

AGENDA
ORDINANCE COMMITTEE

Thursday, January 16, 2020

4:00 p.m.
Chamber A

- Item 1.** Call to Order.
- Item 2.** Roll Call.
- Item 3.** Approval of the minutes from the October 17, 2019 meeting.
- Item 4.** Public Comment.
- Item 5.** Discussion on Chapter 607, Town of Scarborough Alarm System Ordinance.
- Item 6.** Discussion on Chapter 303, Town of Scarborough Personnel Ordinance.
- Item 7.** Discussion on Proposed Small Wireless Facility Licensing Ordinance.
- Item 8.** Future agenda items.
- Item 9.** Adjournment

MEMO

ITEM 5A.

TO: Town Council Ordinance Committee
FROM: Chief B. Michael Thurlow
RE: Chapter 607 and Chapter 607A

As an explanation we are combining Chapter 607 & 607A into a single ordinance for simplicity, and including new language reference the new municipal fire alarm system. This has been reviewed by fire, police, and fire prevention/code enforcement.

Additionally we will be seeking approval to add new monitoring/permit fees in the Town's Schedule of Fees as outlined below:

Annual Monitoring Fee (either fire or burglary) 500.00

Annual Monitoring Fee (both fire and burglary) 750.00

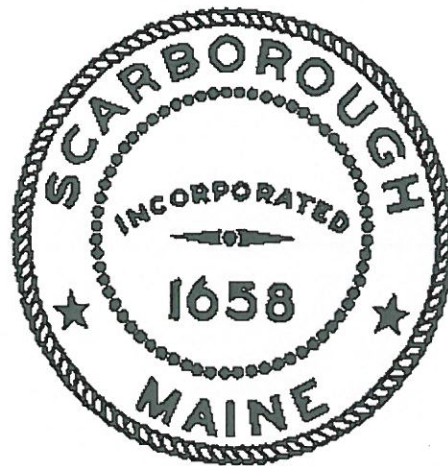
One-time Initial Permit and Commissioning Fee for wireless municipal fire alarm system subscriber units
200.00

ITEM 5B.

CHAPTER 607

TOWN OF SCARBOROUGH

ALARM SYSTEMS ORDINANCE



ADOPTED FEBRUARY 15, 1989
AMENDED NOVEMBER 15, 1989
EFFECTIVE DECEMBER 1, 1989
AMENDED AUGUST 15, 1990
EFFECTIVE AUGUST 16, 1990
AMENDED SEPTEMBER 6, 1995
AMENDED NOVEMBER 1, 2017
AMENDED XXXXX, 2019

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**CHAPTER 607
TOWN OF SCARBOROUGH
ALARM SYSTEMS ORDINANCE**

ARTICLE ALARM SYSTEMS ORDINANCE. [Adopted effective December 1, 1989, under 30A, M.R.S.A., Chapter 141, Section 3001; Revised August 1, 1990].

Title. This ordinance shall be known and may be cited as the “Alarm Systems Ordinance of the Town of Scarborough, Maine.”

SECTION I. Purpose

This ordinance recognizes the need for regulation of the installation and use of Alarm Systems in order to assure compatibility of equipment with the facilities of the Public Safety Communications Center, to avoid use of improper equipment, to assure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the Town.

This revision also includes language formerly included in Chapter 607A, Fire Suppression & Detection Ordinance to consolidate both into one document.

SECTION II. Definitions

As used herein, the following terms shall have the following meanings:

(a) “AHJ”

Means Authority having jurisdiction. In Scarborough the Authority having jurisdiction is the Fire Chief. The Fire Chief may designate these duties to the Fire Inspector.

(~~ba~~) “Alarm System”

Means any mechanism, equipment or device designed to automatically transmit a signal, message or warning indicating fire, burglary, health emergency or like need for public safety assistance, from any mode, telephone, dialer, private third party monitors, Municipal Fire Alarm, etc., directly or indirectly to the Scarborough Public Safety Communications Center.

Alarm systems supervise the detection, suppression, or alarm functions by generating data about the location and type of mechanism which has been activated including the mode of a particular alarm component such as, but not limited to, a smoke detector, heat detector, tamper switch, water flow sensor, or manual pull switch.

(~~cb~~) “Appropriate Departments”

Means the Fire Department for fire or rescue alarms and the Police Department for alarms of unlawful entry, theft or other criminal activity.

(de) “Appropriate Chief”

Means the Chief of the Appropriate Department.

(ed) “Center”

Means the Public Safety Communications Center of the Town of Scarborough.

(f) “Town-wide, wireless, radio mesh alarm system”

Means the municipal receiving system for fire and/or burglar alarms being reported to the Town of Scarborough Communications Center.

SECTION III. Applicability

This Ordinance shall apply to any System which is:

- (a) Required to be installed by any law, code, or ordinance and is installed after the effective date of this Ordinance;
- (b) Installed voluntarily after the effective date of this Ordinance; or
- (c) Replaced, modified, enlarged or updated after the effective date of this Ordinance;

SECTION IV. Transmission by Mode and Display of Data

- (a) Any system subject to this Ordinance shall, for each alarm transmitted, identify in the transmission the Mode which has activated the alarm system.
- (b) Any fire alarm system subject to this ordinance shall provide on-site display, through an annunciator panel or similar device readily apparent to responding fire department personnel, of the Mode which has been activated and its location on the site.

SECTION VIII. Permit Required.

No person shall install, operate, maintain, alter, or replace an Alarm System within the Town of Scarborough ~~after December 1, 1989,~~ without holding an effective permit from the Chief of the Appropriate Department. Upon receipt of a completed application, the Chief of the Appropriate Department will issue a permit to the owner. ~~Owners of premises served by an existing Alarm System on December 1, 1989 shall have until January 1, 1990 to obtain a permit.~~

- (a) Permit applications along with submittal information will be received and issued from the Town of Scarborough Code Enforcement Department.

SECTION IVI. TOWN-WIDE, Municipal, Wireless, Radio Mesh, Alarm System

The town of Scarborough is transitioning from a legacy, hard-wired, municipal fire alarm system to a modern, wireless, radio mesh, municipal fire alarm system as part of the transition to the

new public safety building. This new modern digital system will be more reliable and less costly to maintain than the existing legacy system.

As part of this modernization, the Scarborough Public Safety Communications Center will offer direct alarm monitoring services for municipal and school facilities. That service is also offered voluntarily to individuals and businesses on an annual fee basis.

Due to their hazard classification the following occupancies are required to be monitored locally through the municipal fire alarm system:

1. Places of assembly that have an occupant load over 300 people
2. Educational facilities including post-secondary
3. Day-care centers, excluding day-care homes
4. Health Care Facilities
5. Nursing Homes
6. Large residential board and care facilities
7. Detention and correctional occupancies
8. Hotels, Motels, and dormitories
9. Apartments with more than 12 units
10. Mercantile (Class A)
11. High Hazard Industrial
12. High-rise buildings
13. Special structures as determined by the Fire Chief
 - (a) Newly constructed buildings or applicable changes of use in those occupancies listed above shall be connected to the Town's-wide, wireless radio mesh alarm system prior to the issuance of a eCertificate of eOccupancy.
 - (b) Prior to December 31, 2019 all buildings required to be connected by master box alarm system shall convert their existing legacy mechanical or DET master box alarm systems to the Town of Scarborough municipal Town-wide, wireless radio mesh alarm system.
 - (c) Each system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief or his/her designee.
 - (d) Master box connection to the Scarborough Public Safety eCommunications eCenter.
 - i. New connections as required by section IV, (a) shall apply for a permit to connect said system to the Town of Scarborough Public Safety Communications Center. No connections shall be made without prior

payment of the new connections and annual monitoring fees prescribed in this section.

- ii. All connections shall be made by the alarm user under the approval of the ~~Fire~~ Chief and at the alarm user's expense, except for the final connection to the dispatch center which shall be made by the Fire Chief or his/her designee.
- iii. Connection and monitoring fees. The following fees shall apply to each alarm system connected to the communications center. The current fees can be found in the Town's schedule of fees adopted annually through the budget process.

SECTION ~~IV~~II. Application Procedure.

Application for an Alarm System permit shall be made to the ~~Appropriate~~Code Enforcement Department by the owner of the premises to be protected or by the owner's authorized agent upon forms prepared by the Town, accompanied by a signed, dated receipt acknowledging that the owner or owner's authorized agent has received a copy of this ordinance and is aware of its terms.

The application form shall require the name, telephone number, and address of the owner of the premises to be protected, of her/his designated agent and of the proposed installer of the Alarm System. ~~The proposed installer must have the capacity to maintain and service such Alarm System from a point within the State of Maine.~~ The application form shall also require a description of the principal use of the premises to be protected, a description of the proposed system and, in case of the Fire Department, the location of its installation [except that said location shall not be required for single family or two family homes], and such other data as the Fire Chief may reasonably require in order to assure the use of appropriate equipment in responding to and combating a fire or other emergency. [amended 11/01/17]

The ~~Code Enforcement~~Chief of the Appropriate Department shall issue a permit upon receipt of a fully completed application form.

SECTION ~~V~~III. Prohibited Systems.

~~No system shall be permitted which automatically transmits to the Center telephone lines except to a number designated by the Chief of the Appropriate Department. telephone. The only systems approved for direct connection to the Scarborough Communications Center are from the wireless municipal fire and burglar alarm system.~~ Each alarm shall be reported individually, and no system shall be permitted which uses a constant signal for one type of alarm and a pulsating signal for another.

SECTION ~~IX~~VII. Alarm Response.

The property owner or her/his designated agent, as kept on file at the Communications Center, shall respond to each alarm at the request of the Appropriate Department for the purpose of securing the premises. [amended 11/01/17]

SECTION ~~XVIII~~. False Alarms.

Any alarm system whose alarm system causes the transmittal of a nonemergency alarm more than three (3) times in any calendar year, after a 30day startup period for new installations, shall pay a fee as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council, for each instance of a nonemergency alarm in excess of that number, upon demand by the Chief of the Appropriate Department. The Chief of the Appropriate Department shall give suitable written warning to any permit holder, or to her/his designated agent, whose alarm system sends a third nonemergency alarm in any calendar year. Nonemergency alarm means any alarm transmitted to the Center when there is no actual emergency or no other circumstances requiring response from the appropriate department; it shall include, but shall not be limited to, false alarms caused by malfunctioning equipment, accidental or negligent activation of the alarm, or improperly monitored equipment. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e. disruption of the electrical service due to storm, motor vehicle accident, and the like); no fee shall be imposed at the discretion of the Chief of the Appropriate Department. [amended 11/01/17]

Not only does this apply to alarm systems which transmit directly to the Public Safety Communications Center but it shall include reports received by the Center from private alarm companies which monitor alarm systems installed within a private residence or business.

~~SECTION IXI. System Inspections and evidence by the Property Owner~~ ~~Acceptance Testing.~~

- (a) The appropriate Chief may inspect or cause to be inspected any fire or burglar alarm system or any building connected thereby at all reasonable times to ensure compliance with the provisions of this ordinance.
- (b) At the time of annual monitoring fee payment, the property owner shall provide to the appropriate Chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.
- (c) Acceptance Tests.
 - i. The installer shall complete and submit to the Fire Department official a certification of completion that stated the system has been 100% tested and in compliance with the system specifications and manufacturers recommendations.
 - ii. The Fire Department or Code Enforcement Officer shall be contacted to witness a complete system test within (14) days of this certification. This test is to be conducted by the installer and/or representative of the owner. No test will take place less than 72 hours' notice.
 - iii. No system will be approved unless all requirements of these regulations have been met.
 - iv. No acceptance test will be conducted prior to installation of the finished floor and the completion of all construction work.
 - v. If the panel does not have a walk-test feature, the installer and /or representative shall have adequate personnel and communication equipment to

initiate the device, silence the alarm, reset the panel and communicate back to the person initiating the alarms as to what zone was activated.

- vi. No alarm system will be signed-off, approved or connected to the municipal alarm system until the names, home address and phone numbers of at least two individuals representing the building owner or designee are received by the appropriate Department.

SECTION ~~XII~~^{XIII}. Permit Revocation.

The Chief of the Appropriate Department may revoke the permit for any Alarm System in the event that:

- (a) Payment of any penalty fee is not made within sixty (60) days after the due date therefore,
- (b) Any deficiency therein reported to the owner is not corrected within 48 hours, or such longer time as the Chief of the Appropriate Department may permit,
- (c) Such Alarm System causes the transmittal of more than 3 nonemergency alarms in any 24hour period or more than 6 nonemergency alarms in any 7day period or otherwise persistently interferes with the orderly operation of the Center,
- (d) Any data provided in the application form for such system is found to have been falsified willfully or through gross negligence of the applicant.

Such revocation shall not be effective until the Chief of the Appropriate Department has given the permit holder or her/his designated agent actual notice of the reason therefor and reasonable opportunity to justify the same. [amended 11/01/17]

SECTION ~~IX~~^{XIII}. Appeal.

In the event of the refusal to issue or the revocation of any permit hereunder, the permit holder may appeal to the Town Manager within twelve (12) business days after actual notice of such decision is given to the permit holder or her/his designated agent. The Town Manager may affirm, modify or rescind such decision, and her/his action thereon shall be final and conclusive without right of further appeal. [amended 11/01/17]

SECTION ~~XIV~~. Civil Violations.

In addition to the foregoing grounds for revocation of a permit hereunder, the following events shall each constitute a civil violation, punishable in proceedings before the District Court by a fine not exceeding \$300. Each day a violation is allowed to continue after notice to correct the violation shall constitute a separate violation:

- (a) The installation, operation, maintenance, alteration, or replacement of an Alarm System in the absence of an effective permit therefore signed by the Chief of the Appropriate Department;

(b) The falsification of any data provided on an application form for an Alarm System, done willfully or through gross negligence;

(c) The release of any information concerning any Alarm System to one not concerned with the maintenance or operation thereof or with the enforcement of this ordinance.

SECTION XVIII. No Enlargement of Liability.

Neither the issuance of a permit under this Ordinance nor the installation of an alarm system pursuant to such a permit shall create any obligation, duty, or liability on the part of the Town of Scarborough, its officers, agents or employees which obligation, duty or liability would not exist in the absence of such a permit or installation.



ITEM 6A.

MEMORANDUM

DATE: December 11, 2019
TO: Ordinance Committee
CC: Larissa Crockett, Assistant Town Manager
FROM: Liam Gallagher, Director of Human Resources
RE: Proposed Ordinance Changes

We are proposing two changes to the Personnel Ordinance - Chapter 303, within Section 302 (Overtime and Compensatory Leave) and Section 515 (Retirement).

Section 302 - Overtime and Compensatory Leave

Currently, holiday time for non-union employees is not included as hours worked for purposes of calculating overtime compensation.

This policy is problematic for two primary reasons; it provides a less comprehensive benefit to non-bargaining staff as compared with unionised staff and, perhaps more importantly, requires employees in a work period in which a holiday falls to work the equivalent number of hours as the holiday outside their regular work schedule before they are eligible to receive overtime compensation.

As an example; the Town of Scarborough's regular pay period is Sunday through Saturday; during the week of Christmas, which falls on a Wednesday, a public works employee would work Monday, Tuesday, recognize the holiday on Wednesday, and work their regular schedule on Thursday and Friday. If a winter storm came in on Friday afternoon and required the employee to work 16 additional hours from Friday evening through Saturday morning, they would have worked the first eight hours of the winter call-in at straight time as the eight hour holiday on Wednesday would not count as hours worked. The hours paid for the period would be 48 hours straight time and 8 hours overtime..

