

**Personnel & Policy Committee
Recommendations & Requests for Council Action**

Councilors Dufour, Harvey-McPherson, Lapointe and City Manager Pakulski attended the January 28, 2016 meeting of the Personnel & Policy Committee (PPC). The meeting, which convened at 5:01 p.m. and adjourned at 5:35 p.m., included discussions of the following items:

Item 1. Code of Conduct Update

Notes: The PPC discussed and reviewed the comments on the draft Code of Conduct document submitted by Councilor Stearns and Hallowell City Staff. Councilor Lapointe volunteered to integrate the provided comments, as necessary, into a final draft for review and acceptance by the Council at its February 8, 2016 meeting. If approved by the Council, the adopted policy will be forwarded to counsel for legal review.

Council Action: Pending final legal review, to see if the Council will provisionally adopt the version of the Hallowell City Council Code of Conduct presented on February 8, 2016.

Item 2. Council Policy Regarding Communications with City Attorney

Notes: As noted in the minutes from the January 11, 2016 Council meeting, the PPC recommended developing a separate protocol guiding Council interaction with legal counsel. At its January meeting, the PPC following draft policy for Council review, input and adoption.

Council Action: To see if the Council will adopt the proposed policy regarding Councilor interactions with the City Solicitor:

Hallowell City Council Policy Regarding Interaction with City Solicitor. Requests from a Councilor seeking information, advice, or feedback from the City Solicitor must be submitted to both the City Manager and the City Mayor, or in the absence of the Mayor, the Council President. The submission must be in writing and articulate the reasons why access to legal counsel is requested. The City Mayor or Council President when acting on behalf of the City Mayor, with input from the City Council, will decide whether the request will be forwarded to the City Solicitor. By vote of the entire Council, an individual Councilor may be authorized to communicate directly with the City Solicitor. The Council may place limits (i.e., subject matter, hours of work, etc.) on that interaction, as deemed necessary.

Item 3. Requests for Proposals for Auditing and Legal Services

Notes: City Manager Pakulski provided the PPC with several examples of “requests for proposals” (RFP) for both auditing and legal services. Based on its discussions, the PPC is recommending to direct the City Manager to engage in the RFP process and present recommendations for auditing and legal services to the Council for approval. To ensure that a firm is available to complete the FY 2016 audit and that the current City Solicitor is able to complete work on active city matters, the City Manager is further directed to use his discretion in implementing the process necessary to procure auditing services by July 1, 2016 and legal services by January 1, 2017.

Council Action: To see if the Council will direct the City Manager to commence the process of soliciting requests for proposals so that auditing services are procured as of July 1, 2016 and legal services as of January 1, 2017.

Item 4. Proposed City Manager Evaluation Process

Notes: The PPC discussed the performance evaluation process. March 15 marks the City Manager’s six-month anniversary and will serve as the date for future annual reviews.

The PPC discussed and is advancing for Council consideration a two-tiered review process. The first step in the process implements the so-called “360 Degree Review” which involves getting feedback from other interested parties regarding the City Manger’s performance. The second step in the process requires the PPC, using the information obtained from the 360 process, to formally assess the performance of the City Manager.

It is probable that the process will not be completed before March 15, 2016. However, it will be in place for a more timely review in subsequent years. Based on feedback received, the PPC will finalize step one of the process in February, and step two in March.

Council Action: To receive comments, feedback and direction from the City Council regarding the process for annually reviewing the performance of the City Manager, and to direct the PPC to:

(1) Develop and send a City Manager performance survey to three peer groups, including: (1) members of the Council and chairs of City boards and committees; (2) City department heads; and (3) community groups (e.g., HABOT, Row House, Harlow Gallery, etc.);

(2) Develop the assessment tool necessary to convert the survey information into a traditional performance evaluation; and

(3) Provide the Council with a progress update at the March Council meeting.

Item 5. Update on Contract with City Clerk

Notes: City Manager Pakulski reminded the PCC that the contract with the City Clerk expires on February 6, 2016. Based on the information provided, the PCC directed the City Manager to work with the City Clerk on a transition plan. The City is interested retaining the current City Clerk on a project contract (e.g., elections, senior lunch, other community activities, etc.) basis. The PPC further provided the City Manager with the discretion to extend the current contract to the end of this fiscal year (June 30, 2016).

Council Action: None needed.

Items Remaining on the Committee's "To-do" List:

Council directive to:

- Review current Council committee tasks/charges:
- Develop recommendation for committee redesign, as necessary, in efforts to more equitably distribute workload among Councilors; and
- Implement process and timeline for developing committee mission statements.

