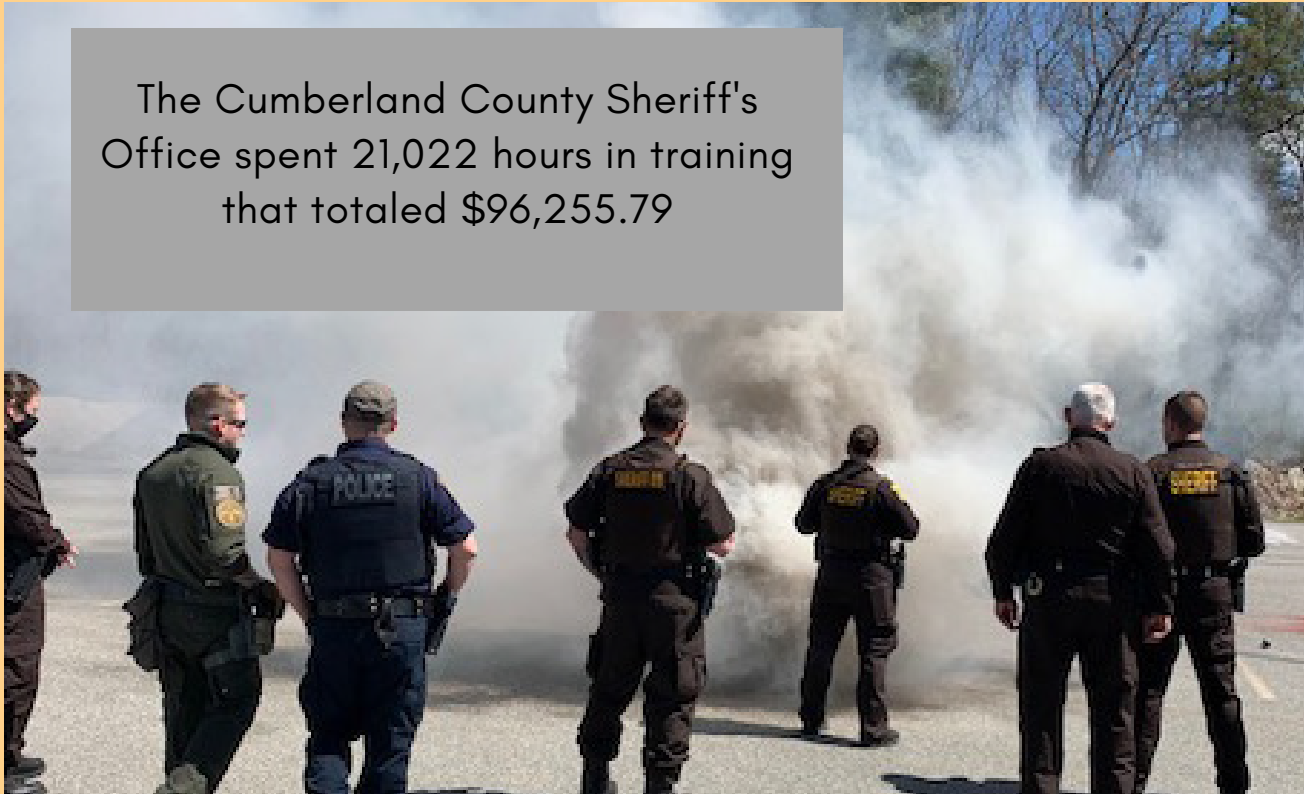
Congratulations to Thomas Horton and Zachariah Oja of Bonny Eagle High School, Savannah Tracy of Freeport High School, Maya Panozzo of Yarmouth High School, and Mikenzie Davis of Gray-New Gloucester High School.



TRAINING UNIT

The Cumberland County Sheriff's Office operates with one full-time Staff Development Specialist to coordinate the agency's training needs. Other staff members who have been cross-trained in specialty areas are utilized as instructors to help provide training in specific areas. The Training Unit ensures all staff receives annual training on relevant topics as well state-mandatory in-service training and accreditation standards training.

The Cumberland County Sheriff's Office spent 21,022 hours in training that totaled \$96,255.79



- Donning & Doffing Personal Protective Equipment
 - Situational Use of Force
- Interactions with Persons Suffering Mental Illness
 - K9 Training (Patrol & Narcotics)
 - Dive Team Training
 - Prison Rape Elimination Act (PREA)
- Corrections Emergency Response Team
 - Mobile Field Force
- Suicide Prevention and Intervention
- Incident Command System Training
 - Firearms Qualification
 - Ballistic Shield Training
- Law Enforcement and Behavioral Health
 - Law Enforcement Wellness and Resilience Conference
- Transgender Prisoners and Inmates
- New Law/Case Law Updates
- Emotional Survival for Law Enforcement
 - Workplace Harrassment
 - Outlaw Motorcycle Gangs
- Mental Health First Aid Training
 - Ethics and Values
 - School Safety Summit
- Social Media for Community Policing and Community Engagement
 - Taser Certification
 - Incident Command System
 - Civil Rights Officer Training
 - Taser Certification
- Verbal Judo for Law Enforcement/First Responders
- Public Access to Public Documents
- Stinger Spike System Training

Major Timothy Kortes

The mission of the Cumberland County Jail is to provide a healthy, safe, secure and humane environment for all inmates whether they have been accused or convicted of crimes. The Cumberland County Jail is the largest in the state of Maine.

The current pandemic was a challenge for the second year at the Cumberland County Jail. The proactive safeguards were maintained at the Jail to protect and limit the exposure to staff and offenders. In addition, we remained vigilant in improving our efforts daily with updated guidance from the CDC and other venues. In addition, Sheriff Joyce was instrumental in the acquisition of COVID Vaccinations that was used on-site to provide another layer of protection for both staff and offenders. The Jail still maintained a Quarantine housing unit for new admissions to properly medically clear offenders to be housed in the general population. We had several outbreaks at the Jail due to COVID variants, infecting both our offender population and employees. This caused operational/staffing challenges.

Captain John Costello still maintained oversight during the pandemic and a mechanism remained place to conduct proper follow-up on incidents and open communication with all stakeholders. This ensured all aspects were fulfilled i.e. universal testing, contact-tracing and status updates with the CDC. Captain John Costello coordinated with staff and vendors to maintain a high level of cleaning and decontamination efforts to include in-house projects to maintain facility operations. The Jail access and lobby operations were still limited to staff-only and approved vendors to provide essential functions that were vetted through a COVID screening process. The Jail's COVID screening kiosk remained which adds another safeguard layer as well as a tracking system.

Operationally, we continue to utilize outside-the-norm solutions in regards to virtual communication with video for judicial proceedings and limiting offender outside exposure. The offender tablet program was in its 2nd year since implementation to maintain communication with family and friends through real-time e-messaging. Video Visits are set to begin in early 2023. Starting in mid-2022, we did accommodate limited in-person non-contact visits on a weekly basis. In addition, volunteers and programs were slowly re-implemented.

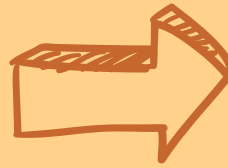
The CCC (Community Corrections Center) Pre-release remained closed and the work release program continued to be suspended, due to offender COVID exposure concerns in the community as well as staffing challenges. In-person offender education was suspended this past year and hopefully will restart in 2023 with our in-house Education Technician staff to include a virtual component collaboration with outside resources.

The MAT (Medically Assisted Treatment) Coordinator, Chelsea Valentine was hired to oversee the program within the facility in response to the current opiate crisis. She made great strides with offender engagement and treatment in a short time. The number of inmates on the MAT program have grown from approximately 40 inmates in 2021 to 80 at the end of 2022, due to expanding the initiation of phase of the program. In addition, we acquired a Re-Entry Specialist Lexie Bernier, through grant funding. She worked with offenders to transition back into society and also provided outside resources pre-release.