This proposed change is offered in tandem with a proposal to remove compensatory time as hours worked in the calculation of overtime. This change would encourage staff, by removing the multiplier, to retain earned compensatory time for future use and would prevent the practice of "pyramiding" in which employees use time earned at 1.5x the hours worked (in-lieu of overtime) and compound it by earning future compensatory time. Under an FLSA public sector exemption, municipal employees can choose to earn compensatory time off in lieu of overtime compensation. This time is earned at 1.5x the overtime hours worked and can be used in a future pay period for time away from work.

An example; an employee is required to stay 2 hours late Monday through Thursday to accomplish their work for the period. At the conclusion of the pay period the employee has worked 48 hours and would be eligible for 40 hours straight time pay and 8 hours of overtime compensation. Rather than earn overtime pay, the employee elects to “bank” the 8 overtime hours as 12 compensatory hours. In a future pay period, the employee again works 4-10 hour days Monday through Thursday and then elects to take Friday off. Rather than utilize vacation leave, the employee uses 8 hours of their banked compensatory time for their Friday absence. Under the existing policy, because utilizing compensatory time counts as hours worked in the calculations of overtime, the employee would again be eligible for 12 hours of compensatory time (40 hours worked, 8 hours used compensatory time = 48 hours).

Section 515 - Retirement

We are proposing to update Section 515 to take into account the Maine Public Employees Retirement System (MainePERS) rule changes with regard to “retirees returned to work” (RRTW).

MainePERS enacted rules changes to the Participating Local District (PLD) employers in the fall of 2018. Retirees, as defined by MainePERS, are former PLD plan participants current collecting a pension benefit.

The rules change requires employers to remit an Unfunded Actuarial Liability (UAL) payment for each RRTW. While the current penalty is equal to 5% of earnable compensation, MainePERS does permit each employer to determine on a case-by-case basis how this payment will be collected; for example, paid entirely by the employer, entirely by the retiree, or a sharing by both.

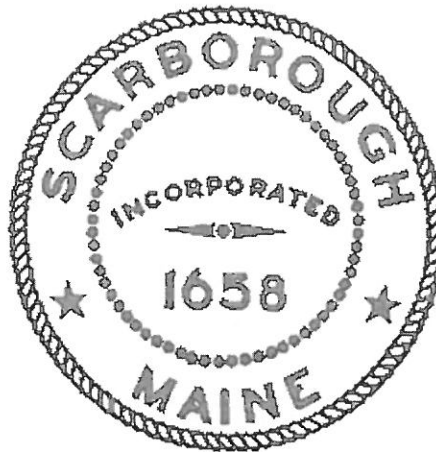
The proposal for the Committee’s consideration would stipulate that the Town would contribute the UAL payment (5%) on the retirees behalf, however, the retiree would be ineligible to participate in the Town’s 401(a) plan which is a defined contribution plan that provides a 6% employer matching contribution.

This proposal would allow the retiree to retain more direct compensation as they would not be responsible for the payment and would allow for a potential 1% savings (5% UAL v. 6% 401 match) to the Town.

CHAPTER 303

TOWN OF SCARBOROUGH

PERSONNEL ORDINANCE



ADOPTED OCTOBER 6, 1993
AMENDED NOVEMBER 2, 1994
AMENDED SEPTEMBER 6, 1995
AMENDED FEBRUARY 17, 1999
AMENDED JULY 21, 1999
AMENDED NOVEMBER 3, 1999
AMENDED JUNE 7, 2000
AMENDED OCTOBER 18, 2000
AMENDED NOVEMBER 1, 2000
AMENDED JANUARY 2, 2002
AMENDED FEBRUARY 6, 2002
AMENDED AUGUST 20, 2003
AMENDED OCTOBER 6, 2004
AMENDED FEBRUARY 16, 2005
AMENDED JULY 20, 2005
AMENDED SEPTEMBER 05, 2007
AMENDED AUGUST 17, 2011
AMENDED JULY 17, 2013
AMENDED OCTOBER 17, 2018

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Article I. TITLE, AUTHORITY, AND PURPOSE

Title

Section I1.

This ordinance shall be known as and may be cited as the Personnel Ordinance.

Section I2. Authority.

This Personnel Ordinance is enacted pursuant to the Town's home rule powers conferred by Article VIII, part second of the Maine Constitution and Title 30-A, §§2001, 2109 and 3001 of the Maine Revised Statutes Annotated.

Section I3. Statement of Purpose and Applicability.

The purpose of this Personnel Ordinance is to guide the Town Manager and Department Heads in the administration of personnel activities. Presentation of this information to all employees will inform them about their rights as well as their responsibilities while in the employment of the Town of Scarborough. This Ordinance and subsequent modifications shall supersede any policy and rules made previously by the Town Council. This Ordinance does not create a contract. The Town reserves the right to modify the provisions as needed. This Ordinance applies to all full-time, part-time and temporary/seasonal employees, as defined herein, except school department employees. In instances where employees are subject to a collective bargaining agreement with provisions differing from the Personnel Ordinance, the terms of the collective bargaining agreement shall prevail. Where the Town Manager is subject to an employment agreement with provisions differing from the Personnel Ordinance, the terms of the employment agreement shall prevail. Elected Town officials and appointed

members of Scarborough boards and commissions are not considered employees within the scope of this Personnel Ordinance. (amended 09/05/2007) (amended 08/17/2011) (amended 07/17/2013)

Article II. GENERAL PROVISIONS

Section II1. Employment.

The Town of Scarborough is an equal opportunity employer. All employees and applicants will be provided equal opportunities, and the Town shall make all its employment decisions without regard to religion, age, sex, sexual orientation (including gender identity and expression), race, color, ancestry, national origin, and physical or mental disability, or any other status protected by law. The Town shall employ, without discrimination, the best qualified persons who are available at the salary levels established for Town employment, first preference being given always to citizens of the Town of Scarborough, all factors being equal.

Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable. The character of this search will vary from position to position, but will consist of an internal posting for Town employees and may include advertising, open competitive examination, contact with state and other employment offices, and contact with special sources of information in each case. It shall be the duty of the Town Manager, or the appointing authority, to seek out the most desirable employees for the Town. (amended 11/02/94) (amended 09/05/2007) (amended 08/17/2011)

Applications for employment shall be filed on forms provided by the Town. Applications will be accepted only for positions for which a vacancy exists. Application forms will usually have to be signed by the applicant to be accepted. (amended 08/17/2011)

Section II2. Employee Designations.

A. Full-Time Employees.

A full-time employee is one who is scheduled for at least 35 hours per week fifty-two weeks per year and is appointed for a term greater than six months or for an indefinite term.

B. Part-Time Employees.

A part-time employee is appointed for a term longer than six months or for an indefinite term, works regularly scheduled hours and is scheduled for less than 35 hours per week. Per diem firefighters, inspectors, and rescue unit personnel employed in the Fire/Rescue Department are part-time employees regardless of the number of hours scheduled or worked per week. (amended 08/17/2011)

C. Temporary/Seasonal Employees.

A temporary/seasonal employee is one whose appointment is for a specified period of six months or less. Temporary/seasonal employees may work in different capacities throughout a year. Each different capacity is considered a separate appointment. (amended 08/17/2011)

Section II3. Probation.

All full-time and part-time employees are considered probationary for the first 180 days of employment. All Temporary/Seasonal Employees are considered probationary for the first 60 days of employment. Any break in employment lasting longer than two weeks during the probationary period, including but not limited to absence for medical reasons or military leave, shall not be credited towards the probationary period. Every employee must successfully complete the probationary period to continue employment. Probationary employees shall be evaluated by their immediate supervisor prior to the end of the probationary period and will be informed whether they have successfully completed the probationary period no later than by the end of the probationary period. If the probationary employee's conduct and/or work performance is evaluated as unsatisfactory, the Department Head, with the Town Manager's approval, may separate employment during the probationary period. (amended 02/06/02) (amended 09/05/2007) (amended 07/17/2013)

Section II4. Promotion.

Town employees shall be given the opportunity for advancement in the service. Present employees shall be given first consideration in filling a vacancy, when qualified employees are interested in the vacancy. Employees may be transferred to a new position without a loss in seniority, pay or job grade to a vacant position by a Department Head with the Town Manager's approval or by the Town Manager when filling a position appointed by the Town Manager, with or without posting the position, when the Town Manager determines the action will benefit the Town. Present employees may be given training opportunities to qualify for promotion, but it is recognized that, from time to time, the good of the service will require that a vacancy be filled from outside the service. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position. (amended 11/02/94)

Section II5. Compensation.

To the extent feasible, it is the intent to pay Town employees a basis that is commensurate with salaries and wages for comparable public and private work in the area in order to attract and retain well-qualified employees.

Section II6. Training.

Both the Town and its employees profit from the provision of educational training opportunities at reasonable expense to the Town. Training programs shall be designed to improve the quality of performance and bring about more efficient or more economical operation. Employees will have to receive approval for training programs in advance from the Town Manager or Department Head, if attendance during normal working hours or reimbursement of tuition and/or expenses is expected.

Section II7. Nepotism.

Employees who are members of the same family (as defined in Bereavement Policy Section 504) may not occupy a position of influence over each other's employment, promotion, transfer, salary administration or other related management decisions.

Employees must disclose to the Town Manager any employment relationship that may cause a potential conflict of interest. (amended 07/17/2013)

Section II8. Conflicts of Interest.

A conflict of interest exists when an employee's personal relationship or financial interest influences the employee's responsibility to act in the best interest of the Town. A conflict of interest may make it difficult for an employee to perform his or her work objectively and effectively and in the best interest of the Town. Employees must disclose and discuss any potential conflict with the Town Manager.

- (1) Internal Relationships: An employee must remain objective when influencing or making decisions regarding the hiring, placement, supervision, promotion, evaluation, or pay of any employee.
- (2) Business Transactions: Business transactions must be entered into for the interest and benefit of the Town. Employees may not use such transactions to individually benefit or financially benefit anyone in their family or household. (amended 07/17/2013)

Section II9. Employee Conduct and Responsibilities.

The intent of these standards and responsibilities is to provide direction and guidance to employees regarding appropriate and acceptable professional behavior. This is not an exhaustive list and the Town reserves the right to determine and define unacceptable conduct on a case-by-case basis.

A. Standards of Conduct

Employees shall:

- (1) Exhibit professional and respectful conduct.
- (2) Be citizen-focused in all contacts and dealings.
- (3) Assume responsibility for actions and decisions.
- (4) Comply with all laws, regulations, policies and procedures that govern Town activities. If there is a question of applicability, it is the employee's responsibility to seek guidance.
- (5) Participate in training and development; secure and maintain licenses and certifications as required for individual positions.
- (6) Follow direction and accept guidance from managers.
- (7) Refrain from all types of harassment, abusive behavior and unlawful activities.
- (8) Report, on a timely basis, observations and/or information regarding any activity that calls the integrity of the Town into question. (amended 07/17/2013)

i.

B. Ethical Responsibilities

Employees will exhibit the highest standards of ethical conduct. The Town expects the communication of any concerns related to the lawful and ethical conduct of Town business. Employees with knowledge of Ordinance violations are expected to share their concerns with any supervisor or the Town Manager. Employees may report violations without fear of retaliation.

Employees shall:

- (1) Conduct themselves with the highest principles of honesty and integrity.
- (2) Ensure and maintain accurate and reliable financial records.

- (3) Avoid impropriety and the appearance of impropriety.
- (4) Not make, recommend or cause any action known or believed to be in violation of any law, regulation or organizational policy.
- (5) Not use their position of employment to inappropriately force, induce, coerce, harass, or intimidate any employee or citizen. (amended 07/17/2013)

Article III. CONDITIONS OF EMPLOYMENT

Section III1. Hours of Work.

It is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours of work per week in positions of the same class in different departments. Normal working hours for each department shall be established by the Town Manager.

Section III2. Overtime and Compensatory Leave.

Non-exempt, hourly employees generally will be compensated for overtime work at the rate of one and one-half times the established hourly rate for hours worked in excess of forty hours in a work week, except that the normal work week for employees in the Fire/Rescue Department shall be established by the Fire Chief subject to the approval of the Town Manager. For purposes of this section, hours worked shall include holiday, sick leave, vacation, compensatory time and bereavement. Hours worked on Christmas Day (12:00 a.m. to 12:00 mid-night December 25) and/or additional hours and holidays as designated by the Town Manager, shall be paid at the rate of one and one-half (1 ½) times the base hourly rate.

The Town may offer employees compensatory leave on the basis of one and one-half hours of compensatory leave per overtime hour worked if the employee elects in writing to receive compensatory leave rather than overtime in advance of working the excess hours. Employees may not accrue compensatory leave exceeding departmental limits established by the Department Head and the Town Manager; therefore, employees whose accrued compensatory leave is at or near the established maximum will not be offered the option of compensatory leave. Upon termination of employment, employees will be paid for unused compensatory time at the average regular rate paid during the last three years of employment or the final regular rate paid during employment, whichever is higher.

Exempt, salaried positions (usually professional, managerial or supervisory positions) are compensated on the basis of job responsibility, not hours worked, and it is the responsibility of the person filling the position to accomplish the assigned responsibilities in a timely manner. The Town Manager shall establish a uniform and consistent compensatory time policy for exempt, salaried employees, which policy shall allow compensatory time off at a time convenient for the Town when a Department Head's duties require the employee to work in excess of 50 hours per week or when an exempt manager's/supervisor's duties require the employee to work in excess of 45 hours per week. Compensatory time may not be accumulated in excess of 50 hours. (amended 2/17/99) (amended 09/05/2007) (amended 08/17/2011) (amended 07/17/2013)

Section III3. Attendance at Work.

Employees shall be at their respective places of work in accordance with Town or departmental regulations pertaining to normal hours of work. All Department Heads shall keep daily attendance records and furnish to the Town Manager periodic reports upon request. In the event of necessary absence because of illness or any other cause, it is the responsibility of employees to see that their Department Head is advised of the reason for absence as soon as possible and at least before the time that the employee is expected to report to work.

Absences from work for any reason for a cumulative period of six months in the period of one year will form the basis for termination of employment except as otherwise provided by law. (amended 09/05/2007)

Section III4. Workplace Injuries.

The Town of Scarborough provides Workers' Compensation Insurance coverage for all employees.

An employee who sustains a personal injury or compensable illness arising out of and in the course of his/her employment with the Town shall be paid during the first four weeks of incapacity to work resulting from the injury an amount sufficient, when added to the weekly payment of Workers' Compensation, to equal his/her regular salary or normal wage (the "supplemental payment"). To avoid gaps in employee income while supplemental payments are being made, the Town may continue to pay an employee's normal wage or regular salary if the employee agrees, in writing, to turn over Workers' Compensation payments to the Town upon receipt. No supplemental payments shall be made if, in the opinion of the Department Head and Town Manager, the accident occurred as a result of intoxication, willfulness, the violation of rules and regulations on the part of the employee, or while the employee is in the employ of any other person, firm or corporation. Supplemental payments shall not be continued beyond four weeks except upon written authorization of the Town Manager. (amended 09/05/2007)

Section III5. Policy on Workplace Threats And Violence.

The safety and security of employees of the Town of Scarborough, and also the public who conducts business in the various municipal buildings, is of paramount importance to the Town. Therefore, threats, threatening behavior or acts of violence against or by employees, visitors, guests or other individuals on Town property will not be tolerated. Violations of this policy may lead to disciplinary action of employees, which may include dismissal and may lead to arrest and prosecution of employees or others.

Any person who makes threats, exhibits threatening behavior or engages in violent acts on Town property will be removed from the premises as quickly as safety permits. The Town will initiate any actions necessary to ensure that employees and the public are safe on Town property.

All Town personnel are responsible for notifying the Town representative designated below of any threats that they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should also

report any behavior they have witnessed that they regard as threatening or violent when that behavior is job-related or might be carried out on a Town-owned site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the designated Town representative is not available, personnel should report the threat to their supervisor or the Town Manager.

