



MEETING MINUTES

January 7, 2010

Present: Steve Bradstreet, Mike Claus, Bob Burns, Rob Pontau, Peter Owen, Gerry James, Eric Labelle, Megan Bates, Steve Walker, Chip Swan, Stewart Sevey, Robert Seelye and Craig Worth (IME); Pete Coughlan (Maine Local Roads Center).
Directors absent: Dennis Cox, Shawn Bennett, Mike Bobinsky, John Giroux,

Prior to taking up the agenda, Mike Claus welcomed back Steve Walker from his past year of inspection duties. Steve Johnson was present in spirit, as well as portrait.

1. **Call to Order:** Mike Claus called meeting to order at 9:07AM, at Maine Municipal Association, Augusta, ME.
2. **Minutes:** Bob Burns made a motion to accept the minutes from the December 3, 2009 meeting, second by Peter Owen, minutes accepted by unanimous vote.
3. **Reports:**
 - a. **Treasurer's Report:** Bob Burns stated the current checking balance is \$8,293.22 and savings balance is \$15,122.94. The chapter owes Mike Bobinsky approximately \$1,400.00 in reimbursements. Mike Claus noted we are still owed \$1,500.00 by the New Jersey Chapter. He also noted that Microsoft Money to do the books is available as a free demo; however we may switch to Quicken.
 - i. **Budget Discussion:** Mike Clause noted that there is a \$3000.00 surplus, which is expected to be \$1000.00 by year end. The following changes were made from previous years:
 1. Moved \$3000.00 from miscellaneous to national conferences
 2. Moved some Highway Congress money to food and beverage, to reflect actual expenses.
 3. Any problems with the current budget are "miss-coding" problems. The in and the out are working and the new treasurer should be able to work these issues out.

The 2010 contract with MMA is \$4,532.00. Bradstreet was not sure what the 2009 contract was, but noted it increases 5% each year. Clause noted the MMA line item (670) is too low, but it can be made up from other line items correlating to MMA services. Craig Worth noted that plaques run closer to \$500 than the \$200 budgeted. In line item 861, Miscellaneous will be changed to \$200 and excellence awards changed to \$500. Pete noted that line item 675 was too low (\$750) for spring meeting speakers and noted that actual costs are closer to \$1500.00. Burns noted that more time is needed and the budget should be revisited at the next meeting. NO ACTION

Executive Committee

Officers:

President

Mike Claus
Public Works Director
Kennebunk, ME
207-468-3020

Vice-President

Bob Burns
Public Works Director
Gorham, ME

Treasurer

David Cote
Public Works Director
Brewer, ME

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Rob Pontau
Public Works Director
Topsham, ME

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Stephen J. Bradstreet
Oak Engineers
Portland, ME

Delegate

Mike Bobinsky
Public Works Director
Portland, ME

Directors:

Galen "Chip" Swan
Public Works Director
Hampden, ME

Peter Owen
Public Works Director
Bath, ME

Dennis Cox
Public Works Director
Millinocket, ME

Robert Seelye
Public Works Director
Calais, ME

Gerry James
Public Works Director
Presque Isle, ME

Steve Walker
Pinkham & Greer
Falmouth, ME

John Giroux
Public Works Director
Winslow, ME

Stewart Sevey
H.P. Fairfield, Inc.
Skowhegan, ME

Eric Labelle
Community Services Director
Auburn, ME

Megan Bates
Deputy Public Works Director
Lewiston, ME

Shawn Bennett
Road Commissioner
Pownal, ME

Honorary Director
Guy W. Melcher, Jr

Other Associations

Maine Local Roads Center
Peter M. Coughlan

Excellence Awards Chairperson

Contact – Craig Worth
Deputy Public Works Director
Brunswick, ME

TAKEN.

