

# The Municipal RISK MANAGER

SPRING 2018

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## Solar Hazards for Fire Fighters

Roof mounted solar electricity installations are increasingly popular, and new installations are increasingly common. But while careful thought may have gone into the installation, potential hazards to firefighters likely have not. Traditional firefighter tactics for ventilation, suppression and overhaul may present unexpected hazards when a solar photovoltaic system is encountered.

Solar panels are always “on”; as long as they are receiving light, they will produce electricity. Damage to panels by fire or from suppression activities may create new and unexpected electrical conduction paths. “Shutting down” the system may not be simple or even possible. Throwing a tarp over the panels may block sunlight and stop generation of electricity, but wind and hose streams may make keeping a tarp in place problematic. Even if a fire event takes place at night, scene lighting erected to assist with fire suppression efforts may cast enough light on solar panels to generate electricity just as if they were exposed to sunlight. Water coming in contact with energized components, severing of energized components during ventilation efforts, and direct contact with severed or damaged components pose shock hazards that may not have been anticipated. Some installations may have battery storage systems or large capacitors in inverters that may keep portions of the system energized even if cutoff switches have been thrown. The physical layout of the panels may inhibit roof access or make it impossible. Finally, breaking a panel could potentially release all the energy in the system!

### What can be done?

Maintain a listing of solar photovoltaic

installations in your district. Be aware some installations are designed to “blend in” with other structural components so it may not be obvious from exterior inspection a solar photovoltaic system is present.

- Where are the panels located, and will they make rooftop access difficult or even impossible?
- Determine if there are cutoff switches



for the system and for individual panels.

- If possible, obtain system information from the premises owner or the installer.

In the event of fire, “size up” is critical to check potential hazards.

- Treat all components as energized, work around all components.
- Shutdown as much of the system as

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## Local Law Enforcement Must Train School Crossing Guards

LD 785, An Act To Improve Safety and Traffic Efficiency near School Grounds became law effective October 15, 2017. In order to qualify to direct traffic as a school crossing guard, the following requirements must be met.

- The crossing guard must be 18 years of age or older;
- Be under the control of a local law enforcement agency;
- Complete training to perform traffic direction duties. This training must be prescribed by the local law enforcement agency that has control over the school crossing guard and the training must be of a type approved by the Maine Department of Labor, Bureau of Labor Standards;
- Wear an appropriate uniform as specified by the local law enforcement agency that has control over the school crossing guard; and

- That the school crossing guard is directing traffic in an intersection with a marked crosswalk on a public way.

The Maine Department of Labor has approved a video that can be used to meet the training requirement. Participants of the MMA Risk Management programs can access the video at our Online Safety Training University. From the MMA web site, click on Risk Management Services, then Online Safety Training. Once you have logged in, go to Schools, and Crosswalk Safety Training will be in the right hand column under Resources. If you have any questions on how to access the video, please contact Risk Management Services at 1-800-590-5583 and ask for Jenette Holt or Don Vickery.

The complete text of the enacted bill can be found at the Maine Legislature web site: <http://legislature.maine.gov/>

## Ticks

Warmer weather will be here soon, and while we all look forward to working and playing outdoors, it also brings some unwelcome aspects, including ticks. According to the Maine Center for Disease Control, there were 1,787 positive tests for Lyme in 2017, an increase of 22 percent. Also reports of another tick borne disease, anaplasmosis, increased by 78 percent in 2017.

The mild fall we had in 2017 combined with a relatively mild winter means 2018 is likely to have plenty of ticks looking for a host to feed upon. As soon as leaf litter is exposed, the possibility of picking up ticks exists.



Some simple precautions will help you avoid contact with ticks and potentially a tick borne illness:

**Avoid Direct Contact with Ticks:** Avoid walking through wooded and brushy areas

with tall grass and leaf litter. Walk in the center of mowed or cleared trails to avoid brushing up against vegetation.

**Dress Appropriately:** Wear light-colored clothing to make ticks easier to detect.

Wear long pants tucked into socks or boots and tuck your shirt into your pants to keep ticks on the outside of your clothes. Do not wear open-toed shoes or sandals when in potential tick habitat.