All individuals who apply for or obtain a protective or restraining order which lists any Town location as being a protected area must provide to the designated Town representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

The Town of Scarborough understands the sensitivity of information regarding threats or threatening behavior and will recognize and respect the privacy of the reporting employee(s) or citizen(s) to the extent permitted by law.

The designated Town representative is the Director of Human Resources (730-4026). (amended June 7, 2000)

Section III6. Progressive Discipline.

The Town has a policy of progressive discipline of employees, which means that repeated instances of poor job performance or misconduct, or violations of Town policies and procedures, will be documented and subject to progressively more severe sanctions, which may include oral or written warnings, counseling, suspension with or without pay, demotion or termination. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, harassment, alcohol or illegal drug use may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence. (amended 08/17/2011) (amended 07/17/2013)

When in the judgment of the appointing authority, whether a Department Head or the Town Manager, an employee's work performance or conduct justifies disciplinary action, the employee may be disciplined. Consideration shall be given to the severity of the performance problem or misconduct and prior disciplinary sanctions, if any, against the employee prior to imposing any discipline. Repeated misconduct or continuing performance problems may be considered cumulative, and subject to progressively more severe discipline, even if the conduct or performance problems vary in nature or severity.

Except in cases of emergency, no employee may be suspended by a Department Head until the Town Manager ratifies the decision. No employee shall be suspended for more than three days without first being given an opportunity to discuss the incident or incidents underlying the suspension with either the Town Manager or Department Head, whoever initiated the suspension.

Section III7. Disciplinary Dismissals.

An employee may be dismissed for cause whenever in the judgment of the appointing authority the employee's work or misconduct so warrants, subject to the appeals provisions set forth in §1003 of the Scarborough Town Charter and Section 308 of the Personnel Ordinance. Prior to making a final decision to demote or dismiss an employee, the Department Head or Town Manager (whoever is the appointing authority) shall inform the affected employee of the action under consideration, along with the reasons therefore, and shall provide the employee an opportunity for an informal meeting to discuss the employee's version of the events and circumstances at issue. Prior discussion with the employee is not required when in the judgment of the Department Head or Town Manager the employee's conduct or job performance creates an immediate threat of injury to the employee, any other Town employee, or members of the public, provided that the employee shall be treated as suspended with pay until such time as an opportunity for an informal meeting is offered. Removal of an employee appointed by a Department Head shall be subject to ratification by the Town Manager and removal of an employee appointed by the Town Manager shall be subject to ratification by the Town Council. (amended 07/17/2013)

Section III8. Appeals.

Any employee who has been removed for disciplinary reasons or suspended without pay may appeal to the Town Manager, provided that an appeal must be made in writing within 10 business days of the decision. Upon request, the Human Resources Director or Department Head will assist any employee who needs such assistance to file a written appeal. The Town Manager shall give a written reply within 5 business days. (amended 07/17/2013)

Any employee who has been removed for disciplinary reasons or suspended without pay may appeal to the Personnel Appeals Board, provided that an appeal must be filed in writing with the Town Manager within 10 business days of the decision or of ratification by the Town Manager or the Town Council, if ratification of the removal or suspension is required by the Scarborough Town Charter. Upon request, the Human Resources Director or Department Head will assist any employee who needs such assistance to file a written appeal. This Paragraph shall not apply to contractual employees covered by a grievance procedure, probationary employees, lay-offs and reductions in force, whether by elimination of positions or separation of employees, or other terminations or suspensions not attributable to cause. (amended 09/05/2007) (amended 07/17/2013)

Section III9. Internal Complaint/Grievance Procedure.

Any employee aggrieved because of some condition of his/her employment other than disciplinary actions subject to sections 306 and 307 hereof or lay-offs subject to section 310 hereof shall have the right, and shall be expected, to appeal to his/her immediate supervisor or Department Head. The grievance must be made in writing to the employee's immediate supervisor or Department Head within five (5) working days from the incident. The Department Head shall make an effort to settle the grievance within three days after the presentation.

If a satisfactory settlement cannot be reached, the employee may appeal within five (5) working days of the Department Head's decision to the Town Manager, who may require the grievance to be submitted in writing. The Manager shall give a written reply within one week. The decision of the Manager shall be final unless the grievance involves a policy matter, which must be determined by the Town Council. (amended 09/05/2007)

Section III10. Order of Lay-Offs.

Any employee may be laid off whenever it is necessary because of a shortage of funds, lack of work, or related reasons, which do not reflect discredit upon the employee. Lay-offs shall be on the basis of seniority in each classification within each department, so far as possible.

Temporary/seasonal employees may be laid off at any time by the Department Head without consideration of seniority. (amended 08/17/2011)

Section III11. Resignation.

All employees resigning from Town employment shall give a written two-week notice. Department Heads shall give a written four-week notice.

Section III12. References.

The Town of Scarborough's reference policy is to provide potential future employers only with the Town employee's date of hire, date of resignation or termination and terms of employment unless other disclosure is authorized in writing by the employee.

Section III13. Employment Policies and Practices.

These policies and practices are generally matters of state and federal law. This Section may not contain an exhaustive list of all Town policies and practices. Additional administrative policies, practices, and procedures may be distributed as supplemental employment guidelines.

A. Equal Employment Opportunity.

Any employee of the Town of Scarborough who believes that he or she has been discriminated against in employment in any way (including harassment or the denial of any employment benefits) on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation (including gender identity or expression), physical or mental disability, or any other status protected by law, should follow the complaint procedure outlined below in the Sexual Harassment Policy. The Town of Scarborough takes allegations of discriminatory treatment very seriously. The Town of Scarborough will investigate every allegation of discrimination promptly and take whatever action is necessary to stop unlawful discrimination and remedy any effects of unlawful discrimination. (amended July 20, 2005) (amended 09/05/2007)

B. Discrimination, Sexual Harassment and Other Illegal Harassment.

It is the policy of the Town to prohibit all forms of unlawful discrimination and harassment, including sexual harassment. Any employee who engages in

discrimination or harassment based upon race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, age, pregnancy status, status as a veteran, status as a whistleblower, or any other status protected by law will be subject to disciplinary action, up to and including termination of employment.

(1) Definition of Discrimination

Discrimination is defined as the less favorable treatment of an employee as compared to other employees based on illegal or inappropriate criteria, usually because of prejudice about race, ethnicity, age, disability, religion or gender. This may include, but is not limited to bias, favoritism, unfairness, bigotry, and intolerance. (amended 07/17/2013)

(2) Definition of Sexual Harassment and Other Illegal Harassment

Sexual harassment is one form of discrimination that undermines the integrity of the employment relationship, is degrading, detrimental to productivity, and illegal. Sexual harassment is defined as the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors; or the creation of an intimidating, hostile or offensive working environment based on unsolicited and unwelcome sexual conduct, either verbal or physical. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (amended 09/05/2007) (amended 07/17/2013):

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Other illegal harassment is defined as unwelcome conduct, whether it is intended or not, that disrupts or interferes with another's work performance by creating a workplace that is hostile, offensive, intimidating or humiliating either directly to the victim or indirectly to other Town employees. Note that a workplace environment that is hostile, offensive, intimidating or humiliating may be created by a single severe event or action or a pattern of behavior involving numerous less severe events or actions. Harassment may include, but is not limited to:

- a. Conduct that denigrates or shows hostility or aversion toward an individual because of race, ethnicity, age, disability, religion, marital and family status, or gender.
- b. Bullying and other harassment: Physical or verbal abuse, exclusion or isolation of an employee, withholding information, deliberate inconveniencing, intentional embarrassment, teasing, mocking, insults, threats, etc.

- c. Sexual harassment: Unwelcome sexual advances, requests for sexual favors, comments, physical conduct, derogatory information, jokes, obscene language, insinuations, etc. (amended 07/17/2013)

(3) Description of Sexual Harassment

The following type of conduct is considered to be sexual harassment and is not permitted:

- a. Physical assaults of a sexual nature such as:
 - ii. Rape, sexual battery, molestation or attempts to commit these assaults; and
 - iii. Intentional physical conduct which is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- b. Unwanted sexual advances, propositions or other sexual comments such as:
 - i. Sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at, or made in the presence of, any employee who indicates, or has indicated, in any way that such conduct in his or her presence is unwelcome;
 - ii. Preferential treatment, or promise of preferential treatment, to an employee for submitting to sexual conduct including soliciting, or attempting to solicit, any employee to engage in sexual activity for compensation or reward; and
 - iii. Subjecting, or threats or subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of that employee's job more difficult because of that employee's sex.
- c. Sexual discriminatory displays or publications anywhere in the Town by employees such as:
 - i. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work;
 - ii. Reading, or otherwise publicizing, in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
 - iii. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

(4) Internal Complaint Procedure

Harassment, discrimination or intimidation of any kind in the workplace, or retaliation for reporting any such behavior, whether committed by employees, supervisors, customers, vendors, or any third parties, is not

sanctioned or tolerated. If an employee has a complaint of discriminatory treatment, harassment, or intimidation based upon race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, age, pregnancy status, status as a veteran, status as a whistleblower, or any other status protected by law, or if an employee becomes aware of actual or potential discrimination or harassment, he/she should bring it to the Town's attention immediately.

There are three ways an employee can make a complaint or report of harassment or discrimination: 1) bring it to the attention of a supervisor; 2) bypass the supervisor and address the concerns directly with Human Resources; or 3) report harassment directly to the **HUMAN RESOURCES DIRECTOR or TOWN MANAGER**

All complaints or reports will be investigated promptly, thoroughly and fairly. Each employee alleging harassment, discrimination, or intimidation will be requested, but not required, to put his or her complaint in writing. All information will be held in confidence and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. Any employee who is determined, after investigation, to have engaged in unlawful discrimination or harassment will be subject to appropriate disciplinary action, up to and including termination.

Employees also have the right to contact the Maine Human Rights Commission, Augusta, Maine at (207) 624-6290 and/or file a complaint with the United States Equal Employment Opportunity Commission. It is not required that any of the above procedures be utilized first or in any particular sequence, nor is it required that any procedure be exhausted before the other is used. (amended 07/17/2013)

(5) Protection Against Retaliation for Complaining About Harassment

Under the law, employees may not be punished or penalized in any way for reporting, complaining about, or filing a claim concerning unlawful harassment or discrimination, or for cooperating with or testifying in any proceeding brought by anyone else. If an employee feels that he/she has been retaliated against for opposing or reporting what he/she reasonably believes to be unlawful harassment, please follow the same Internal Complaint Procedure set forth above. The Town will not tolerate any act of unlawful retaliation against employees who have reported, complained about, or filed a complaint of unlawful harassment.

C. Whistleblower Policy.

Any employee who believes that he or she is aware of a violation of any state or federal law or regulation in the workplace or any condition or practice that would put any person's health or safety at risk is required to immediately report the circumstances to the Human Resources Director or to the Town Manager. The employee will be requested to put the report in writing. The Town will investigate

the report promptly and act promptly to take any necessary remedial action. No employee will be penalized for making a report in good faith. (amended 09/05/2007)

D. Americans with Disabilities Act.

In accordance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Maine Human Rights Act, Title 5 M.R.S.A. §4551, *et seq.*, the Town of Scarborough will not discriminate against qualified individuals with a disability because of the disability in regard to job application procedures, hiring, advancement or discharge, compensation, job training and other terms, conditions and privileges of employment. A qualified individual with a disability, by reason of that disability, may not be excluded from participation in or be denied the benefits of the services, programs or activities of the Town of Scarborough, or be subjected to discrimination relating to job application procedures, hiring, advancement or discharge, compensation, job training and other terms, conditions and privileges of employment.

It is the policy of the Town of Scarborough to provide reasonable accommodations for qualified individuals with disabilities. Federal law (the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990) and state law (the Maine Human Rights Act) establish the rights of individuals with disabilities. Reasonable accommodation shall be provided in a timely, cost-effective manner. The essential functions of a job need not be modified to accommodate an individual with a disability.

Any individual with a disability who believes he/she has been subjected to discrimination on the basis of disability may discuss the complaint with a supervisor and/or may file a grievance with the Human Resources Department. It is unlawful for the Town, its employees, contractors, or grantees to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Questions, concerns, complaints, or requests for additional information regarding this notice may be forwarded to the Director of Human Resources, the designated Americans with Disabilities Act Compliance Officer.

Article IV. PUBLIC AND EMPLOYEE RELATIONS

Section IV1. Public Relations.

All employees shall maintain a courteous, professional and helpful attitude in dealing with Town residents and other members of the public.

Section IV2. Political Activity.

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold elective office while employed by the Town. Therefore, any employee elected to any Scarborough Town Office shall resign from employment prior to taking office, with the exception of on-call emergency personnel elected to the Town Council or Board of Education as per Sections 202 and 402 of the Town Charter. During the course of their

employment, employees shall refrain from using their influence publicly in any way for or against any candidate seeking elective office in the Town government. Town employees shall not work at the polls in support of any political purpose pertaining to the Town government, circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any municipal, state or national election. (amended October 18, 2000; November 1, 2000)

Section IV3. Receipt of Gifts.

All Town employees, including Department Heads, are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Article V. BENEFITS

Section V1. Holidays.

Full-time employees, including those still in the probationary period, shall receive holiday pay for the following holidays:

New Year's Day	Martin Luther King Day
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Friday following Thanksgiving	Christmas Day

If a holiday falls on a Saturday, the preceding Friday shall be deemed a holiday and if a holiday falls on a Sunday, the following Monday shall be deemed a holiday.

The intent of this benefit is for employees to observe the holiday as designated by the Town. Because of the nature of the position, certain employees are required to work during a holiday. These employees will receive holiday pay in addition to regular wages for time worked, which in effect, means double pay. Employees may receive payment for holiday time upon approval by the Town Manager or his/her designee. (amended 07/17/2013)

Temporary/seasonal and part-time employees are not eligible for paid holidays; if they work on a holiday, such employees will receive their regular wages. (amended 08/17/2011)

Employees on an unpaid leave of absence of any type shall not receive holiday pay.
(amended 09/05/2007)

Section V2. Sick Leave and Personal Time.

All full-time employees shall accrue sick leave with pay at the rate of one day per month commencing with the date of initial employment. Temporary, seasonal and part-time employees do not accrue sick leave. Sick leave is defined as leave granted due to personal illness or non-work related bodily injury to the employee or the employee's family member. For purposes of this section, family member is defined to mean spouses, domestic partners (as defined by the Maine Municipal Employee Health Trust), children, parents brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, step-father, step-mother, step-children or other relative if living in the same household as the employee. (amended 08/20/03) (amended 09/05/2007) (amended 08/17/2011)

A maximum of one hundred twenty (120) days of sick leave may be accrued and carried forward from one calendar year to the next. Upon recommendation of the Department Head, the Human Resources Director may require a doctor's certificate for use of sick leave and/or prior to the return to work by an employee on sick leave for more than one workweek or in circumstances of excessive absenteeism. (amended 08/20/03) (amended 09/05/2007)

An employee shall report all absences to his/her supervisor prior to the start of their regularly scheduled day and in no instance later than one-half hour after the start of the regularly scheduled day. Failure to report within this period shall be considered justification for disallowing sick leave for that day.

Unless otherwise specified by the supervisor, employees shall be expected to call on each day of absence. When the nature of the absence indicates an extended period of time away from work, longer intervals of reporting shall be established by the supervisor.

Each employee will be entitled to sixteen (16) hours of personal time per year. Hours taken as personal time will be deducted from accrued sick leave. (amended 1/02/02)

False or fraudulent use of sick leave shall be cause for disciplinary action.

Section V3. Payment of Unused Sick Leave.