- b. **Delegate Report:** Eric Labelle noted that Mike Bobinsky will chair the National Conference Committee. He will need five volunteers to work with him. He also wants some time at the spring meeting for a quick presentation. Mike Clause noted that he and Eric Labelle will be attending the retirement party for Tom DeMaio. Mike also noted that he had not heard from Greg Dore or any of the other “old guys” on whether or not they will be attending.
- c. **Membership Report:** Steve Bradstreet acknowledged that currently there are 194 Chapter members (plus one and minus one for the month. The reduced membership deal through Nationals has ended. Mike Clause inquired if we could push APWA National to extend or offer more discounts. Pete Coughlan noted that DOT memberships are expected to fall due to budget cuts (memberships, magazines etc.). It is unknown how many members are MDOT employees. Chip Swan noted that all regional managers are members. Mike Clause noted that we need to target local Road Commissioners and MDOT employees to try and increase membership. Pete mentioned that they have, and will pass out cards at upcoming trainings to promote membership. There was a mention of “happy pills” from the crowd.
- d. **Maine Local Roads Report:** Pete Coughlan reiterated last month’s report. There are many workshops coming up:
 - i. “Low Cost” Safety Improvements
 - ii. “Trees.” The law, urban environments and pesticides (March-April)
 - iii. “Roadway Fundamentals.” (Spring 2010)
 - iv. “Workzone Safety.” There is a huge demand and many requests. No set dates yet.
 - v. “Minor Span Bridge Maintenance.” Has been in contact with Ben Foster to try and set up some dates.
 - vi. “Traffic Signal Maintenance.” Pete will be trying to contact Keith Morgan to set this up. Mike Claus questioned if Keith was still employed in the same position.
 - vii. “Grader and Gravel Road Maintenance.” No dates.
 - viii. “Retro-reflectivity Standards, Maintenance Methods.” No dates.

Pete noted that the new MUTCD is now out and takes affect 1/15/2010. There are quite a few significant changes and he may plan a workshop in the near future to outline some of them. He has worked out a deal with the MDOT printing office where copies of the MUTCD will be available to local towns at a discounted rate. Rob Pontau mentioned that the MUTCD could be used as a MCAPWA recruiting tool. Pete agreed that the MUTCD will be available to all towns (employees) at \$40. New MCAPWA members will be able to purchase the new MUTCD for \$20. Normal cost is around \$100. The deal where members can purchase the MUTCD for \$20 will be advertised on the MCAPWA website and offered at upcoming training sessions, but the \$40 deal is not widely publicized to help limit printing demands.

Pete acknowledged that there is a pot of money for town emergency departments to purchase cones signs, etc. Personnel will attend a 1 ½ hour training session and will then be able to sign up for the gear. There will be little or no cost for the emergency

departments.

Pete summarized the new E-911 and Local Road Inventory procedures. All updates to URIP roads now go through E-911. E-911 will then notify Pete's department to make the changes. This was a reiteration of the discussion at the MCAPWA fall meeting. Pete passed around handouts on why and how, as well as the form to be used. He also noted that RSMS classes will be offered soon.

- e. **Excellence in Public Works:** Craig Worth stated zero projects have been submitted at this time, the deadline for submittals is April 10. There was some discussion about how to determine which category a town is in. For instance, Brunswick is a Category B, but is the 6th largest population in Maine and could be a Category A. Lionel Cayer wrote an email to Craig stating Augusta now has less than 20 employees (excluding rubbish crew). It was agreed that Augusta would now be a Category B, however we will need to discuss categorization in the near future to determine what is covered under "public services," as many departments are now combined (i.e. Parks and Recreation joined with Public Works to create Public Services). No official action was taken.
4. **Spring Meeting:** Mike Claus thought Rob Pontau was now responsible for the spring meeting. Other board members soon corrected him and noted that the Spring Meeting was David Cote's problem for one more year. Some ideas that were discussed are the 2010 National Congress, the Highway Simplification Study, University of Maine Salt Study (Gerry passed around a sheet with info), and a comedian. It is assumed that Waterville Elks Lodge would be the location. We look forward to an update from David Cote at the next meeting. At this time the conversation was side tracked for a few minutes to discuss extent of the New Year's storm and the fact that not a lot of snow fell (relatively) yet the costs of the storm were enormous.
5. **Supervisory Training:** Steve Bradstreet shared training will be April 21-22, 2010 at Hollywood Slots in Bangor. There will be a continental breakfast and "epic lunch buffet." There may be another training the third week of May at Jeff's catering in Brewer. Steve will need board members to volunteer. The target class size is 25. It was suggested that we target the northern part of the state. Mike Claus voiced that it would probably be useless to send the flyer out to people Portland, south. Gerry James noted that if someone wants to go; they will go, regardless of the location. A flyer will be sent out soon.
6. **Highway Congress:** Bob Burns will be sending out an email this week to vendors. Mike Claus instructed him to do nothing but send out that email, stressing the importance. Vendor tables will be \$350, the same as the past four years. Steve Bradstreet noted that Pike put down 60 tons of pavement last year, so we are even with the fairgrounds at this point. The previous deal with the Fairgrounds was \$2000.00 cash, 30 tons of pavement and 150 yards of gravel. Mike Claus noted that we need to contact VIP's soon. He noted that 2010 is an election year and there was a brief discussion on whether or not to invite politicians, with 80 people running for governor. It was decided that Greg Dore (who has set up speakers in the past) can decide whether or not to contact politicians.
7. **Committee Assignments:**
 - a. **Audit Committee:** Gerry James, Bob Seelye and Chip Swan volunteered for this assignment. They will meet and have the audit complete by March.