JAIL OPERATIONS

3,329

TOTAL BOOKINGS



238

AVG DAILY POPULATION



9

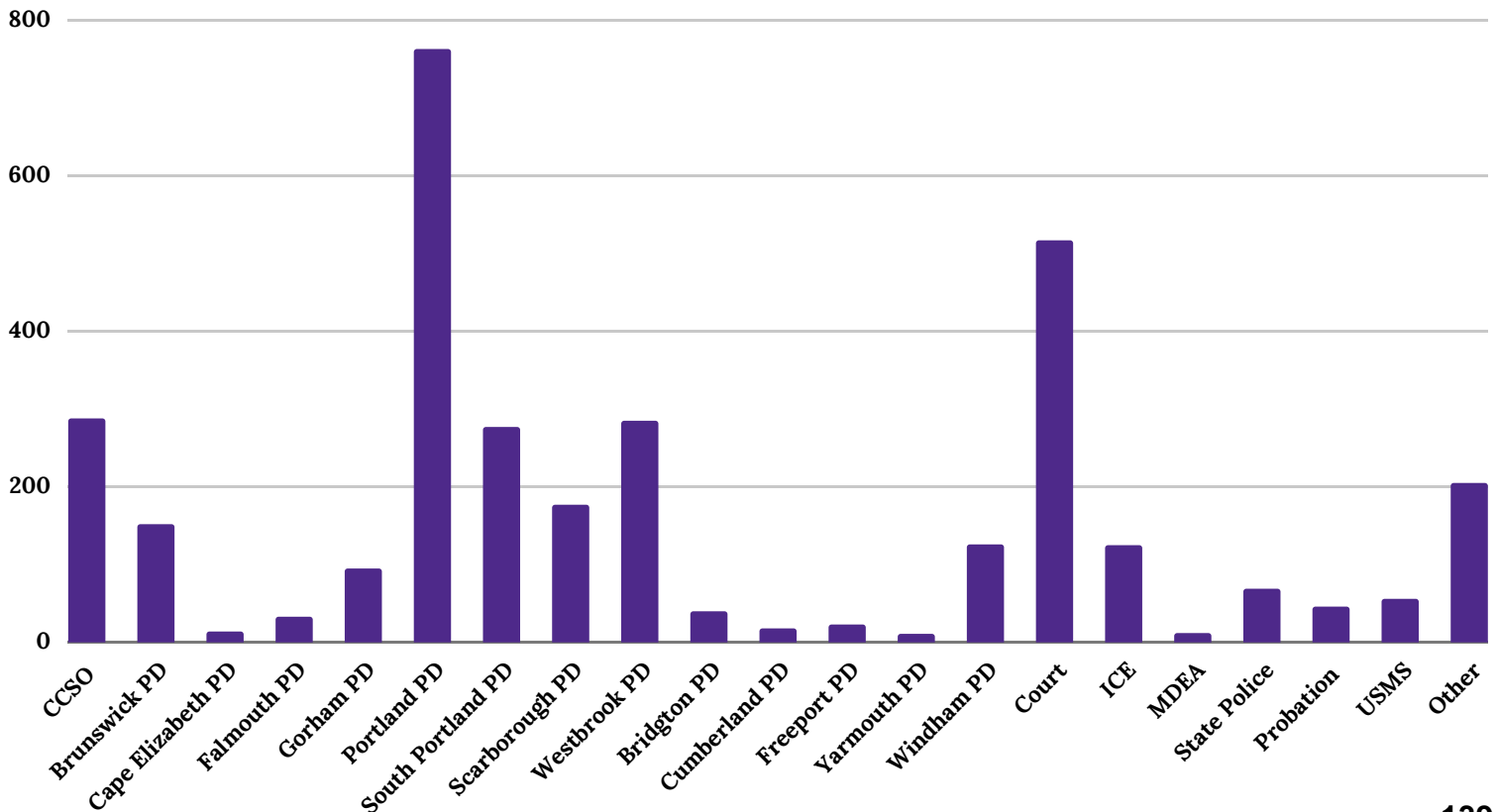
AVG DAILY BOOKING



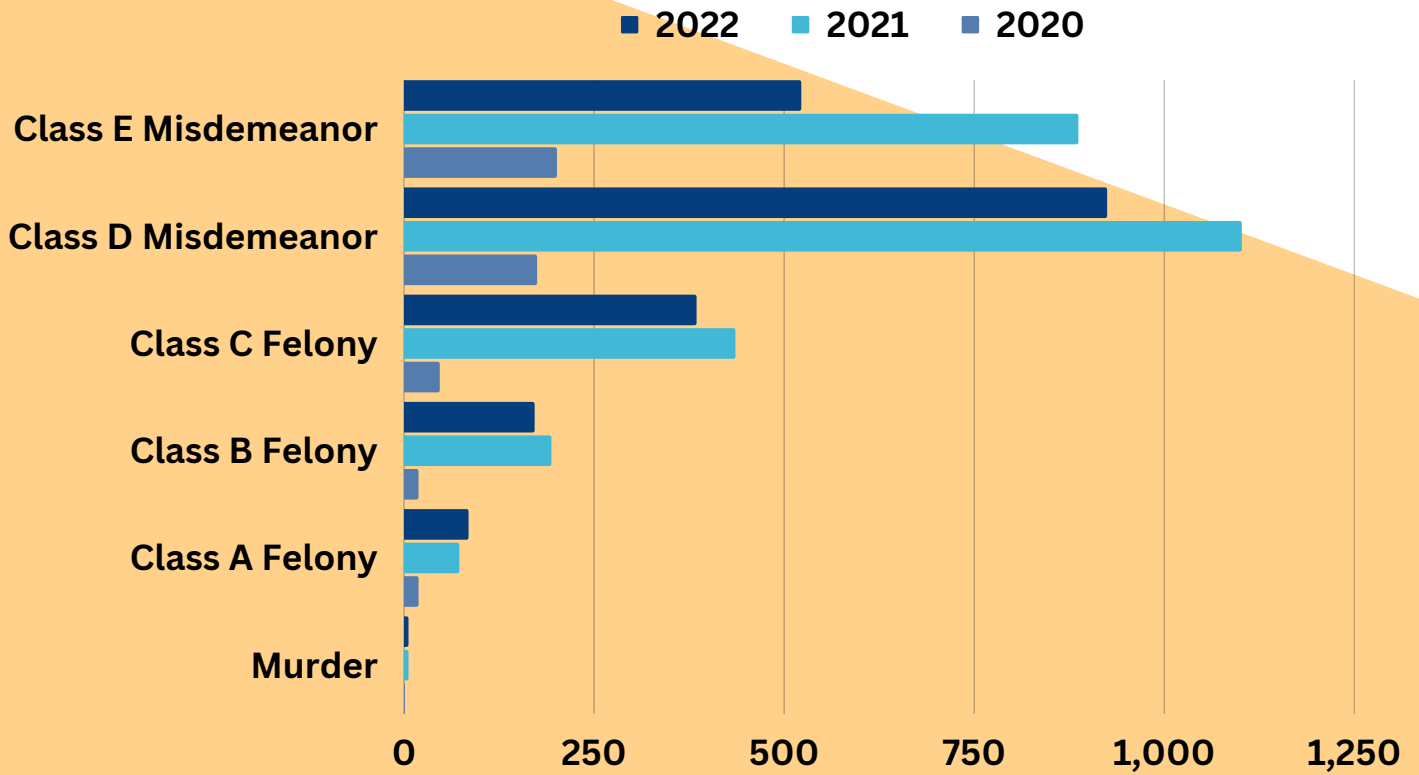
13 days, 6 hours

AVG LENGTH OF STAY

INCARCERATION BY AGENCY



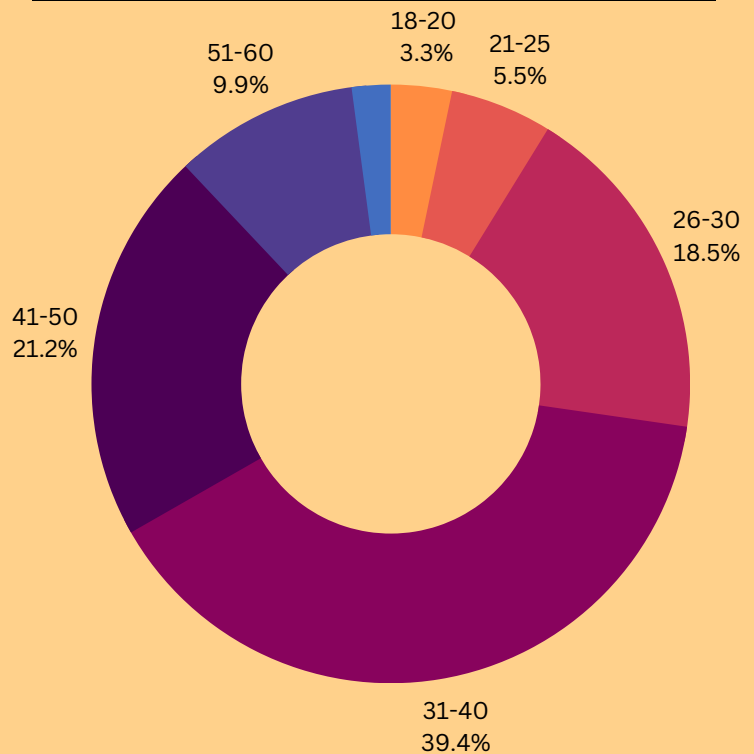
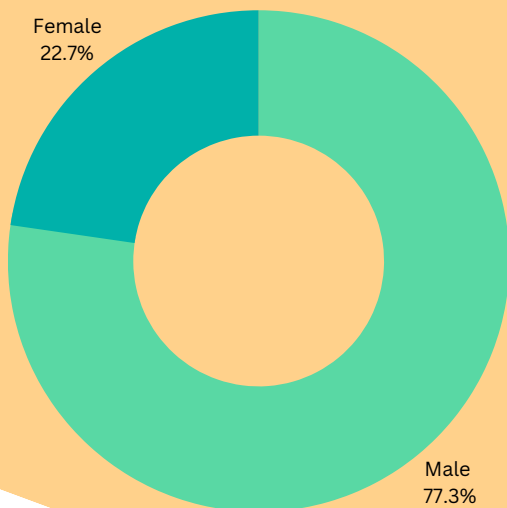
CRIME CLASSIFICATION



Class A - Murder, manslaughter, rape, arson, kidnapping, gross sexual assault on a minor.
 Class B - Theft over \$10,000, aggravated assault, larceny, stalking, embezzlement, drugs with the intent to sell.
 Class C - Drug crimes, robbery, perjury, forgery, terrorizing, reckless conduct with a deadly weapon.