Upon retirement or separation in "good standing" full-time employees who have completed 5 years of service, and who retire, resign after giving the proper notice, or are terminated for reasons not attributable to "cause" shall be compensated for one-third (1/3) of accumulated unused sick leave subject to a maximum payment of forty (40) days, one-half (1/2) after 10 years, subject to a maximum of 60 days, three-quarters (3/4) after 15 years, subject to a maximum of 90 days, and 100% after 20 years to a maximum of 120 days. Payment will be made on the next regular payday after the employee's last day of work and, if applicable, in accordance with Section 516

Retirement Health Savings Account. In the event of the death of an employee, the designated beneficiary shall receive the above payment for unused sick leave. An employee's estate shall receive 100% of accrued sick leave for a qualified line of duty death. (amended 08/17/2011)

"Good standing" shall mean a written, fourteen (14) day notice to the Town in advance of the employee's last actual day worked, in the case of a proper resignation, valid retirement, or separation of the employee from the Town service for other than cause.

Any absence from duty for which sick leave is paid, or for official leaves of absence, shall not constitute a break in the service record. (amended 2/17/99) (amended 09/05/2007)

Section V4. Bereavement Leave.

Full-time and part-time employees shall be excused from work for up to five (5) calendar days in the event of the death of spouse, domestic partner (as defined by the Maine Municipal Employee Health Trust), child or parents and up to three (3) calendar days off, in the event of the death of another member of the immediate family and shall be paid at the regular rate of pay for scheduled work hours missed. Immediate family is defined to mean spouse, domestic partner, child, parents, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, step-father, step-mother, stepchildren or other relative living in the same household as the employee. The Department Head, with the Town Manager's approval, may grant bereavement leave to employees in the event of the death of other members of the family. (amended 11/2/99) (amended 10/06/2004) (amended 02/16/2005) (amended 09/05/2007) (amended 08/17/2011) (amended 07/17/2013)

Section V5. Leave for Military Reserve Training/Active Duty.

In accordance with state and federal law, all employees will be granted time off from work for annual training obligations or active service in the United States armed services. Employees engaged in active military service will be placed on military leave of absence status. Employees should advise their Department Heads of the dates of their military service as far in advance as possible, unless military necessity prevents such notice. The Town will pay employees the difference between service pay and the employee's regular compensation for a period up to two weeks in any one-year period, provided that the employee on Reserve Service furnishes his/her Department Head an official statement by military authorities giving his/her rank, pay and allowances. Employees should confer with their Department Heads concerning the rights and requirements of re-employment. (amended 09/05/2007)

Section V6. Jury Duty.

The Town shall pay to employees called for jury duty the difference between their regular pay and juror's pay provided the employee provides an official statement of jury pay received and, reports to work after checking in with the immediate supervisor, if released for the day.

Section V7. Vacation.

Vacation privileges are available to all full-time employees at the convenience of the Town of Scarborough. Each full-time employee shall earn vacation with pay on the following basis:

- (1) One (1) work day shall be earned for each completed full month of service during the first through fifth year of employment.
- (2) One and one-quarter (1 1/4) work days shall be earned for each completed full month of service during the sixth through tenth years of employment.
- (3) One and one-half (1 1/2) work days shall be earned for each completed full month of service during the eleventh through the fifteenth years of employment.
- (4) One and three-fourths (1 3/4) work days shall be earned for each completed full month of service during the sixteenth through the twentieth years of employment.
- (5) After twenty (20) years of service, two (2) work days for each completed full month of service shall be earned.

New employees may be credited with years of service in a similar position for another employer at the discretion of the Town Manager.

Employees shall accrue vacation days during their probationary period but vacation may only be taken after the successful completion of the probationary period unless otherwise approved by the Department Head.

In case a holiday falls within the vacation period, the vacation may be extended to compensate for the holiday.

Any paid leave of absence shall not constitute a break in the service record for purposes of calculating earned vacation, except during the probationary period when such absences shall constitute a break in service. (amended 09/05/2007)

Employees may be eligible to receive payment for half the vacation time earned during a calendar year upon approval by the Town Manager. (amended 02/06/02) (amended 07/17/2013)

Employees with less than fifteen (15) years of service shall be entitled to accumulate twenty (20) days of vacation.

Employees with fifteen (15) years or more of service shall be entitled to accumulate thirty (30) days of vacation.

Accrued vacation leave shall be paid to employees upon their separation from the service or to their beneficiary or estate upon their death and, if applicable, in accordance with Section 516. Retirement Health Savings Account. (amended 08/17/2011)

Section V8. Personal Leave of Absence.

In exceptional circumstances, a full-time employee may be granted a personal leave of absence without pay and without the accrual of sick and vacation time or contribution by

the Town towards any employee benefits. Such a leave of absence may be granted only in the discretion of the Town Manager upon recommendation of the Department Head concerned. Such leave of absence without pay shall not exceed one year in length and shall only be granted when it appears, because of the past record of the employee, or because of the purpose for which the leave is requested, that it is to the best interest of the Town to grant the leave. (amended 09/05/2007)

Section V9. Family and Medical Leave of Absence Policy. (amended 08/17/2011)
(amended 07/17/2013)

(1) Policy

The Town's Family and Medical Leave of Absence Policy is established to integrate the provisions and entitlements of the Maine Family Medical Leave Law and the federal Family and Medical Leave Act (FMLA). These laws are collectively referred to as "FML." This policy provides a variety of leave options to help employees balance their work and family responsibilities. Employees who need leave time for their own serious health condition, birth or adoption of a child, care of an immediate family member with a serious health condition, other family responsibilities or military family leave may be granted leave as described below. These policies are complex. For more complete information or questions about specific situations, contact the Human Resources office.

(2) Eligibility

Employees must have at least 12 months of service (not necessarily consecutive) with the Town and have worked at least 1,250 hours during the 12-month period immediately preceding the request for leave. For seasonal and/or temporary positions, the 12-month service requirement will include only those months worked during the season.

(3) Basic Family Leave Entitlements

This policy provides eligible Town employees up to 12 workweeks of unpaid leave each "rolling" 12-month period under the FML:

- a. For the birth of child and care of a newborn child of the employee;
- b. For the placement with the employee of a son or daughter for adoption or foster care;
- c. To care for the employee's spouse, son or daughter or parent with a serious health condition;
- d. To take medical leave for a serious health condition expected to last beyond one work week (including a Workers' Compensation injury) that prevents the employee from performing the functions of his or her job.

If not eligible for FML as described above, an employee may qualify for leave under the Maine Family Medical Leave Law. Under this law, an employee who has worked for the Town for 12 consecutive months is eligible for up to 10 work weeks of unpaid Family Medical Leave during any two year period for the employee's serious health condition, the birth or adoption of a child, including a domestic partner's child, the serious health condition of a child, domestic partner's child, parent, domestic partner or spouse, or sibling, or the death of the employee's spouse, domestic partner, parent, sibling or child who is a covered service member who dies while on active duty.

(4) Military Family Leave Entitlements

Eligible employees are entitled to up to 12 workweeks of unpaid covered active duty leave during a 12-month period because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent (military member) of the eligible employee is on covered active duty or has been called to active duty status as a member of the National Guard or Reserves or regular armed forces in support of a contingency operation. Examples of qualifying exigencies include (1) short notice deployment; (2) military events and related activities; (3) making arrangements for child care; (4) making financial and legal arrangements to address the service member's absence; (5) counseling; (6) parental care; (7) attending to farewell or arrival arrangements for a service member; (8) rest and recuperation; employees may take a maximum of 15 calendar days for for rest and recuperation under the qualifying exigency leave category. Eligible employees are entitled to up to 26 workweeks of unpaid military caregiver leave during a single 12-month period to care for a covered military service member with a serious injury or illness, or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, if the employee is the spouse, son, daughter, parent or next of kin. This 12-month period occurs using the 12-month period measured forward from the date an employee's first FML leave to care for the covered service member begins.

Under Maine law, when an employee's spouse, domestic partner, or child who is a Maine resident is deployed for military leave in a combat theater or an area where armed conflict is taking place for 180 days or longer, the eligible employee may take up to 15 days of leave.

(5) Definitions

- a. "Spouse" means a husband or wife as defined or recognized under Maine law.
- b. "Domestic Partner" means the partner of an employee who:
 - i. Is a mentally competent adult as is the employee;
 - ii. Has been legally domiciled with the employee for at least 12 months;
 - iii. Is not legally married to or legally separated from another individual;
 - iv. Is the sole partner of the employee and expects to remain so;
 - v. Is not a sibling of the employee; and
 - vi. 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.
- c. "Sibling" means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living and financial arrangements.
- d. "Serious Health Condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
- e. "Health care provider" is defined as: a doctor of medicine or osteopathy, chiropractor, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse midwife, or a clinical social worker who is authorized to practice, and performing within the scope of their practice as defined by state law, or a Christian Science practitioner. A health care provider also is any provider that the Town or the employee's group health plan will accept medical certification to substantiate a claim for benefits.

(6) Definitions Procedure for Requesting FML

All employees requesting FML must provide verbal or written notice of the need for the leave to the Human Resources Director. Within five business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with the DOL *Notice of Eligibility and Rights*.

When the need for the leave is foreseeable, the employee must provide the employer with a notice of at least 30 days. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for leave is not foreseeable, the employee must comply with the Town's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

(7) Certification Requirements

- a. Initial Certification. The Town will require that an employee's request for leave under this policy be supported by certification by a health care provider, or in the case of a qualifying exigency, by the appropriate military documents. Certification will be provided using the appropriate Department of Labor form. The employee must respond to the Town's request for certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. The Town may require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. The Town may use a health care provider, a human resource professional, a leave administrator or management official, excluding the employee's direct supervisor, to authenticate or clarify a medical certification of a serious health condition.
- b. Recertification. The Town may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless one of the following occur: circumstances described by the previous certification have changed significantly, the Town receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. The Town may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.
- c. Medical Release to Return to Work. An employee who has been on leave beyond one workweek due to his or her own medical condition is required to provide medical documentation of the employee's ability to return to work including any medical restrictions that may be applicable. This certification must be received by the supervisor or Human Resources Director prior to the employee returning to work.

(8) Designation of Family and Medical Leave

Within five business days after the employee has submitted the appropriate certification form, the Human Resources Director will complete and provide the employee with a written response to the employee's request for FML using the DOL *Designation Notice*.

(9) General Provisions

- a. When an eligible employee requests any leave of absence that qualifies under FML, the Town has the right to designate such leave as FML.
- b. Employees are required to use accrued paid time to cover their regular schedule during FML before taking unpaid leave under this policy unless the leave is otherwise paid through Workers' Compensation benefits, income protection, or other benefits. Employees may designate the type of accrued leave utilized.
- c. Leave under this policy (with the exception of military caregiver leave which uses the 12-month period measured forward) is computed on a "rolling" 12-month period measured backward.
- d. The Town places an eligible employee on FML when the absence from work is expected to be one workweek or longer.
- e. Leave on an intermittent basis or on a reduced work schedule may be requested when medically necessary for a serious health condition. Certification from a healthcare provider will be required to show that an intermittent or a reduced schedule leave is a medical necessity. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee's leave entitlement. Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for Workers' Compensation, income protection, or other leave benefits. If an employee is an exempt employee, the Town will adjust the employee's salary based on the amount of time actually worked.
- f. If both husband and wife work for the Town and each wishes to take leave for the birth and care of their newborn child, adoption or placement of a child in foster care, or to care for a parent (not parent "in law") with a serious health condition, the husband and wife may only take a combined total of 12, or in the case of military caregiver, 26 weeks of leave. Leave for the birth and care of a child, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.
- g. Extensions of paid or unpaid leave beyond FML entitlements may be approved.

(10) Intent to Return to Work from FML

On a basis that does not discriminate against employees on FML, the Town may require an employee on FML to report periodically on the employee's status and intent to return to work.

(11) Benefit Coverage During FML

While an employee is on any paid leave (including sick leave, annual leave, and compensatory time), benefit coverage continues with no additional cost to the employee. During an unpaid leave of absence that qualifies as FML, health insurance coverage (including dental and/or optical coverage) continues on the same terms as during active employment, with the Town and the employee each paying the customary share of premiums. If the employee is not eligible for FML or the employee continues to need unpaid leave after exhausting FML, the employee is responsible for both the Town's and employee cost of continued benefit coverage. If applicable, the employee is responsible for making arrangements for the payment of the employee portion of any premiums that are not fully covered by a Town contribution. Failure to pay the employee portion of

the premiums within 30 days of the due date may result in cancellation of enrollment in that plan.

If an employee does not return to work at the conclusion of FML, he/she may be liable for payment of the health plan premiums (medical, dental, optical) paid by the Town during any unpaid portion of the leave. The Town may recover its share of health plan premiums by taking deductions, to the extent permitted by law, from unpaid wages, if any, vacation pay, or other pay due. However, the employee will not be liable for the premiums if the failure to return to work is due to continuation of his/her own serious health condition or other reasons beyond his/her control. Employees will be considered to have returned to work if they work for at least 30 calendar days commencing with the scheduled return date.

The Town's responsibility to continue an employee's health plan coverage ends (except for COBRA continuation coverage) upon notice that the employee does not intend to return to work at the end of the approved leave.

Employees on unpaid FML may choose to continue other voluntary deductions, including life insurance, at the employee's expense. Arrangements for premium payments must be made by the employee with the appropriate vendors.

(12) Job Restoration

Upon return from FML, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment provided that the employee returns to work immediately following the conclusion of FML. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

(13) Conclusion of FML

Employees will separate from employment when FML is exhausted unless the employee is entitled to additional leave as a reasonable accommodation under the ADA or an extension of paid or unpaid leave is approved by the Town Manager. The Human Resources Department will provide the employee with notice of impending FML exhaustion. If an employee fails to return to work at the end of FML, the employee will be considered to have voluntarily resigned from his/her position with the organization.

Section V10. Leave for Victims of Domestic Violence.

In accordance with Maine Law, the Town will grant employees a reasonable and necessary amount of time off from work without pay if an employee is a victim of domestic violence, domestic assault, sexual assault or stalking, and needs the time to:

- Prepare for or attend court proceedings,
- Receive medical treatment, or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

Employees must request the leave from the Human Resources Director as soon as circumstances make it clear that time off is necessary. Approval of leave will be

dependent upon (a) whether the employee's absence will create an undue hardship for the Town, (b) whether the employee requested leave within a reasonable time, and (c) whether the requested leave is impractical, unreasonable or unnecessary given the facts made available to the Human Resources Director at the time of the request.

If an employee's leave is approved, the employee will be required to first use any accrued paid vacation, sick or compensatory time before taking unpaid leave. Employees will not be discriminated against for taking or asking for leave. (amended 09/05/2007)

Section V11. Medical Insurance.

Currently, the Town offers group medical insurance to eligible employees in accordance with plan provisions and federal regulations. Eligible employees, regardless of probationary status, are eligible on the first day of the month following employment date or at open enrollment. The Town reserves the right to change insurance carriers and/or benefit level as deemed necessary. (amended 08/17/2011) (amended 07/17/2013)

Currently, the Town contributes 100% of the health insurance premiums for all eligible employees. As determined by the Town Manager, the Town will contribute a percentage of the premium for covering additional eligible dependents. (amended 07/17/2013)

Effective January 1, 2019, the Employees will be offered the opportunity to enroll in the POS-C or PPO-500 plans through the Maine Municipal Employees Health Trust. The Town agrees to contribute 92.5% of the single premium, 87.5% of the employee and child premium, and 82.5% of the family premium of the PPO-500 plan. Employees wishing to enroll in the POS-C will pay the difference in premium between the amounts the employer would otherwise pay towards the PPO-500 plan. (amended 10/17/2018)

Employees who are currently covered or can be covered under other medical coverage can opt to receive an annual buy-out payment of \$1,500 (divided over 52-weeks). Proof of valid medical coverage must be presented in order to be eligible for this option.