- b. **2010 National Congress Participation Committee:** Mike Bobinsky will Chair the committee. Mike Claus, Eric Labelle, Steve Walker, Steve Bradstreet and Rob Pontau volunteered to serve.
 - c. **Excellence Awards Committee:** Craig Worth will continue as chair. Peter Owen and Megan Bates offered their time to help. They will be looking to promote the awards and encourage participation.
 - d. **Supervisory Training Committee:** Steve Bradstreet will handle this with the assistance of Steve Johnson. The facilities and speakers are lined up. They may look for additional assistance with promoting the event, if needed.
 - e. **Rodeo Committee:** Steve Walker noted that Kevin Noyes did a great job in Steve's absence last year. Steve Walker and Kevin will handle the duties between them. Shawn Bennett was volunteered for the committee by an anonymous voice from the crowd. Mike Claus noted that we need to get MDOT and MTA involved and possible fill some voids of people who are no longer on the committee.
8. **Public Works Leader of the Year:** Steve Bradstreet will update the information and get it sent our very soon, Steve Johnson believes he still has a copy of the information to offer.

9. **Other Business:**

- a. **Jeff Austin, Lobbyist for MMA, Natural Resources Committee. Update on LD 1725:** The legislature passed the culvert law, directing DEP to make the rule. Now the rule goes back to the legislature for ratification. DEP and the Board of Environmental Protection have adopted the rule, but it has not become law and will not until the legislature passes it. The legislature has three options. They can ratify the rule as is, reject it or direct the DEP to modify it. Jeff is pretty sure they will not reject it. Jeff wants the board members thoughts on how to approach the issue. His suggestion is to ask for a delay to examine more closely the associated costs of the rule. Another issue is that all waterways are presumed to have aquatic species (fish). Jeff suggested we may be able to delay the hearing to come up with a list of requests and proposed amendments. A couple of problem areas are that the rule essentially eliminates smooth bore culverts, prohibits slip lining and presumes that all water bodies contain fish. One idea is to have a way to exempt projects when extenuating hardships apply. We also need to closely examine what fallout may occur due to larger pipe sizes.

Bob burns suggested there is no way of knowing what the cost implications will be right now, so DEP should come up with some sort of fee mechanism to help limit the burden on local towns.

Eric Labelle stated that we can't have all water bodies classified as containing fish. Jeff noted we need to address how the DEP is making that classification.

Steve Walker asked why the rule can't allow for certain exemptions when there are other stream impediments. For example, a small culvert sandwiched between a waterfall and a dam. Steve mentioned an example where he had to test flows in a culvert to make sure fish could pass. The flow was slow enough, but if not they were going to have to put ribs in it.

Peter Owen asked if the rule applied to culvert maintenance. Jeff noted it did. Specifically, the bill targets slip-lining of culverts and essentially outlaws the practice.

Jeff noted that some existing culverts are already sized to the new standards, so we

cannot assume that all existing culverts do not meet the standards. Jeff explained that the rule, although it targets municipalities, does not exempt individuals. If the rule is changed to exempt individuals and only target municipalities then it becomes an unfunded mandate and 2/3 of the legislature would need to approve the law, or they would have to figure out a way to fund it.