 Class D - Escaping, custody, making threats, assaults, lesser degree drug crimes.
 Class E - Public Disorder crimes, minor misdemeanors, lower level threats.

INMATE DEMOGRAPHICS BY AGE

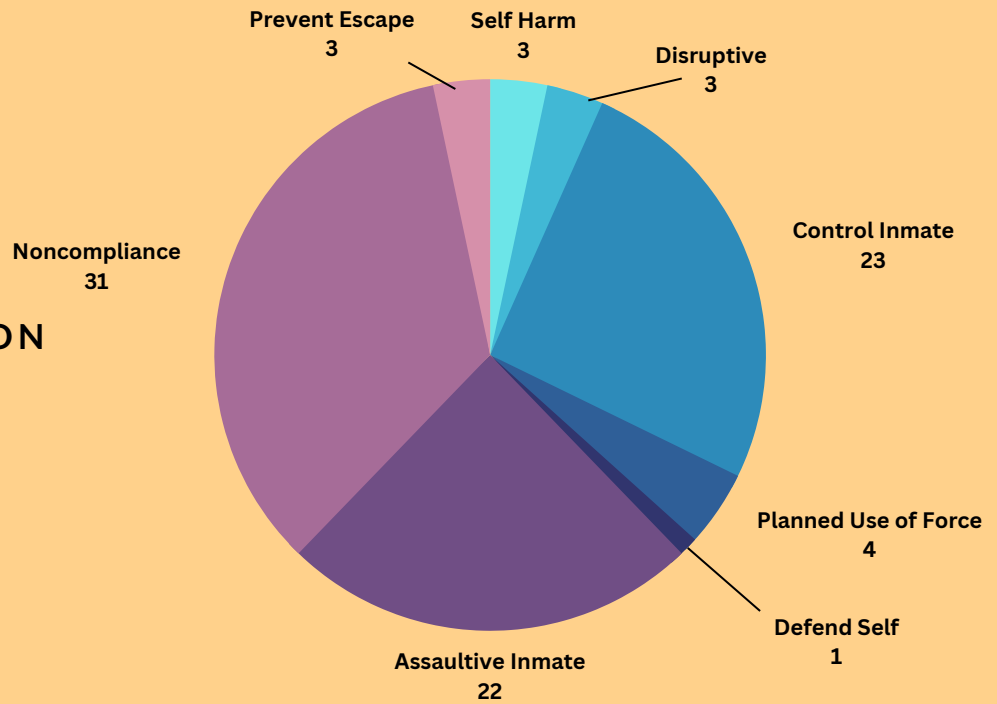
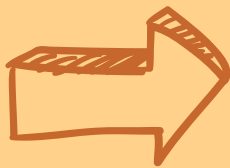
INMATE RATIO BY GENDER



USE OF FORCE STATISTICS

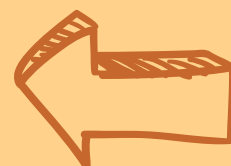
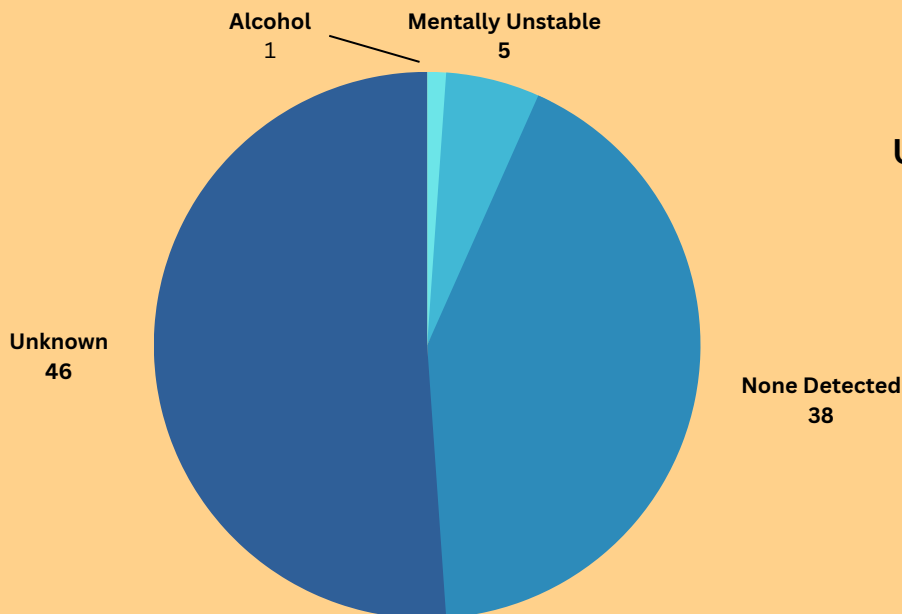
Use of Force is defined as the means of compelling compliance or overcoming resistance to an officer's command(s) in order to protect life, property, or take a person into custody.

USE OF FORCE BY REASON



In 2022 there were 90 Use of Force incidents.