If other health and/or dental coverage ends for any of the following reasons, the employee (and his/her eligible dependents) may still enter the Health and/or Dental programs offered through the Health Trust.

- (1) Loss of the other insurance coverage due to termination of employment, or a reduction in the number of hours worked.
- (2) Loss of other coverage because such other coverage is no longer available.
- (3) A change in contribution required by the other plan.
- (4) Divorce or legal separation.
- (5) Death of the spouse.
- (6) Loss of Medicaid benefits.

Employees who are covered by the Town's medical insurance at the time of employment termination, who are at least 55 years of age, and who are eligible for retirement benefits under either of the Town's retirement programs (i.e. Maine State Retirement or ICMA-RC 401(a)), may continue their coverage (including dependent

coverage if in place at time of termination) under the Town's medical plan. An employee continuing coverage will do so at his/her expense; there will be no employer contribution.

The Town currently provides a Flexible Spending Account Plan for medical and dependent care expenses. (amended 2/17/99) (amended 10/06/2004) (amended 02/16/2005) (amended 09/05/2007) (amended 07/17/2013)

Section V12.Dental Insurance.

Currently, dental insurance is available to full-time employees, regardless of probationary status, on the first day of the month following employment. The Town currently pays 50% of the premium for individual coverage for employees, who must pay the remaining premium as well as the premium for any plan providing dependent coverage. All employee contributions shall be by payroll deduction upon the written authorization of the employee. With the exception of COBRA continuation, employees may not carry dental coverage into retirement. (amended 10/06/2004) (amended 02/16/2005) (amended 09/05/2007)

Section V13.Long Term Disability Benefits.

Full-time employees become eligible for long term disability benefits after six months of continuous active work during employment. Long term disability benefits pay a regular income when an eligible employee is totally disabled and cannot work. Coverage for long term disability benefits begins when an eligible employee begins after 90 days of disability due to the same or a related sickness or injury. Upon eligibility for, or approval of, long term disability benefits, an employee may be asked to resign his or her employment with the Town if there is no medical indication that the employee will be able to return to work with the Town within a reasonable period of time. Coverage for each employee shall be equal to 60% of an employee's base pay up to a maximum monthly benefit of \$5,000 and is based on the District's policy in effect at the time of coverage. Benefits are available as long as total disability continues, until age 65. Benefits received may be offset by Social Security and/or Maine Public Employees Retirement System.

The Town reserves the right to change disability insurance carriers and/or benefit level as deemed necessary. (adopted 08/17/2011)

Section V14.Income Protection Plan.

Full-time employees may participate in the Maine Municipal Association income protection plan upon application therefore and payment of the cost therefore. Eligible employees may purchase income protection at 40%, 55%, or 70% replacement of salary. The cost of this program is dependent upon level of salary. (amended 10/06/2004) (amended 09/05/2007)

Section V15.Retirement.

Employees participate in, and are eligible to receive benefits from the following retirement plans:

(1) **Voluntary.**

With the exception of employees classified as, or determined to be, retirees returned to work by the Maine Public Employees Retirement System (MainePERS). Employees may participate in either the Maine Public Employees Retirement System (MPERS) or the International City Management Association - Retirement Corporation 401 plan (ICMA 401), but not both:

- a. **MPERS.** The Town of Scarborough became a participating district in the MPERS on May 1, 1971. Employees may become a member of the MPERS in accordance with the Plan's eligibility requirements. Employer and employee contributions are made to the MPERS plan in accordance with the requirements of the plan and state law. (amended 08/17/2011) (amended 07/17/2013)

The Town agrees to contribute the mandatory UAL contribution, up to 5%, as defined by MainePERS, for employees classified as, or determined to be, "retirees returned to work" (RRTW) by MainePERS. Employees classified as RRTW will be ineligible to participate in the ICMA 401 plan outlined in (b) below.

Information concerning retirement benefits may be obtained from the Maine Public Employees Retirement System in or from the Human Resources Department. (amended 08/17/2011)

- b. **ICMA 401.** The Town of Scarborough entered into an agreement with ICMA for the 401 Money Purchase Plan on 1/1/85. All full-time employees are eligible to participate. Employer and employee contributions are made in conformity with plan requirements. The employee's contribution of 6% is in the form of a deduction from each paycheck. The Town in turn contributes matching funds. Contributions are deferred from federal and state income taxes until withdrawn. Funds may not be withdrawn until termination of employment. (amended 2/17/99) (amended 08/17/2011)

Information concerning retirement benefits may be obtained from ICMA or from the Human Resources Department. (amended 08/17/2011)

- c. **ICMA 457.** Employees contributing to the ICMA 401 or the MPERS may also contribute to the ICMA Deferred Compensation Plan 457 (through payroll deduction up to the annual maximum contribution allowed as approved by the Internal Revenue Service effective January 1st of each year). This contribution is also deferred from federal and state income taxes until withdrawn. Funds may not be withdrawn until termination of employment. Beginning in the year July 1, 1999, the Town will contribute up to an additional 4% to the employees ICMARC 457 plan, whatever the employee chooses to match up to the 4% maximum as elected by the employee. Each employee must designate the level of their participation in the ICMARC 457 match no later than February 24, 1999 in the current year and no later than February 15 in subsequent years. (amended 2/17/99) (amended 08/17/2011)

Information concerning retirement benefits may be obtained from the ICMARC or from the Finance Department.

(2) Involuntary

- a. **Social Security.** All municipal employees receive full social security coverage, which includes both the old age, survivors and disability insurance (OASI) program and the hospital insurance (HI) program known as Medicare. Social security contributions are made by both the employee and the Town in compliance with federal law.

Section V16. Retirement Health Savings

Eligible employees may participate in the Town's Retirement Health Savings Account (RHSA) under the following provisions:

1. Probationary employees shall be excluded from participating in the RHSA plan until they have successfully completed their probationary period of six (6) months.
2. Active employees:
 - a. Vacation hours in excess of calendar year end accruals shall be deposited into RHSA. Participants with less than fifteen (15) years of service shall have all vacation hours in excess of 160 accrued hours at the end of the calendar year deposited into RHSA. Participants with fifteen (15) or more years of service shall have all vacation hours in excess of 240 accrued hours at the end of the calendar year deposited into RHSA.
 - b. Holiday hours accrued in excess of ninety-six (96) hours at the end of the calendar year deposited into RHSA.
 - c. Sick hours accrued in excess of seven-hundred and twenty (720) hours at the end of the calendar year shall have twenty-four (24) sick hours deposited into RHSA.
3. Hours Upon Separation:
 - a. Sick Leave
 - i. Participants with more than 14 weeks (over 560 hours) of accrued sick hours shall have 50% of the sick hours deposited into RHSA at termination.
 - ii. Participants with more than 4 weeks (over 160 hours) of accrued sick hours shall have 25% of the sick hours deposited into RHSA at termination.
 - iii. Participants with 4 weeks (160 hours) or less of accrued sick hours shall have 0% of the sick hours deposited into RHSA at termination.
 - b. Vacation Leave
 - i. Participants with more than 2 weeks (80 hours) shall have 50% of the vacation hours deposited into RHSA at termination.
 - ii. Hours will be pro-rated according to hours worked.

Section V17. Optional Benefits.

Full-time employees may elect to purchase, through payroll deductions, additional insurance benefits made available by the Town. Information on optional benefit

programs is available at the from the Human Resource Department. (amended 08/17/2011)

Section V18.Cessation of Town's Contribution to Employee Benefits.

After 90 days of unpaid leave for any reason, the Town shall cease making employer contributions to any employee benefit plan. Group health and dental insurance may remain in effect if the employee arranges for payment of the premium. At that time, the employee will receive a so-called "COBRA" notice giving the details of how the employee may apply for continuation of health insurance coverage at his or her expense. In the event the employee does not receive the COBRA notice, the employee should contact the Human Resources Director to request the notice. (amended 09/05/2007)

Article VI. **SEVERABILITY AND EFFECTIVE DATE**

Section VI1. Severability.

The provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not invalidate any other part hereof.

SCARBOROUGH, MAINE



INC. 1658

To: Ordinance Committee
From: Jay Chace, Planning Director
Date: December 12, 2019 (updated for January discussion)

RE: Small-Cell Facilities (5G)

Over the last few years the wireless industry has actively pursued Federal and State legislation which has been enacted constraining the authority of local governments over the deployment of small cell wireless facilities in public right-of-way (ROW). The applications are commonly associated with 5G technology. This summer, Maine has joined the list of states which have enacted legislation to facilitate the deployment of wireless small cell facilities in the ROW. Without further consideration and adoption of local regulations the town would have no authority to regulate or review the deployment of small wireless facilities in the ROW. Therefore staff is proposing modest review and licensing requirements to ensure appropriate uses with the town's right of way.

What are small wireless facilities?

Below is what I found to be a useful introduction out of an article from the National League of Cities, "Municipal Action Guide, Small Cell Wireless Technology in Cities" (article to be provided to Ord. Committee under separate cover). The article provides an overview of the technology as well as some of the issues and considerations other municipalities have experienced.

"As wireless data usage continues to escalate, providers must find new and innovative ways to keep up with consumer demand for more speed and data capacity. One way to address the capacity crunch is by deploying "small cells," a type of wireless technology for broadband infrastructure. Various federal, state and local laws define small cell differently.

Generally, "small cell" refers to both the smaller coverage area of the wireless signal, and the smaller size of the infrastructure. Small cell installations generally cover much smaller geographic areas — measured in hundreds of feet — than the traditional macrocell towers that can cover miles in each direction. The antennas are much smaller than those deployed at macrocell sites, and are often attached to buildings, rooftops and structures in public rights-of-way (ROW), including utility and light poles and other street furniture. Pole- or ground mounted equipment accompanying the antenna may also be needed and can be as big as a large refrigerator. This equipment may be in the ROW, or on other public or private property.

These facilities help to complement or stretch macrocell coverage and add capacity in high demand areas. Small cell infrastructure is typically deployed to alleviate capacity constraints where crowds gather or to cover targeted areas, including public squares and spaces, downtown pedestrian areas, parks, office buildings, campuses, or stadiums and arenas."

What regulatory changes have occurred that impact Scarborough?

State rules adopted in the summer of 2019, 30-A M.R.S. § 4362, is an express pre-emption of municipal home rule zoning and land use authority in that it makes a small wireless facility a permitted use within



all public ways in Maine. However, in reviewing Federal and State rule making provisions and in consultation with our Town Attorney, staff has identified that municipalities may enact limited permitting requirements to regulate small wireless facilities with regards to:

1. *Fees.* Requires that fees and other charges for wireless infrastructure (including small wireless facilities) must be a reasonable approximation of the local government's objectively reasonable costs and are nondiscriminatory. The Order specifically finds that the following fees would be reasonable under the law: \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five, or \$1,000 for non-recurring fees for a new pole (i.e., not a collocation) intended to support one or more Small Wireless Facilities; and (b) \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.
2. *Aesthetics.* Aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are permissible – as long as the standards are objective (i.e. clearly-defined and ascertainable) that are published in advance.
3. *Shot Clock.* Adopted a new set of shot clocks for small wireless facilities for reviewing permit applications - 60 days for review of an application for collocation of Small Wireless Facilities using a preexisting structure and 90 days for review of an application for attachment of Small Wireless Facilities using a new structure. [Without any locally adopted requirements a municipality must approve any application received for the deployment of the small wireless facilities within these timeframes]

Why is staff bringing this forward?

Given these changes in Federal and State regulations, the town is receiving inquiries about installations. Our Ordinance is outdated related to the development of small wireless facilities in the ROW and therefore the town is open for potential installation without any oversight.

Back in 2014 when the Town reviewed and amended our zoning standards related to wireless communications the approach to allowing small cell facilities in the public ROW was limited. Section IX.F.3.b, states:

“b. Utility poles and transmission lines.

For the purposes of these performance standards, telecommunication facilities shall be allowed to be attached or mounted on high voltage public utility transmission line poles and structures, subject to Board of Appeals and/or Planning Board review and approval, but shall not be permitted to be attached or mounted on distribution scale utility poles and structures.”

It would appear the underlined provision in our local zoning ordinance runs afoul of the recently enacted regulations. Based on staff research there are a number of potential issues that other



communities have contented as a result of not having local over-sight. Some of these issues include conflicts with existing infrastructure, issues with sight lines, lack of aesthetics, and placement of obstructions in the crowded right of ways, among others.

Ordinance Committee Consideration:

Staff has begun reviewing literature and regulatory language adopted by other municipalities across the country. At the direction of the Ordinance Committee Chair, Staff has drafted preliminary ordinance language for consideration. The language is aimed at addressing challenges other municipalities have faced, provides reasonable review expectations for providers to follow, identifies a fee structure consistent with Federal regulations, and protects the town's interest within our public right of way related existing and future uses.

Next Steps:

Staff looks forward the Ordinance Committee's review of the draft language. Once we received the Committee's input on this version, staff will make necessary modifications to move the item forward.

SMALL WIRELESS FACILITY LICENSING ORDINANCE

AN ORDINANCE ESTABLISHING STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE TOWN OF SCARBOROUGH

Section 1 – Purpose

The purpose of this Ordinance is to establish nondiscriminatory policies and procedures for use of the rights-of-way and more specifically the placement of small wireless facilities in right-of-way within the Town's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and reasonable aesthetic qualities of the rights-of-way and the Town as a whole.

In enacting this Ordinance, the Town is establishing uniform standards consistent with state and federal law to address the placement of small wireless facilities and associated poles in the rights-of-way, including without limitation, to:

- (1) prevent interference with the use of streets, sidewalks, alleys, driveways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees;
- (5) prevent interference with drainage systems;
- (6) facilitate permitting of small cell facilities to consistent with the required time frame;
- (7) establish a licensing fee structure.

Persons or entities wishing to establish a small wireless facility within the Town of Scarborough shall first obtain a license from the Town of Scarborough and shall be subject to the provisions of this Ordinance.

Section 2 - Definitions

To be completed

Section 3 – Permitted Use

Permitted Use: The following uses within the rights-of-way shall be a permitted use, subject to administrative review only and issuance of a license as set forth in this Ordinance:

- (1) Establishing a small wireless facility;

- (2) Collocation of a small wireless facility; and,
- (3) Placement of a new, modified, or replacement pole to be used for collocation of a small wireless facility

The Town Public Works Department requires a permit for any work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for such activities. Such a permit must be issued to the applicant on a non-discriminatory basis upon terms and conditions applied to any other person performing similar activities, regardless of technology, in the ROW.

Section 4 – License Required

License Required. Except as otherwise provided in this Ordinance, no person shall place any small wireless facility or any pole or structure associated with the facility in the right-of-way, without first filing an application for the same and obtaining a license therefor.

Annual licensing renewal is required to ensure compliance and consistency with the provisions set forth herein and to ensure coordination with any related efforts within the right of way which may require coordination between the Town and the Licensee.

Application Requirements. An application filed pursuant to this Ordinance shall be made by the wireless provider or its duly authorized representative and shall contain the following:

- (1) The applicant's name, address, telephone number, and e-mail address;
- (2) The names, addresses, telephone numbers, and e-mail addresses of all duly authorized representatives and consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
- (3) A general description of the proposed small wireless facility and the purpose and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
- (4) Site plans and engineering drawings of the proposed use of the right of way.
 - a. To the extent the proposed facility involves location or collocation on a pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation in accordance with applicable codes;
 - b. Visual depictions or representations of the facility;
 - c. Information indicating the horizontal and vertical location, relative to the boundaries of the right of way, of the small wireless facility.
 - d. For any ground mount facilities, visual depictions or representations not included in the construction drawings.
- (5) If the small wireless facility will be collocated on a pole or support structure owned by

a third party, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure; and

(6) A statement that the small wireless facility shall comply with all applicable codes.