**Use Tick Repellents:** On the exposed skin and clothing such as 20-30% DEET. Other options are Picaridin, or Oil of Lemon Eucalyptus. Remember some repellants need to be reapplied

periodically to be effective. When using repellents always follow product directions.

Consider using products that contain permethrin to treat clothing and gear. Do not apply permethrin directly to your skin.

If you find a tick attached to you, remove it as soon as possible with tweezers, a tick spoon or other removal tool. After removing the tick, thoroughly clean the bite area, your hands, and the removal tool with rubbing alcohol, an iodine scrub, or soap and water. If a rash appears at the bite site, or flu-like symptoms are experienced after a tick bite, consult with a doctor as soon as possible.

More information on tick bite prevention can be found on our web site [www.memun.org](http://www.memun.org). Click on the Risk Management and Safety Shorts links. Also, members of the Risk Management programs can access the Online Safety Training and the Field Biological Hazards course which contains information on ticks, insect bites as well as poisonous plants. 🚗

## Solar Hazards (cont'd)

possible:

- Lockout/tagout all disconnects
- Isolate the system at the inverter using dependable methods.

**Training and education:** The National Fire Protection Association has many resources addressing this topic. [www.nfpa.org](http://www.nfpa.org) and [www.nfpa.org/Foundation](http://www.nfpa.org/Foundation)

Resources can also be found at: [https://www.maine.gov/dps/fmo/documents/firefighter\\_tactics\\_solar\\_power.pdf](https://www.maine.gov/dps/fmo/documents/firefighter_tactics_solar_power.pdf) 🚗



### The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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## Changing Seasons Signal Flood and Fire Danger

As we transition into spring and summer, we need to keep an eye on two conditions that can have a huge impact on property and lives, especially in our rural communities: flood and fire. With below-average snowfall in many parts of the state this winter, wildfire is a very real concern even before breakup. In either situation, however, preparedness is the key to securing property and keeping employees and citizens safe.

Rivers are the lifeblood of many communities. They are such an integral part of daily life that they can be taken for granted, but their power should not be ignored. Rivers, like any body of water, deserve a healthy measure of respect and caution. Fa-

miliarize yourself with terms used to identify a flood hazard. A **flood watch** means that flooding is possible. Be prepared to move to higher ground, and listen to State Emergency Services, commercial radio, or television for information. A **flood warning** means that flooding is occurring or will occur soon. If you are advised to evacuate, do so immediately.

Just like spring breakup, there are many variables that can affect the outcome of fire season; among them are temperature, humidity and rainfall, winds, frequency and intensity of storms (lightning strikes), insect-killed trees, and human factors (accidental or intentional causes of fire). If your property is vulnerable to wild-

fire, conduct inspections and make sure that all buildings have a “defensible space” extending at least thirty feet on all sides. This space should be cleared of trees, large shrubs, and debris that could spread a fire to the building. The cleared space also allows firefighters and their equipment room to work. Consider the placement of driveways and walkways as firebreaks.

Besides human safety considerations in the event of either flood or fire, public agencies must consider how to protect business records, including those stored on computers, as well as real property. If you don’t already have steps in place for backing up critical computer files, you should adopt a plan as soon as possible. A network server should ideally have a backup at an off-site location. If you are not networked or only have a few computers requiring critical backup, a portable backup drive may be a reasonable solution, but keep in mind that small storage devices can be easily lost or stolen. You will need to ensure the security of your data on any portable storage device.

File cabinets or their contents that may be in danger should be moved to the location providing the most security from the threat at hand. Computers and other electronics should be moved as high as possible to avoid flood waters. Assign employees to specific tasks to make sure all critical documents are protected. Don’t expect employees to know what needs to be done; write it up in your Emergency Action Plan.

To help mitigate flood damage, install check valves in sewer traps to prevent flood water from backing up into drains in the building. Close valves to fuel oil and propane tanks to help prevent leaks, and make sure tanks are securely anchored. Where possible and practical, construct barriers to stop floodwater from entering the building.