USE OF FORCE BY INMATE CONDITION

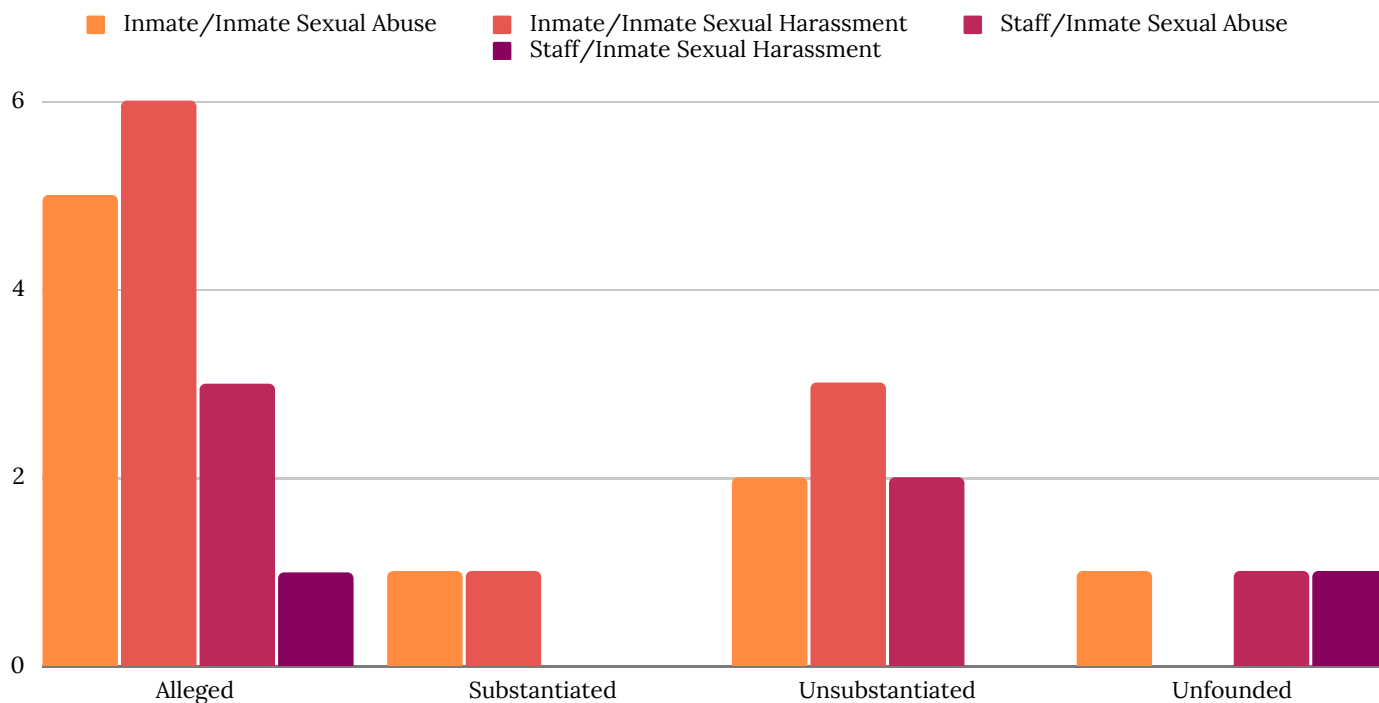


DAILY JAIL HOUSING OPERATIONS

01

PRISON RAPE ELIMINATION ACT (PREA)

PREA helps validate the Sheriff's commitment to eliminate rape and sexual harassment in the Jail. In the early part of 2020, we had our first Federal audit for PREA. The Audit recommended some changes to the reporting process and jail procedures of which, all but two of the recommendations have been implemented. We are proud to see the achievements that we have made to educate, prevent and respond to allegations of sexual misconduct in the jail.



02

CELL EXTRACTION RESPONSE TEAM (CERT)

CERT is activated in the event that an inmate refuses to leave their cell, or is a danger to themselves. CERT activation can occur in general through inmate non-compliance, or acute mental health or medical crisis. The CERT team was activated 16 times in 2022.

03

SEARCH TEAM

In an effort to provide health and safety within the jail, the Search Team may be activated to ensure that there is no contraband within the jail. There were 27, 504 cell searches conducted in 2022.

The Team may work in conjunction with the K9 teams who are exceptionally helpful in locating hidden drugs. Items found during searches include, but are not limited to, sharpened sporks (shanks), cigarette lighters, medication (pills), tobacco, gambling materials, home brew and pornographic pictures.

DAILY JAIL HOUSING OPERATIONS CONT.

04

INMATE TRANSPORTATION

Due to COVID, Intake Officers/Transport Officers continued to use a video court system that was implemented in 2020. The system allows for the jail to provide video court proceedings (both Federal and County), attorney/client video visitation, mental health evaluations, outpatient/inpatient drug addiction screenings, Maine Pre-Trial Interviews, and Veteran Service Interviews.

in 2022...

There was a total of 721 transports with over 35,078 miles driven.

There was a total of 23 extraditions, 3 of which involved flying to IL, GA, and MI.

05

FOOD SERVICES

There were a total of 240,711 meals served to inmates and staff in 2022. This averages 659 meals per day. There were 516 special diet meals served in 2022 whether it be medically ordered, for religious beliefs, or personal choice diet.

The average cost per meal was approximately \$2.07, a .93 cent increase from the prior year.

06

CHAPLAIN SERVICES

Reverend Jeffrey McIlwain provides spiritual support to all denominations and is available for both inmates and staff.

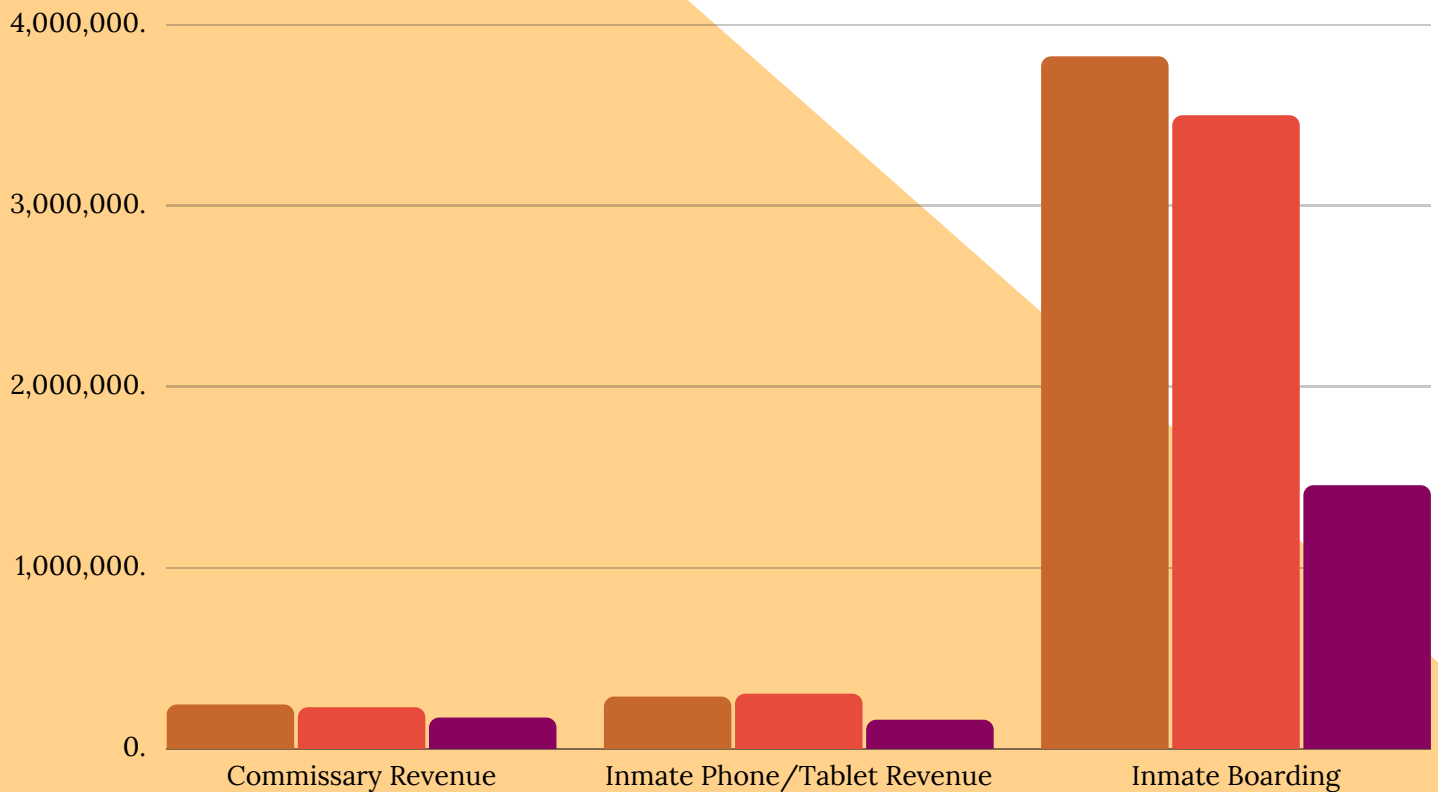
We saw religious volunteers begin training in May 2022 to return to the jail. With the help of the 3 Chaplain Volunteer Assistants (Reverend Dannita Lofton, Macauley Lord, and Hank Dunn) Chaplain services were able to also train over 20 more volunteers. Half the volunteers are members of "The Point" Church in South Portland, and alternate providing Sunday Services in the Jail.

INMATE ACCOUNTS ADMINISTRATION

Inmates who would like to purchase items above and beyond their basic needs are able to have friends or family deposit money into their Jail bank account that is managed by our Inmate Account Specialist. The inmates are then able to purchase items from the Commissary kiosk, which include books, specialty foods, wireless headphones, as well as the ability to make phone calls.

INMATE PROGRAMMING SUPPORTED BY COMMISSARY REVENUE...