Mike Claus suggested that the board request Oak Engineers and Pinkham & Greer to draft a letter outlining how the costs will affect local towns. Pete Coughlan suggested that we look to the towns to get many letters written. Jeff cautioned that any letters will need to have proposals and unify the town's opinions. The letters cannot just "whine." If they are constructive, they are more likely to have an impact. Mike suggested that Oak Engineers write a letter that will serve as a template for the local municipalities to use when drafting their letters. He would like to propose exemptions for intermittent streams, plastic culverts and slip-lining where fish passage is not affected. Eric Labelle also mentioned that there should be some sort of exemptions when the rules will force a bridge construction.

Rob Pontau made a motion to allow up to \$1000.00 of MCAPWA funds to be expended toward drafting a letter outlining the cost impacts of the proposed rule changes that will be shared with local towns and committees. Steve Bradstreet seconded it for discussion. Jeff Austin noted that the letter should provide suggestion on "how to rewrite the rule" so he can propose it as revised rule language. Bradstreet suggested that we urge local towns to work with their engineers (on staff or consultants) to draft letters and study costs. Gerry James amended the motion so that we authorize up to \$1000 and if Pinkham & Greer does not agree to the work, the \$500 be directed toward Oak Engineers to assist with the work. Bob Burns expressed concern with expending MCAPWA funds toward political issues. Jeff Austin gave an example that firefighters come together and "line the halls" with laws that relate to their line of work. Gerry James noted that it is tax payer funds either way. Rob mentioned that spending the money shows we are serious and will help to get something drafted that everyone can stand behind and keep us organized. Eric stated that we need an Engineer to demonstrate the costs to ensure credibility. Jeff Austin noted that the DOT has had the rule for some time and figures costs have risen approximately 10%. Burns noted that local roads and MDOT roads are "completely different animals. Claus included that MDOT receives federal funding. Jeff agreed that MDOT was not particularly helpful. Claus reiterated if the two Steve's can do a memo. Bradstreet replied he can write the letter and can provide some specific examples based on past projects as well as provide "relative costs". Steve Walker agreed and noted that we also need to push to change the wording of the bill to allow for easy exemptions. Stewart Sevey seconded Burns' concern about spending board funds on the political issue. Gerry noted that on certain issues we should stay neutral, but this rule will have a big financial impact and we need to be involved. Burns replied that "Jeff had him at firefighters" and noted that he is no longer concerned and changes his vote. Bradstreet noted that he could draft a letter pro-bono. Gerry asked if town managers had weighed in on the situation to which Jeff replied that they had and they rely on us for guidance with issues like this. Pete Coughlan said as a MCAPWA member he would expect the organization to take action on an issue such as this. Burns moved the question to vote. Clause called a vote. **The motion passed unanimously.**

- b. **Update on Simplification Study:** Pete Coughlan shared there is a policy working group as well as two sub-committees. There are the standards and cost committee and the urban roads committee. 11 out of 15 committee members are from municipal entities. The study is expected to be complete by July 15, 2010. He is not sure where it

is going but does expect some tangible results. Burns added that MDOT has requested that PACTS hire a consultant for the urban roads subcommittee and has offered \$20,000 to be put towards it. Check the MDOT website for more information.

- c. **Trenching and Excavation:** Pete Coughlan related that there is a resolve to study trenching and excavation laws and how to improve safety. Pete feels that education will be the primary focus to improve safety as opposed to a new law. A group has formed to “examine safety with unattended trenches” and is meeting Wednesday, January 13. The group consists of representatives from MDOL, MMA, MPUC, AGC and MTA. Due to a tragic accident a few years back, Massachusetts passed a law requiring permits for anyone digging a hole (more than 4’ deep). Bradstreet noted that Kate Dufour (MMA) sent out a questionnaire about the issue. Burns questioned how the Mass. Policy actually helped address the policy. Pet noted that it did outline a permit procedure. Mike Claus questioned Pete on whether MCAPWA needs to take action on the issue. Pete feels it is not necessary at this time.

- d. **Equipment Rental:** Eric Labelle inquired if anyone would be interested in jointly renting equipment for pavement assessment, specifically a deflectometer. Claus suggested he email the request out to the list serve.

10. Meeting Adjourned 11:42 A.M.

Respectfully Submitted,

Robert A. Pontau, JR.