**CITY OF HALLOWELL
DRAFT COUNCIL CODE OF CONDUCT
7 January 2016**

Policy Purpose

The Hallowell City Council adopts this Code of Conduct to set expectations for Council members to conduct themselves in a manner that will instill public confidence and trust in the operation and integrity of Hallowell's City Council.

There are portions of this code of conduct that are included in Hallowell ordinances. This document is not intended to supercede the ordinances; it is meant to put expectations in one document.

Comment [GL1]: I will check and discuss at the next Council meeting.

Comment [GL2]: Need to check for consistency with ordinances.

Council Conduct with One Another

Hallowell City Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council members may "agree to disagree" on issues.

IN PUBLIC MEETINGS

- **Practice civility, professionalism and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging tone or comments. Council members should conduct themselves in a respectful manner at all times.

- **Honor the role of the Mayor in maintaining order**

It is the responsibility of the Mayor to keep the comments on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure and ordinance and charter, and explain these procedures if necessary or requested.

- **Avoid personal comments that could offend other Council members**

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council members have a public stage to show how individuals with disparate points of view can find common ground that benefits the community as a whole or, lacking common ground, respect decisions of the Council

- **Be punctual and keep comments relevant to topics discussed**

Council members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council members be punctual and that meetings start on time. It is equally important that discussions on issues be relevant to the topic at hand to allow adequate time to fully discuss scheduled issues.

- **Continue respectful behavior outside public meetings and discussions**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in conversations outside of public meetings but related to Council and City matters.

- **Potential access of written notes, voicemail messages, and e-mail**

Freedom of Access laws describe public access to City communications; written, voice, or electronic communication. Any Council communications should recognize potential access and evaluate communication with an expectation of public dialogue.

Comment [GL3]: Will check with City Attorney if Council approves the general tenor of the Code of Conduct. Final approval would occur after City Attorney review

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.

- **Limit contact to specific City staff**

Except when the manager has assigned duties to staff, or when employees appear at Council or Committee meetings, requests for follow-up or directions to staff should be made only through the City Manager. When in doubt about what staff follow-up or directions are appropriate, Council members should ask the City Manager for direction.

- **Do not disrupt City staff from their jobs**

Council members should not disrupt City staff, committees or boards while they are in meetings, on the phone, or when performing their respective functions in order to meet the needs of an individual council member.

- **Never publicly criticize an individual employee**

Critical comments about any employee's performance should be made only to the City Manager. This does not mean that Council members can't discuss the Manager's job performance with the Manager.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. Council members should be respectful and fair to all individuals.

- **Be welcoming to speakers and treat them with respect**

Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's lives and homes. Some decisions are emotional. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor – not individual Council members -- can interrupt a speaker during a Council presentation. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do take specific actions.

RESPONSE TO VIOLATION OF CODE OF CONDUCT

- **Council members Behavior and Conduct**

City Council members who do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council, consistent with the City Charter.

Property Committee notes from February 3, 2016

City Owned Property List

List reviewed. Property on Central St titled to Hallowell and to Hallowell Industry Dev Council linked to the Augusta Chamber. Not clear line of title to the City, Mo will contact Chamber to see what they have on record. Property acquired by the city in the 70's. Mo will research easements and rights of way for all city owned property.

Lengthy discussion regarding 30 Pleasant St. Property. The property is owned by the City due to back taxes, owner still in possession is making attempts to pay taxes, owner and family living in the home. Property distressed at times, code enforcement aware and notifies property owner of necessary corrections.

Committee asked the City Manager to contact Wendy Lord to see if Lord family would like to pay back taxes on vacant lot to have the land back.

DRAFT Policy on Sale of Property

Town of Readfield policy will serve as template, City Manager will draft language to add sale of non-tax acquired property. Language will provide options to RFP the property or direct negotiation with potential purchaser and public hearing for comments. Language will include notice to relevant interest groups and property abutters.

Other City Properties

The city has numerous drainage and drainage pipe easements, discussion of workload to review and inventory vs value of having this inventory. Group agreed work exceeded the value to be gained and recommends no further action on this item. City manager will deal with drainage and pipe easement issues and approvals as they arise.

Abandoned Property

Discussion of abandoned property and occupied properties that are in significant deterioration and are subject to citizen complaints about the properties. Mo will provide the committee with a list of these properties and recommendations. The committee will review and also brief council in March.