- *Education - GED, Computer Classes, Books*
- *Vocational - Food Services*
- *Recreation - Gym, Games, TV's Chaplain Services*
- *Teachers*
- *Library*
- *Domestic Violence Classes*



GENERAL ACCOUNTING FUNCTIONS FOR THE ADMINISTRATION OFFICE

- Ensuring Inmate funds are tracked accurately
- Negotiating contracts with businesses for services to the jail
- Processing bail payment
- Processing medical payments
- Tracking and billing for inmate housing
- Securus Tablets

OTHER JAIL SERVICES

SECURUS TABLETS

The inmate tablets provided through Securus continue to grow with new options for use in 2022. In 2022 we were able to manage and upload documents/videos directly to the tablets. We are able to use this for flyers regarding new inmate programs being provided by staff, new/updated directives to inmates, and medical information.

In September, Securus hired an onsite Field Technician who is responsible for issuing and receiving tablets as inmates enter and leave the facility. This individual can also troubleshoot tablet issues onsite by working directly with the inmates, or through an application available on the tablet that allows inmates to put a ticket directly into Securus to troubleshoot. The tablets continue to provide options to move towards a more paperless environment that will be explored in the near future for use.



PROGRAMS

Our programs unit offers a range of services allowing inmates to practice their religion of choice, prepare for release with MAT, All Recovery, Recovery Coaching, Overdose Prevention, AA and complete their GED.



MAINE PRETRIAL SERVICES

Maine Pretrial Services, Inc. is a private non profit agency committed to providing pretrial services, post conviction alternatives, and diversion options throughout the State of Maine. The organization works closely with the Sheriff's Office to save approximately 140,506 bed days through the 742 people supervised by Maine Pretrial.

MEDICAL UNIT

Armor Correctional Health Services provides comprehensive medical, dental and mental health services to patients in the Cumberland County Jail.

1,181 

TOTAL CHRONIC CARE VISITS

6,858 

TOTAL MENTAL HEALTH CONTACTS

\$41,121.25

TOTAL SPENT ON PSYCHOTROPIC MEDICATIONS



910 

TOTAL SUICIDE WATCHES

TOP 5 PSYCHOTROPIC DRUGS

1. OLANZAPINE
2. BUBPROPON XL
3. BUSPIRONE
4. HYDROXYZINE
5. MIRTAZAPINE

MEDICAL ASSISTED TREATMENT (MAT)

The MAT program started at the beginning of September in 2019 with a purpose to treat significant substance use disorders with evidence based medication. In 2022 there were 337 inmates on the MAT Program. That is a 116% increase from the prior year.

Chief Deputy Naldo Gagnon

Dear Citizens of Cumberland County,

COVID-19 once again dominated the year 2022. It affected morale, and made hiring new new Officers very difficult. At the low point, we were short 78 Officers in the jail and 6 Patrol Officers. Also complicating the shortage was staff out on military leave, FMLA and catching COVID themselves. Existing staff were held over shift after shift. We started to see a few applications coming forward however with the corrections academy lasting 5 weeks and then an additional five weeks of field training, it takes a long time before Officers feel comfortable being in charge of a housing unit.



We have great Field Training Officers that have a lot to offer to prepare the new employee in this difficult job.

Law Enforcement is arguably the most rapidly changing field in society today. With that, comes a tremendous responsibility to train new recruits. The Cumberland County Sheriff's Office utilizes an 8-12 week program above and beyond what a new recruit has learned at the 18 week Basic Law Enforcement Training Program at the Maine Criminal Justice Academy. We have great Field Training Officers that have a lot to offer to prepare the new employee in this difficult job. During Field Training, a new recruit is exposed to a variety of training topics and instructors; the lessons are drawn from classroom and hands-on lessons as well as actual, on the job training. The only way to learn some facets of this profession are to simply "get out there and do them".

As a recruit progresses through field training, he or she relies less and less on their instructor and becomes self-sufficient. While everyday is a day of learning for even the most seasoned police officer, a recruit only finishes the program and becomes a Deputy when he or she has shown competence in areas of Criminal and Motor Vehicle Law, Constitutional Law, Agency Policy and Procedure, Firearms and Weapons Systems, Methods of Restraint and Control, Use of Force and Emergency Vehicle Operations. Successful completion is marked by a formal ceremony and the pinning of the 7-pointed star on the chest to signify the transition from recruit to Deputy.

Hopefully 2023 will be more forgiving.

Naldo Gagnon
Chief Deputy



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

April 30, 2023

To: Nate Rudy, Town Manager
From: Tammy Munson, Lead Code Enforcement Officer
RE: Code Office Monthly Report (April 1, 2023 – April 30, 2023)

Please find the attached information below.

Inspections Performed:

Building Foundations - 3
Building Rough-in* - 8
Building Insulation - 1
Building Final** - 8
Electrical - 4
Plumbing/Septic - 7
Tree Inspection - 7
In Office and Site meetings***28

Permits Issued:

Building - 10
Plumbing - 12
Electrical - 12
Dock - 0
Pool - 1
Tree Removal - 9
Signage - 0
Driveway - 2

*Rough-In Inspection may consist of framing, electrical, and plumbing inspections all done at the same time.

**Building Final may consist of final inspections of new single-family dwellings including final building, plumbing and electrical. This also includes finals for new businesses, decks, sheds, etc.

***This would include Town Manager meetings, licensing inspections, potential violations, land use investigations, and assisting in office with shoreland zoning permits.

Monthly Accomplishments:

The part-time Code Enforcement Officer position was filled and the Town welcomes Rodney Belanger. Rod has over 10 years of experience in Code Enforcement and also holds a Master's Electricians License. As we head into our busy season, the office continues to strive to issue permits within a week.

Monthly Appeals:

The Board heard two appeal requests. One appeal was granted based on some ambiguity in the ordinance to allow a 4-bedroom bed and breakfast to operate on Yarmouth Rd and the other appeal was denied regarding the interpretation of the Ordinance and the Board upheld the Code Officer's decision.

Town Council Tracking Worksheet Items and Ongoing Goals:

To improve permitting and daily communications with the public. We will continue to strive to improve this and hope to become a sought-out resource within the Community.



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE LIBRARY DIRECTOR

Josh Tiffany, Library Director
jtiffany@graymaine.org
(207) 657-4110

April 25, 2023

Communications

- Published three new outreach initiatives: the [budget flyer signup](#) form, the [newsletter mailing signup](#) form, and the [library request](#) form.
- DMC (Digital Media Coordinator) [hosted](#) Brunch and Learn, teaching employees about Microsoft OneNote.
- DMC is working with Councilor Dan Maguire on budget flyer design.
- DMC has started planning pre-election day forum for candidates.
- Published [April newsletter](#), which spotlighted an update on the 2020 Comprehensive Plan.
- Learned new LED sign software and now in the final stages of getting that sign operating.
- Continue to supply Town staff with new, redesigned business cards.
- Continued cleaning out storage area in Pennell of all outdated/unusable GCTV/IT technology.
- Delivered new Microsoft computer for Town Manager – TM will assess computer’s potential for possible staff-wide usage.
-

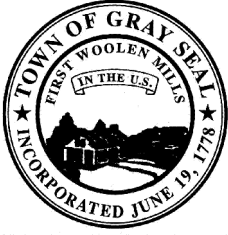
IT

- Performed desktop updates on May 11, 2023
- Updates the Windows server on April 11 and April 14
- Received and responded to 25 Helpdesk emails. No significant nor systemic IT issues were presented.
- Performed major firewall updates for Library, Town Office, Public Safety, and GCTV
- Public Safety Director informed IT staff that several new full-time hires were in need of Town of Gray email addresses and identified several former staff members who were no longer in need of an email. The new staff were provided addresses, the former staff were purged. This identified a future project to survey the active emails on the Town’s account to ensure that former employees are removed.
-

Library

- Completed federally required Library Annual Report to the State of Maine.
- Story Times continued with their normal Wednesday and Friday morning offerings. Due to returned focus on the event by the new Head of Youth Services, attendance and appreciation for the event increased.
- Planned and started to announce new baby story time due to the needs of the community.

- During school vacation week, hosted additional juvenile film screenings (one of which was open to the public and also attended by Parks and Rec kids). We also hosted the first ever Kid's Art afternoon which had 32 attendees, and thanks to funding from the Gray Public Library Association hosted a professional juggler on Friday, April 21st. Every event was well attended.
- Created a direct request form (in collaboration with Communications Department) to patron's provide input into collection development for unique items that are not anywhere in the library system. While only a week old, the project has already solicited a half-dozen recommendations (most of which were purchased). We look forward to promoting this resource as we strive to become more focused on two-way communications with our patrons, instead of assuming what they want.
- Between movies and internal events, we used our lower-level meeting rooms for 23 specific Gray Library events, 2 Town of Gray meetings, and 10 external uses by local community organizations. As more groups form and seek meeting space, we are feeling the resource pinch and look forward to being able to host more simultaneous meetings.