(7) Payment of a fee in accordance with the Application Fee provision below.

Application Fees:

Local application fees are set forth below:

(1) \$500 for up to the first five small wireless facilities in the same application, with an additional \$100 for each small wireless facility beyond five in the same application.

(2) \$1,000 for the installation, modification or replacement of a pole together with the collocation of an associated small wireless facility in the rights-of-way that is a permitted use in accordance with this Ordinance.

Annual Licensing & Fee: Upon installation, and until the small wireless facility is removed from the right of way, an annual licensing fee of \$270 per small wireless facility shall be submitted to the Town. The fee shall be paid by June 1 of each year (for new small wireless facilities the annual fee is applicable to facilities installed and operational by January 1 of the same year). Annual licensing renewal applications shall include:

(1) The name, address, telephone and email contact information of the owner and operator of the facility.

(2) A description and location map identifying the small wireless facility and associated pole location.

(3) A statement that the small wireless facility complies with all applicable codes.

(4) A report of any general maintenance or modifications to the facility during the preceding year.

(5) Payment of a fee in accordance with the Application Fee provision.

The Town shall have 30 days to review the annual licensing renewal request. Failure to act by the Town within this time shall be deemed approval for a renewed annual license. The Town may revoke a license provided that the Administrative Review Team finds that the small wireless facility is out of compliance with any provisions of this Ordinance.

Cease Payment. A wireless provider may remove its facilities at any time from the rights-of-way and cease paying the annual licensing fee.

Routine Maintenance. An application shall not be required for routine maintenance.

Section 5 – License Applications

(A) The Administrative Review Team shall review an application subject to this Ordinance considering its conformity with applicable provisions of this Ordinance, and shall issue a license on nondiscriminatory terms and conditions subject to the following requirements:

(1) For an initial application, the Administrative Review Team Coordinator shall notify

the applicant in writing on or before the tenth (10) day of submission if the application is materially incomplete. In the written notice that the application is incomplete, the Administrative Review Team Coordinator must clearly and specifically identifying all the missing documents or information and must specify the related code provision, ordinance, application instruction or otherwise publicly-stated procedures related to missing information; and,

- (2) If the Administrative Review Team Coordinator notifies the applicant in writing that the application is incomplete in accordance with subsection (1), the processing deadline in **subsection (3) shall** restart at zero on the date the applicant submits all the documents and information identified by the Administrative Review Team Coordinator to render the application complete; and,
 - (3) The Administrative Review Team shall make its final decision to approve or deny a complete application within (i) sixty (60) days of receiving an application for the collocation of a small wireless facility using an existing structure, and (ii) 90 days for an application to collocate a small wireless facility on a new structure. These timelines may be tolled only by mutual agreement between the applicant and the Town; and
 - (4) The Town must advise the applicant in writing of its final decision, and if the final decision is to deny the application, the final decision document shall state the basis for a denial, including specific code provisions on which the denial was based, and send the decision document to the applicant on or before the day the Town denies the application.
- (B) The Town must process all applications on a nondiscriminatory basis and may only deny an application subject to this Ordinance if the proposed small wireless facility or new, modified, or replaced pole:
- (1) Materially and demonstrably interferes with the safe operation of traffic control equipment;
 - (2) Materially and demonstrably interferes with sight lines or clear zones for transportation or pedestrians;
 - (3) Materially interferes with laws of general applicability addressing pedestrian, bike, transit and vehicular traffic and safety requirements;
 - (4) Materially fails to comply with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
 - (5) Materially fails to provide public benefit consistent with the preservation of the integrity, safe usage, and reasonable aesthetic qualities of the rights-of-way and the Town as a whole;
 - (6) Is proposed in a location that hinders the functioning and/or maintenance of exiting or planned drainage systems;
 - (7) Is proposed in a location which interferes with planned improvements within the

right of way;

(8) Fails to comply with applicable codes; or

(9) Fails to comply with the provisions in this Chapter.

Section 6 – Design Standards for Small Wireless Facilities in the ROW

A. Location:

Small wireless facilities in the public right-of-way shall be collocated on existing poles or structures, whenever possible. If collocation is not technologically feasible, the applicant may propose a new pole or structure.

When located adjacent to a structure care should be taken to locate the pole such that it is not located in-front of windows, primary walkways, primary entrances or exits, or in such a way that it would impede access to the building. Where feasible, facilities shall be located between properties as much as possible.

B. General:

Both the small wireless facility and any and all accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be as follows:

1. Small wireless facilities should not be readily noticed;
2. All equipment, including electric meters, should be located on or within the pole unless prohibited by the owner of the pole, in which case an alternative power meter box must be approved by the engineering department;
3. A small wireless facility and associated equipment located on the exterior of a pole shall be enclosed in a shroud or enclosure painted to match the existing pole color;
4. All small wireless facilities shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only);
5. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
6. If equipment cannot be installed inside of the pole, pole attachments within 15 feet of ground level shall be positioned on the side of the pole facing away from approaching traffic in the travel lane closest to the pole, provided that if the equipment would extend over a sidewalk or road surface, the equipment shall be positioned in a way to avoid such encroachment;

7. Wireless facility equipment on the outside of a utility pole shall be placed at least 10 feet above the public way, unless otherwise permitted by Town due special circumstances of the location;
8. Shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other applicable governmental authority; and
9. Signs located at the small wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by applicable governmental authority. Commercial advertising is strictly prohibited.

C. Antennae:

1. Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
2. Each individual antenna shall be located entirely within a shroud enclosure of not more than three (3) cubic feet in volume. All antennas associated with the small wireless facility shall not exceed a combined space of six cubic feet.
3. The diameter of the antenna or antenna enclosure should generally not exceed the diameter of the top of the wireless support structure pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole.
4. In no case shall the maximum diameter of the shroud be wider than one- and one-half times the diameter of the top of the pole.
5. Where maximum shroud diameter exceeds diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole
6. Unless technologically infeasible or otherwise appropriate based on neighborhood context, all antenna shall be mounted to the top of the wireless support structure pole, aligned with the centerline of the structure.
7. Antennas shall be generally cylindrical in shape.
8. Antenna shall be completely housed within a cylindrical shroud that is capable of accepting paint to match the wireless support structure.

D. Height Limitations::

1. The height of a structure used for collocation of a small wireless facility, including the antenna, measured at the base of the structure shall not exceed the lesser of:
 - a. Ten (10) percent taller than other adjacent structures in the right of way; or,

- b. Fifty (50) feet above ground level together with the minimum antenna height
2. A utility pole existing on or before February 1, 2020 that is used for the collocation of a small wireless facility may, on only one occasion, be increased by up to ten feet (10') to allow for the attachment of the small cell wireless antenna together with any approved concealment feature.

E. Stand-Alone Poles

If an applicant proposes to install a new stand-alone utility pole in connection with a small wireless facility, the pole and facilities shall, in addition to the requirements of section above, meet the following design standards:

- 1. Design of the pole shall be cylindrical and shall match the aesthetics of existing utility poles and streetlights installed adjacent to the pole.
- 2. Together with the small wireless facility components shall be sized to be visually pleasing.
 - a. For a pole to be considered visually pleasing, the transition between the equipment cabinet and upper pole should be considered;
 - b. The equipment associated with the small wireless facility shall be enclosed in the wireless support structure., provided that a separate equipment cabinet or vault not exceeding 28 cubic feet in size may be used if the equipment cannot reasonably be contained in the space allowed;
 - c. Each pole component shall be architecturally compatible to create a cohesive aesthetic.
- 3. Shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.
- 4. Shall be placed in alignment with existing trees, utility poles, and streetlights.
- 5. Shall be located such that it in no way impedes, obstructs, or hinders the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access.
- 6. Shall not be located to impeded upon existing or planned pedestrian, transit or bicycle facilities.

F. Ground Mounted Equipment

- 1. Ground mounted equipment associated with the facility may not be permitted within the right-of-way.
 - i. Connection to ground mounted equipment located outside the right of way must be underground.

2. Ground-mounted accessory equipment shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Town.

G. Guy Wires Restricted

1. Guy wires and similar support structures may not be used as part of the installation of any small wireless facility, unless the small wireless facility is proposed to be attached to an existing pole that incorporated guy wires prior to the date of the small wireless facility application.

Section 7 – Effect of Permit

Authority Granted. No Property Right or Other Interest Created. A license from the Town authorizes an applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.

Section 8 – Removal, Relocation or Modification of Small Wireless Facility in the ROW

Notice: The Town shall provide the greatest practical notice possible, but no less than ninety (90) days following written notice from the Town, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the Town has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Town improvement in or upon, or the operations of the Town in or upon, the rights-of-way.

Emergency Removal or Relocation of Facilities. The Town retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the Town in the event of an emergency, as the Town may determine to be necessary, appropriate or useful in response to any imminent danger to public health, safety, or property. If circumstances permit, the Town shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider promptly after cutting or removing a small wireless facility.

Abandonment of Facilities. A wireless provider is required to notify the Town at least 30 days prior to abandonment of a small wireless facility. Following receipt of such notice the Town may direct the wireless provider to remove all or any portion of the small wireless facility that the Town, or any of its departments, determines would be in the best interest of the public health, safety and welfare to remove. If the wireless provider fails to remove the abandoned facility within 90 days after such notice, the Town may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns.

Damage and Repair. The Town may require a wireless provider to repair all damage to

the rights-of-way directly caused by the activities of the wireless provider and return the rights-of-way to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications. If the wireless provider fails to make the repairs within 120 days after written notice, the Town may affect those repairs and charge the applicable party the reasonable, documented cost of such repairs.

Section 9 – Effective Date

This Ordinance shall take effect ten (10) days after its passage, approval and publication.

ITEM 7C.

MUNICIPAL ACTION GUIDE

Small Cell Wireless Technology in Cities



NLC NATIONAL
LEAGUE
OF CITIES

CITIES STRONG TOGETHER

Introduction

From our connected homes, where everything is controlled by the internet, to our workplaces, where reliable broadband access is paramount for almost every type of job, technology is impacting every facet of our daily lives. Cities are inextricably linked to the internet, and the integration of new technologies promises better and more innovative ways to serve our residents.

With this seismic shift toward smart cities and the internet of things (IoT), reliance on wireless and wireline broadband infrastructure is becoming greater and greater. Mobile phones, IoT devices and other small wireless gadgets are becoming ubiquitous. Wireless data consumption has reached approximately 1.8 exabytes per month in North America alone, and that number is projected to grow six-fold by 2022.² As various wireless providers maintain that the roll out of 5G internet service is approaching, and the IoT proliferates with the connection of millions of new smart devices to the internet, cities must face the reality that to meet the increasing demands of residents, more wireless facilities and infrastructure must be deployed. With that

reality, city officials must also face a number of policy, public safety, land-use and right-of-way considerations.

As cities navigate this rapidly-changing policy issue with both wireless and infrastructure providers and community residents, a number of considerations for the different stakeholders begin to emerge. This action guide from the National League of Cities (NLC) provides an overview of small cell technology, as well as guidance on how local governments can plan for, develop policy and processes around, and manage the deployment of, small cell wireless infrastructure. It will also provide city leaders with strategies for proactively engaging with wireless providers and residents to plan for small cell networks in their communities.

The Internet of Things in Connected Cities

Every consumer product and piece of infrastructure increasingly has the ability to sense surrounding stimuli, to communicate with other devices and people, and to draw on the computing and storage power of the cloud. This phenomenon has been dubbed the internet of things (IoT). The more smart devices and sharing platforms there are, the more data is generated about consumer preferences and habits. But what does this mean for cities? Smart cities are employing the same technology to connect their disparate utility, infrastructure and public service grids, generating real-time aggregate data. This, in turn, can help cities manage their programs and services more effectively and gauge their impact for residents, businesses and visitors immediately. The city of the future is an interconnected one, where devices communicate with one another in a constant stream of data that provides real-time information to the public and to the municipality.³

What is a 'Smart City'?

The term 'smart city' sometimes seems to mean **everything and nothing** all at once, and a common question about the phenomena is some variation on, "what is a smart city?". A smart city is a city that has developed technological infrastructure that enables it to collect, aggregate and analyze real-time data and has made a concerted effort to use that data to improve the lives of its residents and the economic viability of the community. Smart city initiatives often involve four components: the underlying communications infrastructure, information and communication technologies (ICTs) that generate and aggregate data; analytical tools which convert that data into usable information; and organizational structures that encourage collaboration, innovation and the application of that information to solve public problems.¹ Examples include water or utility monitoring devices that promote efficient or sustainable usage, smart streetlights that double as gunshot spotters and communicate with city administrators when they need maintenance, and traffic control and management systems that streamline traffic bottlenecks and report congestion and traffic data to city transportation planners.

A small cell pole in the median of the Las Vegas Strip.
(Photograph by SmartWorks Partners)

Small Cell Technology

What is small cell technology?

As wireless data usage continues to escalate, providers must find new and innovative ways to keep up with consumer demand for more speed and data capacity. One way to address the capacity crunch is by deploying “small cells,” a type of wireless technology for broadband infrastructure. Various federal, state and local laws define small cell differently. Generally, “small cell” refers to both the smaller coverage area of the wireless signal, and the smaller

size of the infrastructure. Small cell installations generally cover much smaller geographic areas — measured in hundreds of feet — than the traditional macrocell towers that can cover miles in each direction. The antennas are much

smaller than those deployed at macrocell sites, and are often attached to buildings, rooftops and structures in public rights-of-way (ROW), including utility and light poles and other street furniture.⁴ Pole- or ground-mounted equipment accompanying the antenna may also be needed and can be as big as a large refrigerator. This equipment may be in the ROW, or on other public or private property.

These facilities help to complement or stretch macrocell coverage and add capacity in high demand areas.⁵ Small cell infrastructure is typically deployed to alleviate capacity constraints where crowds gather or to cover targeted areas, including public squares and spaces, downtown pedestrian areas, parks, office buildings, campuses, or stadiums and arenas.

Macrocell vs. Small Cell:

Although they serve different purposes, macrocell and small cell technologies complement each other.

Macrocell: Traditional macrocell towers have a coverage area that spans several miles. They’re hard to miss, although their signal degrades towards the edge of their coverage areas.

Small Cell: Small cell technology is much more discreet, mounted on existing structures like rooftops and utility poles. Sometimes, they are accompanied by refrigerator-sized equipment. Because small cells only supply a few hundred feet of coverage, they are best suited for dense areas like downtowns.

What are some of the benefits to cities?

With the increasing usage of wireless devices and data, cities are facing increased demand for reliable wireless service. Small cell facilities can be used to increase the mobile broadband network capacity in cities. This improved service and capacity has many advantages, including economic competitiveness, a “tech friendly” reputation, and more opportunities to deploy smart city and IoT applications. Given that up to 80% of today’s 911 calls are placed via wireless phones, robust wireless networks are also critical to public safety.⁶

What are some of the risks to cities?

Often, wireless providers will want small cells deployed in dense urban areas to provide adequate capacity in high demand spots, and each provider will want its own facility installed to cover the same dense area. Thus, there may be several requests to locate such facilities in the same general areas, such that four polls in a row will have small cells from four different wireless companies. This can result in clusters of small cells that are visually unappealing and detract from the aesthetic of the community. Deployment and installation of small cell facilities can potentially interfere with existing technology, such as wireless traffic signals and other municipal technology in close proximity. There is also the risk of ground

mounted equipment associated with some small cell facilities obstructing a crowded city’s rights-of-way. In addition, recent state and federal efforts to speed the deployment of small cell facilities have focused on preempting local authority to review and control small cell deployments, or to collect fair rents for the use of public property.