2016 Hallowell Fire Services Committee

DRAFT Minutes: January 26, 2016 5:00 p.m. Hallowell City Hall

Members: Bob Duplessie, Chair; Dawn Gallagher, Dan Davis, Mark Sullivan, Mike Grant, Sophie Gabrion, Sandy Stubbs, Stefan Pakulski

Mailing List: Bob Duplessie <mainebear213@gmail.com>, Dan Davis <dedwud@me.com>, Dawn Gallagher <dawnrgallagher@roadrunner.com>, Mark Sullivan <jmsullivan2001@aol.com>, Mark Walker <Mark@MarkLWalkerEsq.com>, citymanager@hallowellmaine.org (Stefan Pakulski) Mike Grant <mandjgrant@roadrunner.com>, Sophie Gabrion girlnextdoor04347@gmail.com

Members Present: Bob Duplessie, Dawn Gallagher, Dan Davis, Mark Sullivan, Mike Grant, Sandy Stubbs, Stefan Pakulski (and Mayor Mark Walker)

Meeting Minutes:

The Committee approved the mission statement as drafted by Mark Sullivan.

The Committee approved the minutes of the January 19, 2016 meeting with the updated Mission Statement.

2016 Hallowell Fire Services Committee Mission Statement

To provide input and make recommendations that the City Council and citizens of Hallowell may use to establish municipal policies, including codes and ordinance, to retain and direct municipal personnel and to make public investments in training, equipment and buildings needed to deliver essential fire protection services most cost effectively. Our highest priorities are to prevent fires and other threats to public safety and to safeguard the lives and the public safety of Hallowell citizens and visitors to our city from manmade and natural disasters. We must also protect the property of our citizens and local businesses, address impacts on homeowner and business insurance costs, recognize the financial limitations of a small city and the impact of costs on Hallowell taxpayers. Toward these goals we will also explore opportunities for contracting with other communities to provide selected fire services to Hallowell or deliver services jointly with Hallowell.

I. ISO Maps and Ratings Discussion

ISO Maps and Ratings: (Mike)The committee reviewed the ISO maps which show fire services coverage in Hallowell based on ISO ratings guidelines for having an engine within 1 ½ miles to keep our current ratings. If we do not meet the 1 ½

mile standard, fire insurance may go up an average of 15% to 25% per year. (Mike indicated that for small businesses down town that may be about \$25-\$50. For businesses in the rural area that could be over \$100 per year. Note: we have no sure way of quantifying the increases at this time.)

Our current ISO is 6 where there are hydrants and 9 in rural areas (basically west of 95). The lower the number the better. The last time a rating was done was in 1986. In 2014, Mike asked ISO to update the ratings, and was advised it could take two to three years. (Mike will provide a copy of the letter)

Water Street Improvements and ISO: Our water feed comes from Chelsea and then goes up Winthrop Street. The tentative timeline for replacing Water Street and the water mains is 2018. Increasing the size of the water mains would increase water pressure further up Winthrop Street which helps with ratings. Downtown has 2000 gpm and would want 3200 gpm. Committee agreed that best time to do ISO rating would be after the new mains are in. (Sophie: on highway committee and will convey this topic to them. Size of main needed and positive impact on ISO ratings and improve fire service for downtown.)

II. Fire Services provided via Substation

Collaboration with Augusta: Augusta plans to close its fire station which meets the 1 ½ mile ISO standard. A new station located north, on Leighton Road and Anthony Avenue (which doesn't meet the 1 ½ requirement) will likely open in 2017. This is important for Hallowell because we would want to have an ISO rating done after the new mains are in, in 2018, yet keep our current rating from the time that Augusta opens its new station until we get the mains installed.

(Mike) Currently, west of 95 does not have sufficient water pressure for fire services for commercial purposes. For ISO ratings, would want 3200 gpm; currently have about 650 gpm. Would have better fire services for places such as new residential development beyond the ball field if we increased water pressure and system was looped. Currently our system ends just west of 95. Could talk

with Augusta to see if they would provide services on Whitten and up through Granite Hill which would loop services rather than having dead ends.

Substation vs. Volunteer Fire Dept: (Mike) If we no longer had a volunteer fire dept. but we wanted to keep our current ratings, we would at least need to have a substation in Hallowell (similar to the West Gardiner substation on Litchfield road). The substation would need to house 2 engines. No City firefighters would be required to staff the substation. We would then need to have a contract for full-time fire services with another municipality. If we didn't have a substation, ISO review would ask where's the fire trucks? If we didn't meet the 1 ½ mile criteria ratings would likely be worse. Mike provided update based on questions from last week:

ISO ratings are that we have 2 engines and 1 reserve. We have 1 engine and 1 reserve. We meet the ratings because we get one from Farmingdale and one from Augusta under mutual aid.