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN CLERK

Britt Barton, Town Clerk
bbarton@graymaine.org
(207) 657-3339 x104

May 11, 2023

April 21, 2023

Report to Town Manager (04/13/2023 – 04/21/2023):

- 4/13 – TC & DC attended MOSES training all day.
- 4/14 – Last day to submit nomination papers.
- 4/19 & 4/20 – TC attended “New Clerk Training”

Other Activities / Accomplishments:

- 4/15 TC Volunteered for Maine Operation Game Thief, Maine Department of Inland Fisheries & Wildlife and Maine Game Wardens Fundraising Banquet.
- DC has been partnering with HR to re-organize vault/retention schedule.
- Election prep and training.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Staffing shortages due to training and illness.
- Increased call volume – 347 unanswered/missed calls week of 4/18
- Training/assistance needed with Dog License Reporting



COMSTAR



(Computer Oriented Mapping, Utilizing Statistical Tracking, Accountability and Response)

Cumberland County Sheriff's Office

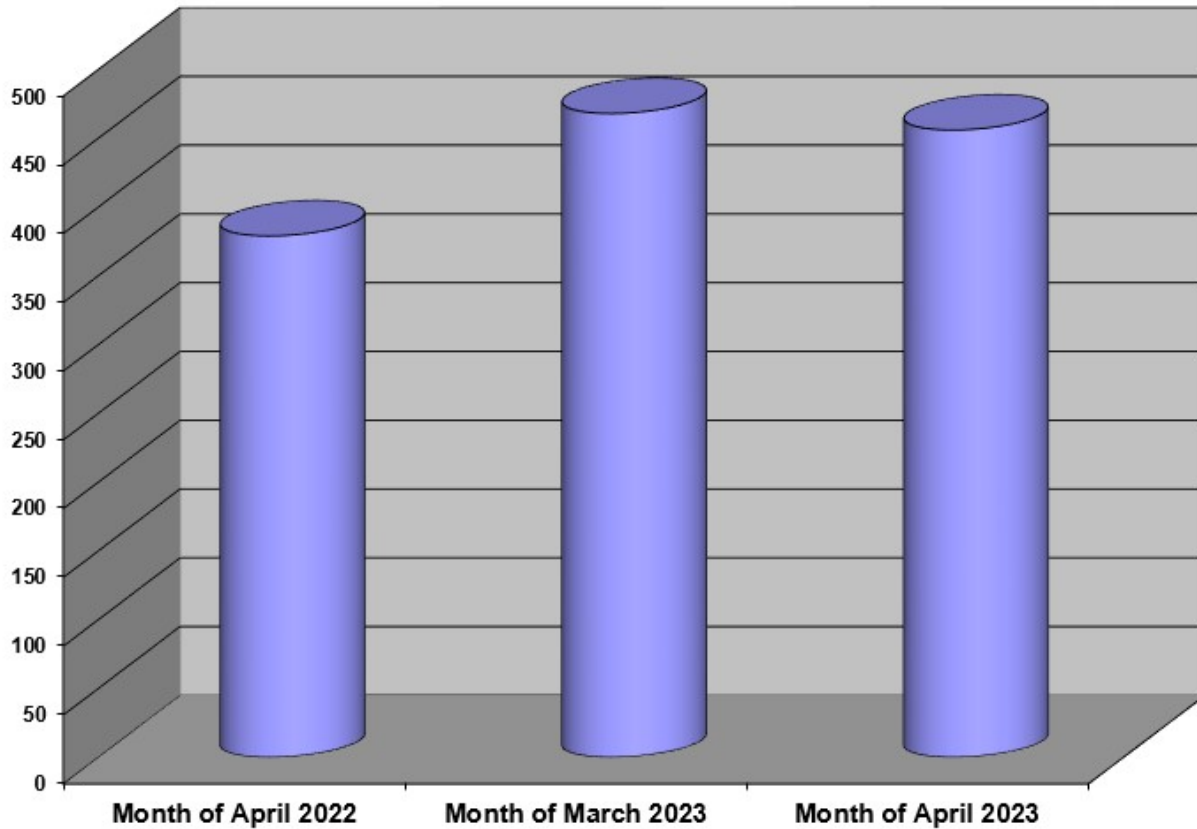
Town of Gray

Month of April 2023

Prepared by Crime Analyst Wendy Clark-Tarbox

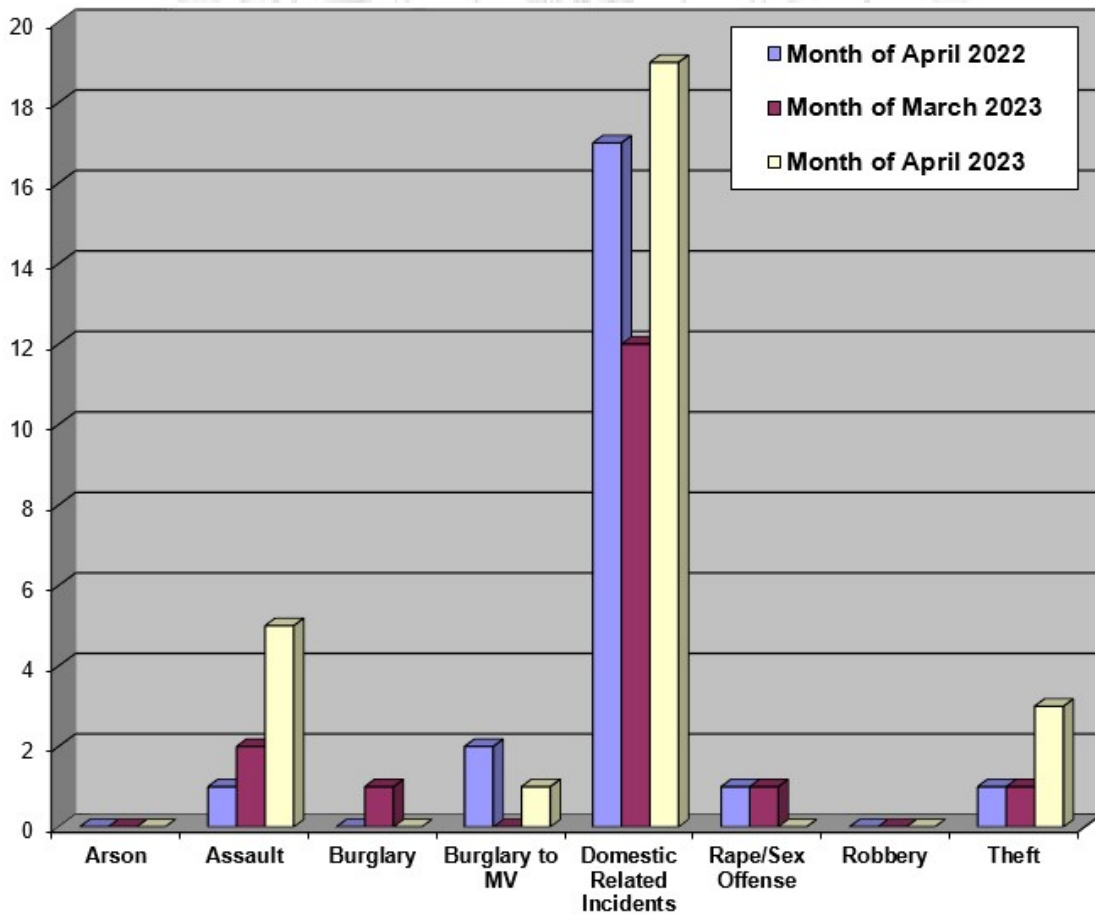
Calls for Service

<u>April 2022</u>	<u>March 2023</u>	<u>April 2023</u>	<u>2023 Difference</u>	<u>2023 % Change</u>
379	468	456	-12	-2.6%