What federal and state policies apply to municipal siting processes?

The siting of wireless infrastructure is governed by local, state and federal law. Most wireless infrastructure siting is governed by the applicable government entity with control over the facility’s property or location, and there may also be state and/or federal laws that apply to local determination. Local governments assess applications for permits to build new or alter existing wireless facilities for a variety of purposes, including public safety, overall management of public property or rights-of-way, accessibility requirements, environmental issues, land use and community aesthetics. Local governments may charge wireless service providers or wireless facility providers for application processing, access to the rights-of-way, and/or ongoing fees for access to public property — such as municipal street lights or traffic lights — either pursuant to local codes, as part of a large master lease or license agreements with a provider, or on an application-by-application basis.

Federal oversight of wireless siting is primarily based on three federal laws: The Communications Act of 1934, the Telecommunications Act of 1996 (Telecommunications Act) and a provision of the Middle-Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).

These laws contain provisions intended to spur the development of wireless infrastructure and impose some limits on local authority over that infrastructure. The Telecommunications Act, for instance, makes it unlawful for local government to prohibit, or have the effect of prohibiting, the “provision of personal wireless service,” prevents local government from “unreasonably discriminating among providers of functionally equivalent services,” and requires that local government “act on any authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time.” It also stipulates that local governments denying siting applications do so “in writing and supported by substantial evidence contained in a written record.”⁷ The Federal Communications Commission (FCC) has interpreted that a “reasonable period of time” for local governments to grant or deny siting requests is 150 days for new facilities, and 90 days for collocations.⁸ This presumed time limitation is commonly known as a “shot clock.”

Meanwhile, the Spectrum Act also contains provisions that limit local control over collocated wireless facilities to ensure the swift deployment of wireless technologies. Section 6409(a) of the Act provided that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does

not substantially change the physical dimensions of such tower or base station.”⁹ The FCC created regulations in support of this law, specifying that these collocation requests must be approved within 60 days of application, and that this definition includes distributed antenna system (DAS) and small cell facilities.¹⁰ If a city finds that it received an incomplete application, it has a limited period of time in which to pause, or “toll,” the shot clock by notifying applicants in writing of the missing information and relevant local requirements.

The 1934 Communications Act has been cited in recent federal petitions and rulemaking activity¹¹ relating to the deployment of small cell facilities. Section 253 of the 1934 Act requires that local governments receive “fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis,” when determining costs to access the public rights-of-way. The FCC has solicited public comment on how and whether to clarify the meaning of this phrase in relation to small cell wireless facilities but has not yet issued a decision or guidance. Likewise, the FCC has recently issued orders prohibiting moratoria on wireless deployment applications and permitting in essentially all circumstances.¹²

State governments have also passed laws intended to speed the deployment of wireless infrastructure, particularly small cell infrastructure, in recent years. For example, Arizona’s HB 2365, which was signed into law on March 31, 2017, imposes a series of new requirements on cities’ regulation of wireless infrastructure. Arizona’s law creates timelines for both cities and applicants to complete reviews of applications and buildout of the requested site. Additionally, it states that rates

The Telecommunications Act of 1996:

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or fees are limited to not more than the actual and direct costs incurred by cities to review those applications or manage the ROW, and places a fixed dollar cap on those application fees, as well as a fixed cap on annual rights-of-way access and pole collocation fees.^{13 14 15}

Other states have enacted similar limits on local review times, factors which may be considered in a site review and fees local governments may assess. State laws may limit whether local governments can enter into agreements with providers for larger-scale deployments of infrastructure within a community.

What are some of the policy challenges cities face?

Cities adapting their ordinances or processes to enable efficient small cell deployment face a number of policy challenges. First, cities must consider any recent changes to state law that impact local ordinances. Nearly half of all states had already passed small cell legislation or were considering it by their 2018 legislative sessions. Many states that passed laws exempted municipal rights of way from the legislation. These laws may impact what fees or rates cities can assess, what factors they may consider when deciding whether to approve or deny a wireless facility application, and whether the city is subject

to a stricter application review timeline than federal regulations establish.

Cities must also consider their own internal capacity when determining how much time should elapse before a new ordinance focused on small cell deployment goes into effect. For example, if the new process demands the establishment of new online application systems or forms, the city should allow ample time to create those new systems before applicants will expect access to them, to avoid unnecessary delays in the application process. Particularly in the case of small cell deployments, providers may wish to file many applications at once as part of a network build-out, and cities should be prepared to determine whether they can limit the number of applications any provider can file within a given time period under state law, or whether they are capable of accepting batches of similar applications simultaneously.

Cities should be cautious in passing moratoria on new wireless facility applications. While moratoria may provide the necessary time for policy makers to determine how best to approach this new technological and administrative challenge, they are not legal in some states, and have been prohibited by the FCC. Moratoria may invite legal challenges from wireless providers eager to start construction.

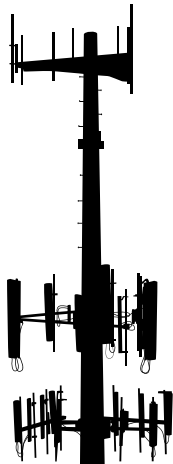
City Examples

Boston: Preserving History and Planning for a Technology-Driven Future

The city of Boston faced a unique challenge when it set out to upgrade the city's wireless networks: its history. The city contains narrow, twisting streets with little sidewalk space, carefully-maintained historic districts, and a wide variety of decorative poles and streetlights — including some gas lamps. This adds up to crowded rights-of-way

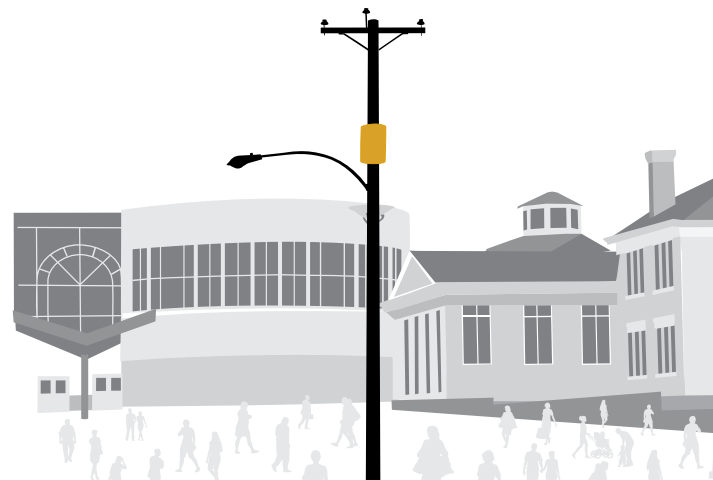
with sensitive aesthetic needs. However, a city known for its universities and tech industries needed to be a competitive leader on broadband infrastructure to retain and attract residents and businesses.

To address the growing demand for small cell wireless infrastructure, the city used widely-available online tools to create an online application and review process that has reduced the average turnaround time for small cell site application reviews to roughly two weeks. The city has also managed to stem potential floods in applications by placing reasonable obligations on providers eager to file many applications at once.



Macrocell technology is much better for large, low-density populations like quiet residential areas.

Small cells are perfect for small, dense-population areas with high-capacity needs. Downtowns, stadiums and theme parks are ideal for this technology.



For instance, after a permit for a new wireless facility is approved, the provider must build its site within sixty days.

Because of its narrow, historic streets, Boston has had to work very closely with neighbors and wireless providers to create innovative pole designs that take up less sidewalk space, or to negotiate a different pole location on a nearby arterial street with fewer residences and more room to site equipment.

Lincoln: Creating Business Solutions to Technology Challenges

In the city of Lincoln, Nebraska, broadband infrastructure is an important development priority. As demand for service, and for permission to build infrastructure, rose in the community, the city decided to tackle business process challenges. The city began physically relocating staff and grouping them by process and function, rather than department, and created a new rights-of-way construction group of staff from multiple departments to manage broadband infrastructure, small cell wireless applications and other issues. This created a one-stop-shop for private utility construction in the public right-of-way.

The city worked with carriers to create a standard pole design that met the needs of 95 percent of the city's pole locations and could accommodate most carriers' equipment. For the other five percent of locations, the city has worked with individual carriers to co-design poles to meet those

locations' needs and added those new designs to a list of pre-approved poles. The city has also developed a database of existing right-of-way infrastructure assets, such as water, power and broadband lines in the city. This helps smooth the application process and cuts down on the time needed to communicate between city departments and with providers. Additionally, the city has created a master license agreement process based on existing public-private partnership agreements and adapted the master license agreements used for broadband to business and home to mobile infrastructure. Making the agreements consistent, and posting them publicly online, has helped reassure providers that they are getting the same deal as their competitors and smoothed the negotiating process.

Lincoln has faced some challenges in recent years with its efforts to deploy wireless infrastructure. Some providers have successfully received permits to build new poles, but have not deployed in those locations, resulting in wasted city resources and no improved service for residents. The city has also fought back against attempts by the state legislature to preempt local authority over small cells. In 2017, the city battled wireless providers who claimed that city-induced costs were inhibiting infrastructure deployment. When Lincoln offered a discount to local carriers who were willing to build out connectivity in rural parts of Nebraska, the providers backed down, and ultimately preemptive legislation did not pass that year.

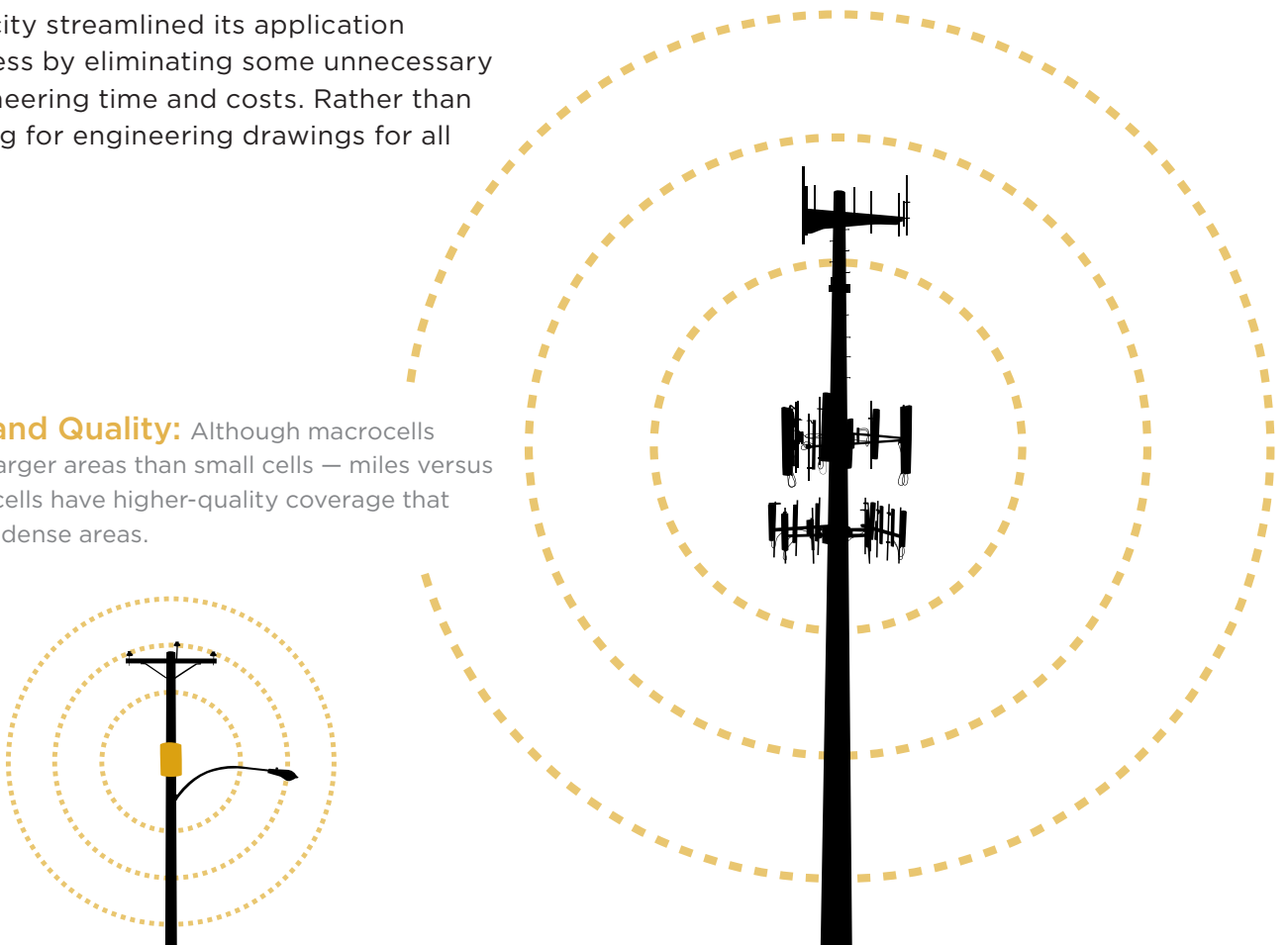
Raleigh: Finding Common Ground with Industry Through Partnerships

The city of Raleigh is focused on being the best — with hopes of being designated a ‘best place’ to live, work and play, as well as a forward-thinking leader in the technology space. The city recognized that in order to achieve those goals, it would need to be open to the prospect of small cell wireless infrastructure deployment. From the moment the city was approached about installing small cell infrastructure, the priority was to establish a good working relationship with wireless providers while protecting and upholding the values and interests of residents within our communities.

The city streamlined its application process by eliminating some unnecessary engineering time and costs. Rather than calling for engineering drawings for all

installations, the city shifted its process to require basic geographic coordinates for proposed wireless sites, so that the city could quickly work with providers to find optimal locations. Wireless providers appreciated hearing back from city staff about site feasibility within a couple of days of submittal. The city has also taken several steps to hear the wishes of residents, most directly through its 20 Citizen Advisory Councils. City employees who manage small cell deployment have been meeting regularly with these advisory boards to gather feedback and answer questions about the process of small cell installation.

Quantity and Quality: Although macrocells cover much larger areas than small cells — miles versus feet — small cells have higher-quality coverage that works well in dense areas.



What is Broadband?

According to the Federal Communications

Commission, broadband is connection speeds of at least 25 Mbps for downloads and three Mbps for uploads. About 20 percent of American households don't have access to broadband under this current definition.

One administrative challenge came about in the form of a piece of legislation passed by the state that preempts the city's ability to manage small cell applications. A 2017 law restricts local governments in the state of North Carolina from sending applications for collocated infrastructure — or infrastructure that wireless providers want to place on existing poles — to city council for review. Wireless providers that wish to collocate small cell infrastructure are allowed to seek administrative approval and place their equipment and infrastructure on those existing poles. This is intended to streamline the review process for small cell installations that do not require a new structure or pole to be constructed. While it shortens the administrative approval process, it removes the city's ability to govern on this issue.

San Jose: Welcoming New Technology While Closing the Digital Divide

Equity drives San Jose's approach to bringing new technologies to the city, and the deployment of municipal broadband and municipal fiber lines is no exception. Located in Silicon Valley, San Jose city officials are acutely aware of the technology boom happening on their doorstep and are eager to welcome these advances, provided they can do so in a way that

speaks to the needs of all residents. With only three percent of the city connected to high quality fiber lines, the city needed to both improve overall access to high speed internet and address the digital divide for 95,000 residents without access. After commissioning a study of the city's broadband approach as well as conducting surveys of low-income populations, San Jose officials set about working with the private sector on an arrangement that facilitates deployment, speaks to the city's equity goals and meets provider expectations.