## New Maine Law Enforcement Accreditation Program

The Maine Chiefs of Police Association reached out to the Maine Municipal Association Property & Casualty Pool staff in 2017 to provide details of the new Maine Law Enforcement Accreditation Program (MLEAP) they were developing. The staff was excited to see this firsthand and to see the tremendous amount of time, effort and consideration put into this endeavor. This program allows any municipal agency, large or small, to become accredited. The standards are designed to reflect the best professional practices in each area of law enforcement, administration, operations and training. Obtaining accreditation is proof that a law enforcement agency is meeting and maintaining

the highest standards of professional excellence and accountability. Accreditation of a law enforcement agency benefits the municipality as well as the MMA Property & Casualty Pool. It ensures that agency practices are consistent with progressive professional standards. The Pool is pleased to offer a discount to municipal members of the Property & Casualty Pool once an agency becomes accredited. In order to obtain this discount, proof of accreditation must be submitted with the Pool renewal application. The maximum credit is 15% and will be applied to the Law Enforcement Liability contribution. This discount will be available starting July 1, 2018. 🚒

**MMA Risk Management Services welcomes the Town of Athens as the newest member to the Property & Casualty Pool.**

We thank our dedicated members for their partnership.

## Treasurer-Tax Collector Certification Benefits Us All

The Maine Municipal Association Property & Casualty Pool is pleased to collaborate with the Maine Municipal Tax Collectors and Treasurers Association to reward members who have allowed their Treasurer and/or Tax Collector to earn this certification.

Certification of Tax Collectors and/or Treasurers benefits the municipality as well as the MMA Property & Casualty Pool. It ensures that the employees in these very important positions have mandatory training on municipal law for tax collectors, tax liens and cash management procedures along with additional training on governmental accounting, cash

handling, excise tax and motor vehicle procedures. Together we reviewed the certification program offered by the MMTCTA and the Pool is pleased to offer a discount to municipal members of the Property & Casualty Pool.

In order to obtain this discount, a copy of the certificate must be forwarded directly to the Pool at each renewal. The maximum credit is 10% and will be applied to the Crime contribution. This discount will be a direct cost savings to the municipality starting July 1, 2018. For further information or questions please email [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org)



## Preflight Coverage Check for your Unmanned Aircraft



**Did you know that drones are considered aircraft and are potentially subject to Federal Aviation Administration regulations?**

Public aircraft operations are limited by federal statute to certain government operations within U.S. airspace. Title 49 U.S.C. § 40102(a) (41) provides the definition of "Public Aircraft" and § 40125 provides the qualifications for public aircraft status and drones can meet the definition.

As such, it is of critical importance

to note that most standard insurance policies including the MMA Property & Casualty Pool, do not automatically include "Aircraft" as covered property and further exclude "bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft.

Therefore, before you buy and attempt to fly be sure to verify:

Compliance with Federal Aviation Administration laws.

Insurability of the aircraft for property damage to the drone itself.

Confirm availability of liability insurance thru the MMA Property & Casualty Pool or your local insurance provider. ■

## FREQUENTLY ASKED QUESTIONS:

### **Question: What is the Pothole Law?**

**Answer:** Within the local highway law there is what is commonly referred to as the "Pothole Law". When someone claims their vehicle was damaged because of a pothole or similar road defect, the issue is governed by the "Pothole Law", see 23 MRSA §3651-3655. The Pothole Law requires municipalities to keep town ways (and State roads under municipal control) in good repair.

### **Question: What is my Town's Liability?**

**Answer:** The town's liability arises from the physical condition of the road itself, not the town's negligent use of the vehicles or equipment. Three facts must be established before a municipality will be held liable under the Pothole Law:

- First, the defect which caused the damage must be in a town way.
- Second, the damage must be the result of a highway defect.
- Third, the town must have had at least 24 hours prior actual notice of the defect in question and failed to correct it.

### **Recommendations:**

- Have a written plan documenting notice and the date and time of road repair.
- Record and log for at least 6 months the time and method of repair.
- The statute does not specify what type of repair must be made. The repair will be judged on a reasonableness standard.

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email Marcus Ballou at [mballou@memun.org](mailto:mballou@memun.org)