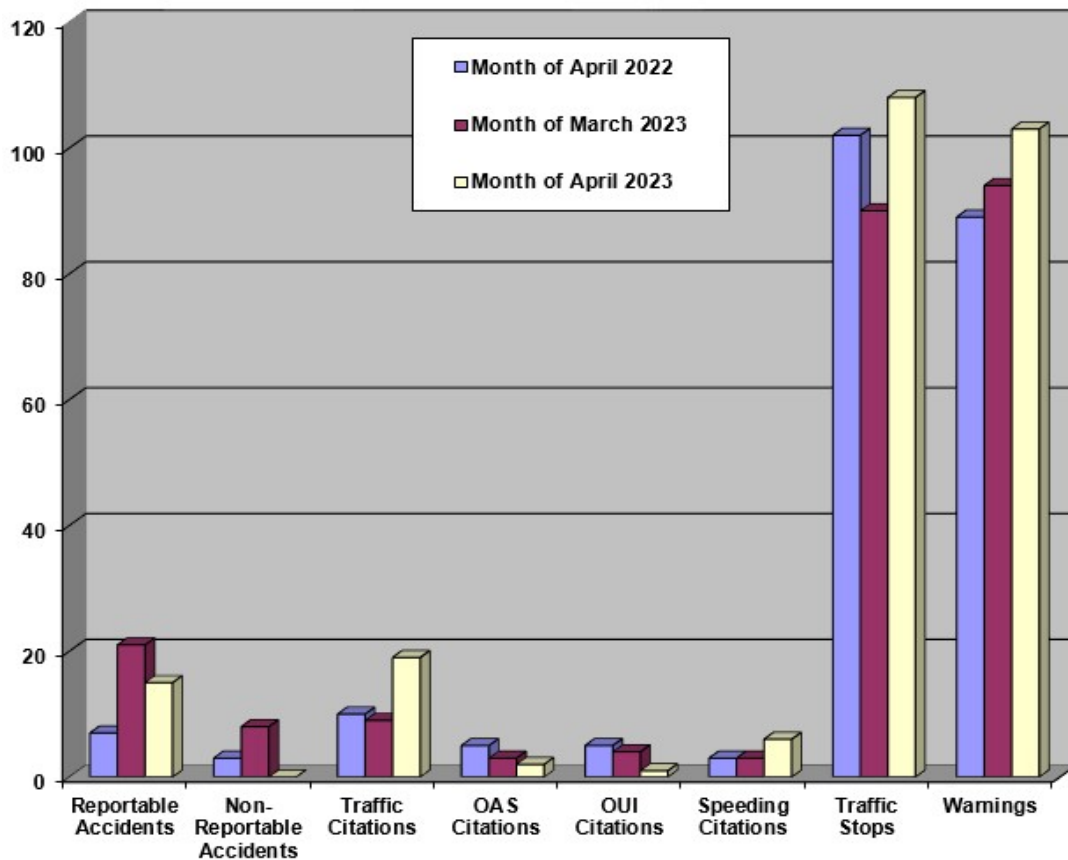
Crime Totals -

	<u>April 2022</u>	<u>March 2023</u>	<u>April 2023</u>	<u>2023 Difference</u>	<u>2023 % Change</u>
Arson	0	0	0	n/c	n/c
Assault	1	2	5	+3	+150%
Burglary	0	1	0	-1	-100%
Burglary to MV	2	0	1	+1	undefined
Domestic Related Incidents (from Calls for Service)	17	12	19	+7	+58.3%
Rape/Sex Offense	1	1	0	-1	-100%
Robbery	0	0	0	n/c	n/c
Theft	1	1	3	+2	+200%
Theft of Motor Vehicle	0	0	0	n/c	n/c



Traffic Totals -

	<u>April 2022</u>	<u>March 2023</u>	<u>April 2023</u>	<u>2023 Difference</u>	<u>2023 % Change</u>
Reportable Accidents	7	21	15	-6	-28.6%
Non-Reportable Accidents	3	8	0	-8	-100%
Traffic Related Citations Totals	10	9	19	+10	+111.1%
OAS Citations	5	3	2	-1	-33.3%
OUI	5	4	1	-3	-75%
Speeding Citations	3	3	6	+3	+100%
Traffic Stops	102	90	108	+18	+20%
Written Warnings	89	94	103	+9	+9.6%



Quality of Life Incidents -

	<u>April 2022</u>	<u>March 2023</u>	<u>April 2023</u>	<u>2023 Difference</u>	<u>2023 % Change</u>
Agency Assists	11	8	11	+3	+37.5%
Alarms	5	8	5	-3	-37.5%
Animal Problem	2	6	3	-3	-50%
Attempt to Locate (i.e. vehicles operating erratically)	26	22	8	-14	-63.6%
Citizen Assists/ Disputes	25	25	20	-5	-20%
Concealed Firearms Investigations	4	5	1	-4	-80%
Court Services (Protection Orders and Summonses)	2	4	2	-2	-50%
Criminal Mischief	0	0	1	+1	undefined
Criminal Trespass	1	1	0	-1	-100%
Disabled Vehicles/ Assist Motorist	13	6	4	-2	-33.3%
Disturbances/Fights/ Loud Party	3	7	8	+1	+14.3%
Fraud	4	2	5	+3	+150%
Missing Persons	0	2	0	-2	-100%
Pedestrian Checks	4	2	2	n/c	n/c
Property Checks	14	108	116	+8	+7.4%
Sex Offender Registry Investigations	7	0	7	+7	undefined
Suspicious Persons/ Circumstances	10	10	16	+6	+60%
Welfare Checks/ Suicide-Attempted Suicide/ Mental Health Event	22	19	15	-4	-21.1%



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

RECREATION DEPARTMENT

Anthony Dahms, Director of Recreation
adahms@graymaine.org
(207) 657-2323

April 24, 2023

Recreation Department Report to Town Manager April 2023:

- April 3: The Recreation Committee met, Recreation Staff also spent time reviewing annual goals
- April 4th: A summer camp planning meeting was held
- April 6th: A GNG Recreation programming meeting was held
- April 11th: Summer Camp registration opened
- April 12th: An Egg Hunt was held for the after school children, Community Café was held- the monthly luncheon featured Lasagna from a local restaurant
- April 14th: ARC babysitting class was taught by Recreation Dept. staff to a local troop of Girl Scouts, 10 were certified
- April 14th-April 21st: The Recreation Director was out on vacation
- April 17th: Yoga started on Monday evenings 5:30-6:30 going through May 22nd
- April 24th: Recreation Director met with representative from NFL Flag Football to plan future league for GNG Rec.
- April 26th: Meeting with Library for Summer Coordination
- April 27th: 1:1 Dept. Head meeting with the Town Manager
- April 28th: Recreation Director will attend Summit on Invasive Aquatic Species

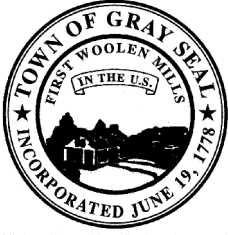
Other Activities / Accomplishments:

- Rec Connect was launched on April 14th as a partnership with MSAD 15 to support after noon activities with the recreation department for children attending summer school programming. This affords families full day programming to help support full time working parents.
- April 17-21 a school vacation camp was held for children. Trips included the Wildlife Park, a movie at the Gray Public Library, Sparetime Bowling, and B&R Dairy.

- 686 weeks of summer camp were sold in April
- The Ice Rink was put away by the Buildings and Grounds dept.
- 2 Birthday Parties were hosted in April
- April 24th-28th: National After School Appreciate Week, parents have been dropping off tokens of appreciation for the after school staff, they'll get a paid dinner on Thursday, thank you to the after school staff for all your caring and hard work!