They settled on a tiered pricing structure where providers pay \$750-\$2500 depending on whether they will cover the entire city or smaller areas. Larger deployments essentially receive a bulk-discounted rate. This revenue then feeds into two important city goals: internal capacity building and digital equity. For the former, the revenue bolsters the public works department, enabling staff to streamline the permitting and governance processes. Providers are therefore amenable to the deal because it facilitates faster small cell deployment. Additionally, the remaining funds, \$24 million so far, go into a "Digital Inclusion Fund" to close the digital divide for low income and vulnerable populations.

When San Jose officials stepped back to look at the whole picture, they noticed that different providers had an interest in deploying in different market segments and, therefore, different neighborhoods. By building relationships with these carriers, San Jose has been able to spread coverage across the city. Where gaps arise, the digital inclusion fund fills in. Some of the projects on deck include free device checkout at libraries and coding camps. The city will also pursue grants on top of these core funds to further build out program support in the long term.

Tempe: Bringing Transparency to the Process

The city of Tempe knows that small cell infrastructure will be integral to meeting the technological demands of the future. For city staff, determining the process for small cell infrastructure deployment and being transparent about it with wireless providers was very important. Once the city established a master license agreement with the first carrier in the market, that original agreement was used as a template to develop subsequent agreements with small cell infrastructure providers, who also wanted to deploy small cells and distributed antenna systems (DAS).

In 2017, however, preemptive legislation was passed by the Arizona state legislature that hindered the city's ability to completely control small cell infrastructure deployment. The new law imposed fee caps as well as shot clocks on the application

process. It also forced cities to reduce their fees to a rate that was significantly lower than existing market rate agreements.¹⁶ The rationalization for such legislation was that it was needed to speed up deployment in Arizona by limiting a city's capacity to interfere via local legislation and incentivize 5G by reducing the industry's costs of deployment. During the negotiation period preceding the passage of the bill, the city fought hard to maintain its ability to manage the right-of-way, mostly in order to retain control over the aesthetic elements of deployment and to minimize any visual blight caused by the size of the small cell allowed (the equivalent of 27 pizza boxes).¹⁷

The new law required Arizona cities to establish and make standard terms of agreements publicly available. Tempe viewed the legislation's six-month implementation period as an opportunity to foster collaboration between the public and private sectors. Before finalizing the standard terms and conditions, site license provisions, application processes for small cells and design criteria, the city sent draft copies of all proposed documents to the major carriers and infrastructure providers for feedback. Collaboration with the industry was important in avoiding conflict when documents advanced to the city council for deliberation and approval.

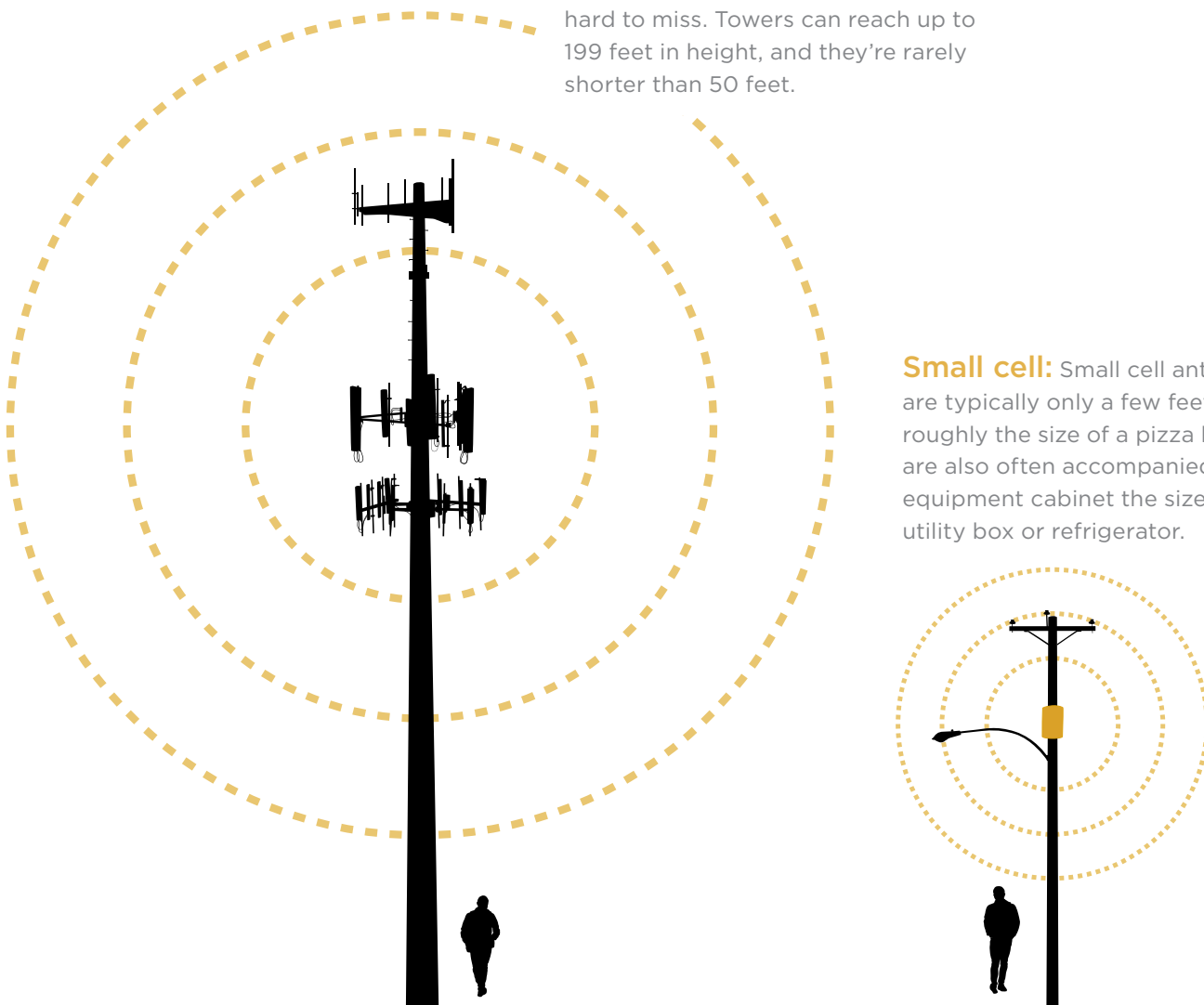
The city also carefully considered the desires and values of the public. For residents, aesthetics and the way the new

small cell infrastructure blended into the community were very important. Tempe was able to coordinate with other local cities and wireless providers to create design guidelines, ensuring that new infrastructure would mesh with the local aesthetic. The city worked to ensure that the guidelines were not too much of a

hindrance to deployment. Tempe found that balancing the concerns of industry with the city's ability to manage its poles and right-of-way is critical. Local government can function as the connection between the community and industry, ensuring that both parties' interests are represented and accounted for.

Towers: Macrocell infrastructure is hard to miss. Towers can reach up to 199 feet in height, and they're rarely shorter than 50 feet.

Small cell: Small cell antennas are typically only a few feet tall, roughly the size of a pizza box. They are also often accompanied by an equipment cabinet the size of a utility box or refrigerator.



Strategies for City Leadership



1 Gain a full understanding of the technology and important safety considerations.

Local elected officials and decision-makers should ensure that they understand technical, political and legal implications of the technology, its deployment, and any existing policies related to small cell facility siting. This will ensure that the best interests of the community are upheld when new decisions around small cell siting are being made.



2 Articulate your priorities for accommodating this technology.

City officials should determine how they want to integrate this technology into their communities and be intentional about expressing those desires during the policy-making discussions and deployment process. Some questions and considerations might include:

- a. Whether the city wants to subsidize the build-out of the facilities to speed up wireless connections;**
- b. Whether the city needs extra time to conduct a thorough engineering review for public safety concerns; or**
- c. Whether the city will work to harmonize the facilities with the look and feel of different parts of town.**



3 Create clear policies for permit review that let both city staff and industry applicants know the expectations.

This includes establishing processes for how applications will be addressed or processed, timeframes, objective requirements for the decisions and possibly application checklists. Cities should communicate these policies broadly and transparently to potential applicants. They may also wish to collaborate with likely applicants to develop design standards compatible with technological needs.



4 Develop a template right-of-way access policy/agreement, as well as a city pole attachment agreement.

Cities should make sure these policies and agreements address multiple kinds of infrastructure, from macrocell towers to small-cell facilities. This might include the establishment of requirements for both types of structures — such as size, location, design, public safety, stealth, etc.



5 Think through in advance any beneficial items the city could negotiate with industry in exchange for use of the right-of-way — if allowed by state law.

Issues up for negotiation might include collocation; length of time for siting; terms of installation; terms for upgrade; free or discounted services for schools, libraries, or other public entities; or other provisions that benefit the community and its residents.



6 Give careful consideration to fee structures.

There are a variety of fees and charges that cities may want to address. Application fees to cover the cost of staff to review applications, permitting fees to cover costs of building permit reviews and inspections, regulatory access fees for use of public ROW (ongoing), rent based on market rates if using public property (ongoing), and ongoing maintenance fees. Cities should take care to ensure that costs for removal of abandoned equipment are not borne by taxpayers.

Definitions

Collocation:

When multiple wireless providers attach antennas and other equipment to a single shared support structure. This practice may lower barriers to entry for new providers and reduce pole proliferation. The federal government defines collocation as: the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.¹⁸

Small cell facilities:

Small cell facilities are a type of wireless broadband infrastructure. They typically take the form of small antennas that are placed on existing infrastructure (both indoors and outdoors) and ground mounted equipment. These facilities help to compliment or stretch tower macrocell coverage and add capacity in high demand areas. In many states this term is defined by state law.

Ground mounted equipment:

This type of equipment sits at ground level, such as along sidewalks. It is distinct from equipment mounted on existing infrastructure such as telephone poles or buildings. This equipment is similar to traffic control or telephone equipment cabinets.

Macrocell:

A macrocell is a wireless facility used in cellular networks with the function of providing radio coverage to a large area of mobile network access. A macrocell differs from a microcell by offering the backbone of coverage area and high-efficiency output. It is placed on stations where the output power is higher, usually in a range of tens of watts.¹⁹

Smart city:

A “smart city” is one that has developed technological infrastructure that enables it to collect, aggregate and analyze real-time data to improve the lives of its residents.²⁰

Internet of things (IoT):

The internet of things (IoT) is a computing concept that describes the idea of everyday physical objects being connected to the internet and able to identify themselves to other devices. The term is closely identified with RFID as the method of communication, although it also may include other sensor technologies, wireless technologies or QR codes.²¹

5G:

The term for emerging 5th generation wireless telecommunications standards usually associated with network speeds of 1 Gpbs or more.²²

Exabytes:

An exabyte is a unit of measurement that describes 10^{18} bytes or 1 billion gigabytes. This unit refers to such a large amount of data that it is typically used to express quantities of information transmitted over the internet in absolute terms.

Internet Service Providers:

An internet service provider (ISP) is a company that provides customers with Internet access. Data may be transmitted using several technologies, including dial-up, DSL, cable modem, wireless or dedicated high-speed interconnects. Typically, ISPs also provide their customers with the ability to communicate with one another by providing Internet email accounts, usually with numerous email addresses at the customer's discretion. Other services, such as telephone and television services, may be provided as well. The services and service combinations may be unique to each ISP.²³ Throughout the paper we use this term synonymously with the term carrier.

Infrastructure Developer:

Company or entity that invests in or builds out the basic physical and virtual systems of a community, including roads, utilities, internet and wireless networks, water, sewage, etc. These systems are considered essential for enabling productivity in the economy and require significant fiscal investments. Developers and investors can be from the public or the private sector.²⁴

Resources

National Association of Telecommunications Officers and Advisors: Wireless Facility Siting: Model Chapter Implementing Section 6409(a) and Wireless Facility Siting: Section 6409(a) Checklist — <https://www.natoa.org/documents/6409ModelOrdinance.pdf>

United States Department of Commerce Internet Policy Task Force and & Digital Economy Leadership Team: Fostering the Advancement of the Internet of Things

https://www.ntia.doc.gov/files/ntia/publications/iot_green_paper_01122017.pdf

BroadbandUSA: Broadband Glossary — https://www2.ntia.doc.gov/files/bbusha_broadband_glossary_161024.pdf

BroadbandUSA: Smart Communities Glossary — https://www2.ntia.doc.gov/files/bbusha_smartcommunitiesglossary_11212017.pdf

¹ **Trends in Smart City Development.** (2016). National League of Cities. Access at: <http://www.nlc.org/sites/default/files/2017-01/Trends%20in%20Smart%20City%20Development.pdf>

² **Ericsson, Ericsson Mobility Report at 13** (Nov. 2016), <https://www.ericsson.com/assets/local/mobilityreport/documents/2016/ericsson-mobility-report-november-2016.pdf>.

³ **Trends in Smart City Development.** (2016). National League of Cities. Access at: <http://www.nlc.org/sites/default/files/2017-01/Trends%20in%20Smart%20City%20Development.pdf>

⁴ **Federal Communications Commission.** (2016). Public Notice: Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Citing Policies. Access at: https://apps.fcc.gov/edocs_public/attachmatch/DA-16-1427A1.pdf

⁵ **WIA** (2017). Enabling Wireless Networks Everywhere, Presentation.

⁶ See <https://www.nena.org/?page=911Statistics>.

⁷ **47 U.S.C. § 332(c)(7)(B)**

⁸ **Petition to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting**, WT-Docket No. 08-165 (11/18/09).

⁹ **47 U.S.C. § 1455(a)**

¹⁰ **Acceleration of Broadband Deployment by Improving Wireless Siting Policies**, WT Docket No. 13-238, 11-59, 13-32, (10/17/14)

¹¹ **Ibid.**

¹² **Federal Communications Commission.** (2018): Public Notice: FCC Speeds Access to Utility Poles to Promote Broadband, 5G Deployment. Access at

<https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0>

¹³ \$750.00 (A.R.S. § 9-593(I)) and \$1000.00 (A.R.S. § 9-594(E)(3)).

¹⁴ \$50 per small cell (A.R.S. § 9-592(D)(4))

¹⁵ \$50 per pole (A.R.S. § 9-595).

¹⁶ The average small cell fee charged by Arizona cities in 2017 was \$3,530.00 per site, which included both the use of the pole and the use of the right-of-way for a small cell and associated ground equipment. (This amount was about 1/8 of the annual fees charged for macro sites). The legislation capped this fee at \$100.00 per site (\$50.00 for the use of the pole and \$50.00 for the use of the right-of-way.)

¹⁷ All antennas to be located inside an enclosure of up to 6 cubic feet in volume and the associated equipment to be up to 28 cubic feet in volume. A.R.S. § 9-591(19).

¹⁸ **47 C.F.R. § 1.40001(b)(2)**

¹⁹ <https://www.techopedia.com/definition/2950/macroc>

²⁰ **Trends in Smart City Development.** (2016). National League of Cities. Access at: <http://www.nlc.org/sites/default/files/2017-01/Trends%20in%20Smart%20City%20Development.pdf>

²¹ <https://www.techopedia.com/definition/28247/internet-of-things-iot>

²² https://www2.ntia.doc.gov/files/bbusha_broadband_glossary_161024.pdf

²³ <https://www.techopedia.com/definition/2510/internet-service-provider-isp>

²⁴ <http://www.investorwords.com/2464/infrastructure.html#ixzz5COh9N3rU>

About NLC

The National League of Cities (NLC) is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership, and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

Acknowledgements

Thank you to Kelly Martin, who created the data visualizations, cover illustration and report design, and to Laura Cofsky for editing the report. We are also grateful to all of the city officials, thought leaders, and experts who took the time to speak to us about small cell infrastructure siting.

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