We own the equipment and don't owe any payments. ISO guidelines are that equipment has a life expectancy of 30 years. One of our engines is from 1987 and needs to be retired in 2017 or shortly thereafter. If we had a new station that could house a regular engine or built a substation that accommodated regular size engines, the cost to replace the 1987 engine would be less. We may be able to get a newer engine for about \$175,000 or may be able to get a good deal of \$100,000 - 150,000 from a "richer" community in New England. Chelsea even got their engine for free.

If an agreement was with Augusta, they would likely want to own the equipment. This means that if we replace the 1987, we may have to turn that over to Augusta. Another option would if a decision was made to go with Augusta before we pay to replace the 1987, we could contract with Augusta and they would buy the engine. Of course, Hallowell would have to pay them more under an agreement since Augusta would be buying the engine.

Location: General agreement that ideal place for a substation would be ¾ mile uphill.

Context and Background: (Mike) There is a side of me saying that Hallowell is not really a rural town anymore. We have a small geographic footprint and a designated downtown. We may have outgrown a volunteer fire department. People in larger or newer homes have alarm systems. We get significant false alarms. And the homeowners are not necessarily the type to join volunteer fire departments due to work, lives, etc. Of our fire fighters, only 3 live in Hallowell and most aren't available during the day. And, if they keep getting called for false alarms, we may not have sufficient response since it may be believed it's just another false alarm. But, on the other hand, if you had a new fire station you might attract more volunteers.

Mark: It is important to put this topic in the context of time. The City is different than it was 10 or even 5 years ago. Hallowell is adjacent to an urban area. At the time the first report came out in 2012, it was in midst of law suit with GAUD and ambulance issues. We need to think about in addition to insurance costs, what the impact will be on people if their taxes go up for new facilities and increased costs of going with Augusta. We need something in return such as prevention measures and inspections. Also, length of contract, etc. needs to be considered.

III. Inventory in Fire House

The Hallowell historic committee conducted thorough inventory in 2010. Next step is to get some basic appraisals and estimates to preserve artifacts. Dawn and Stefan will continue that work and report back to fire services committee. Mike confirmed that the fire association voted that City owned the memorabilia. Committee concurred.

IV. Steven's School

Committee agreed that as the Steven's School complex is developed, there should be fire service requirements and a specific strategy that ensures that the property has public fire service and adequate fire safety.

Mike: The State has shut off water and electric services, and there are no operable sprinkler systems, in almost all of the buildings. In addition the State is not plowing so if there was a fire, the buildings would not be accessible. The Committee agreed that this is an immediate concern that will be passed along to the Council to include on their February 8th Council agenda. (February 2nd added Note: Mayor Walker confirmed that this issue is on the City Council agenda.)

V. Action Items

1. Follow up Request: (Mike to provide annual reports from 2013, 2014, and 2015 (when available) to get history of number, types and locations of calls.
2. Stefan/Mike: Will provide information on federal/state grant opportunities
3. Committee agreed that it would review the current and future capacity to bond for fire services. (Stefan will provide financial information)
4. Committee agreed that it wants information on Hallowell's TIF policies in terms of possible use for fire services. (Stefan will provide)
5. Committee agreed that it wants information for the sake of comparison for its report, on the average costs of having a substation (for example, Committee may include as an option that a substation be a part of Steven's School master planning unit); a new fire station; a new station with public works; a new station with police services; and a new station with police and public works.
6. Committee agreed to review realistic "life-span" of the existing facilities to help determine the timing of implementing changes to current fire services.
7. Committee agreed to look at issue of where the fire services would be located in Hallowell when existing facilities no longer handled fire services.

VI. Next Meeting: Financial Issues

1. Review the most recent draft agreement between Augusta and Hallowell (Stefan)
2. Further review of the fire services costs from last three years' financials (Discussion)
3. Hallowell's TIF policy re: fire services (Stefan)
4. Hallowell's retiring of bonds and bond capacity (Stefan)

5. Discussion on a cost benefit analysis for options and actions

Mayor Walker closed out the meeting stating that he concurs with the mission statement and the path the Committee is going down.

Meeting Adjourned 6:23 p.m.

Next Meeting: February 9th at 5:15 at City Hall.