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Hiring for Wilkies Beach Attendants / searching for volunteer Courtesy Boat Inspectors



TOWN OF GRAY

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24 Main St, Gray Maine 04039
www.graymaine.org

PLANNING DEPARTMENT
Doug Webster, Director of Planning
dwebster@graymaine.org
(207) 657-3339

May 11, 2023

Planning Department Report to Town Manager (3-27-23 to 4-10-23):

- On-going correspondence with developers keeping escrows & bond info current
- Track rulemaking & draft ord. amendments re LD 2003 and obtain legal input
- Attend national planning conference (APA) in Philadelphia April 1 to 4
- Attend portions of virtual APA conference April 26 to 28
- CCSWCD recon re: bills, FY24 budget input, future SW work
- Review applications, prepare memo and documents and send abutter notices for Staff Review Committee meeting of May 15
- Attend soils webinar workshop on 3-27-23
- Meet with CEOs re SZ interpretations on 4-11-23
- Attend ZBA meeting on 4-26-23 & provide assistance with notice of decision

Town Council Tracking Worksheet Items:

- ADU standards to TC first read on 5-2, then PB hearing on 5-11
- Coordinate extending self-storage moratorium
- Provide input & correspondence with Principle re Main Street intersections
- Compile packet info for TC workshops & meetings
- Issue VALT trail extension construction RFP; coordinate PB review/hearing May 11
- Continued correspondence with key village property owners ensuring they are apprised of town plans
- Solicit legal & MeDOT input re weight limit ord and finalize draft for 5-16-23 first reading
- Continue to clarify steps for village stormwater & possible sewer

Yarmouth Road Improvement Project:

- Refine cost estimates with G-P for possible phasing options for TC consideration
- Consult with attorney re title work on hold per MeDOT input due to possible NEPA
- Continue correspondence with key property owners

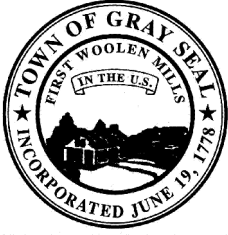
Other Activities / Accomplishments:

- Compile floodplain & related documents for resident undergoing property dispute
- Recon deeds & RTI matters for winter maintenance road request
- Help coordinate Mayberry Road drainage matters with PW
- Coordinate with Codes re PB SD conditions & escrows to issue building permits
- Coordinate with Codes re lot partially in SZ needing PB SZ permit
- Provide input re moving well location specified as part of PB approved SD

- Recon archival zoning info re Portland Road property for possible development
- Recon road info for TC discussions/meetings
- Assist developer with land use info for possible future development
- Solicit G-P input re MeDOT drainage project at Gray Corner
- Send abutter notice regarding potential Libby Hill Road area sidewalk/crossing improvements, to comply with MDOT grant requirements
- Create and post Open Space Committee agenda, attend OSC May 3 as staff liaison
- Review and prepare materials and abutter notices for May 11 planning board meeting

Challenges/Obstacles Requiring Assistance Outside of the Department:

- Planning staff: plans on soliciting input from other department heads and administrative staff to create flow chart to guide the ordinance change process
- If possible, would be helpful to have ample notice of upcoming town council agenda items, including workshops, to prepare background information for packets



TOWN OF GRAY

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24 Main St, Gray Maine 04039
www.graymaine.org

PUBLIC SAFETY DEPARTMENT

Kurt Elkanich
Kelkanich@graymaine.org
(207) 657-3931

April

Public Safety Department Report to Town Manager (11/05 – 12/01, 2021):

- 3/29 – C1, Lt. Bewsey and Jon H. interviewed a person that is looking for a full-time position. He interviewed very well, and we all liked him. We will continue with past practice and offer him a per-diem position and see how he fits in.
- 3/7 – C1 Brought up the current spring weather pattern that we are seeing. If this weather pattern continues, we could see some significant grass and woods fires soon. We will get all our equipment serviced and ready next week.
- We continue to gather information regarding the Rescue/Pumper. We now have CAD drawings of trucks built recently by Ferrara and Spencer.
- 4/3 – C1 spoke with Mac McKnight at RCM to go over the radio upgrade fine point so he could work up a contract for our review and signature based on the outstanding questions that the council has.
- 4/5 C1 sent the draft contract for the radio upgrade project to Nate for review. Forwarded on to legal.
- 4/5 – C1 Chaired the monthly Officer's meeting.
- 4/11 – AC Holmquist and Lt. Dunbar both passed the Nationally accredited Safety Officer course.
- 4/12 – C1 attended the bimonthly Emergency Managers Meeting. The sole topic for this meeting was to go over the Notice of Funding Opportunity for the 2023 Homeland Security Grant.
- 4/14 - C1 attended a demonstration of First Due reporting software along with Fire Chief's in our area.
- 4/15 C1 submitted a grant request through Homeland Security for training materials, supplies and PPE for responding to terrorist, (domestic and foreign) attacks such as active shooter etc.

Town Council Tracking Worksheet Items:

- A
- B

Other Activities / Accomplishments:

- 4/11 – We received early notification that we received the AFG grant for extrication tools, no formal notification yet.
- B

Challenges / Obstacles Requiring Assistance Outside of the Department:

- A
- B

-
-

Town Council Tracking Worksheet Items:

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- Assisted BG with fire apparatus maintenance on several occasions.
- Assisted BG with preparations in their new facility.

Challenges / Obstacles Requiring Assistance Outside of the Department:

-
- Taking the plows and wings off some trucks, getting ready for summer maint.
- Getting Weymouth and Totten rd. ready for paving.
- Put under drain in on Weymouth Rd. on 04/03.
- Possible drainage issue by Manny Motors. DOT Notified on 02/13 and again
- Manhole cover giving us problems in front of the Thai restaurant. It's worn out.
- Still patching holes throughout town.
- 04/06- started sweeping areas in town.
- Starting to take some plow gear off for sweeping
- 04/01 2.5 inches of heavy wet snow.

Activities:

Public Works Monthly Report to Town Manager (03/28/2023- 04/24/2023)

April 24, 2023



TOWN OF GRAY
Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

PUBLIC WORKS
Tim Estes interim Public Works Director
testes@graymaine.org
(207) 657-3381



TOWN OF GRAY

Henry Pennell Municipal Complex
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RECREATION DEPARTMENT

Anthony Dahms, Director of Recreation
adahms@graymaine.org
(207) 657-2323

April 24, 2023

Recreation Department Report to Town Manager April 2023:

- April 3: The Recreation Committee met, Recreation Staff also spent time reviewing annual goals
- April 4th: A summer camp planning meeting was held
- April 6th: A GNG Recreation programming meeting was held
- April 11th: Summer Camp registration opened
- April 12th: An Egg Hunt was held for the after school children, Community Café was held- the monthly luncheon featured Lasagna from a local restaurant
- April 14th: ARC babysitting class was taught by Recreation Dept. staff to a local troop of Girl Scouts, 10 were certified
- April 14th-April 21st: The Recreation Director was out on vacation
- April 17th: Yoga started on Monday evenings 5:30-6:30 going through May 22nd
- April 24th: Recreation Director met with representative from NFL Flag Football to plan future league for GNG Rec.
- April 26th: Meeting with Library for Summer Coordination
- April 27th: 1:1 Dept. Head meeting with the Town Manager
- April 28th: Recreation Director will attend Summit on Invasive Aquatic Species

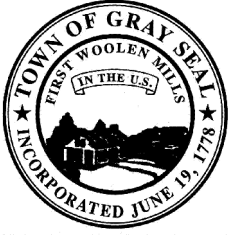
Other Activities / Accomplishments:

- Rec Connect was launched on April 14th as a partnership with MSAD 15 to support after noon activities with the recreation department for children attending summer school programming. This affords families full day programming to help support full time working parents.
- April 17-21 a school vacation camp was held for children. Trips included the Wildlife Park, a movie at the Gray Public Library, Sparetime Bowling, and B&R Dairy.

- 686 weeks of summer camp were sold in April
- The Ice Rink was put away by the Buildings and Grounds dept.
- 2 Birthday Parties were hosted in April
- April 24th-28th: National After School Appreciate Week, parents have been dropping off tokens of appreciation for the after school staff, they'll get a paid dinner on Thursday, thank you to the after school staff for all your caring and hard work!

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Hiring for Wilkies Beach Attendants / searching for volunteer Courtesy Boat Inspectors



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039

SOLID WASTE AND RECYCLING
RANDY COOKSON, DIRECTOR
RCOOKSON@GRAYMAINE.ORG
657.2343

APRIL 23, 2023

Solid Waste Department Report to Town Manager (3/27/2023 – 4/23/2023):

- 3/29 Shipped 20.33 tons of corrugated cardboard to New Brunswick
- 3/30 Met with videographer Randy Visser, was interviewed for “Hard Tellin’, Not Knowin’” for GCTV
- 4/6 Anthony Distasio started full time, had been working only Sundays prior.
- 4/7 Met with Town Manager.
- 4/11 Attended Town Council meeting via Zoom.

Town Council Tracking Worksheet Items:

- A
- B

Other Activities / Accomplishments:

During the period of March 27 through April 23, the following materials were baled:

- 29,374 pounds of corrugated cardboard
- 21,488 pounds of mixed paper
- 10,868 pounds of plastics
- 2,158 pounds of tin cans

Scheduling for wood grinding for the end of this week.

Challenges / Obstacles Requiring Assistance Outside of the Department: