

Maine Town & City

The magazine of the Maine Municipal Association

June 2021

Calculating the ARPA

Strategy, patience
are encouraged

ALSO IN THIS ISSUE
Revaluations in 'wild' market
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Time after Time



MMA President James Gardner, Jr. and his board bid a fond farewell to retiring Executive Director Stephen Gove.

Municipality-wide revaluations are never easy. Try doing it during one of the hottest real estate markets Maine has ever seen. Page 15

Life and commerce along the US-Canada border have been disrupted big time by COVID-19. Page 19

Behind the ARPA

The American Rescue Plan Act offers Maine municipalities much promise, but there are things to learn and plans to make before jumping in. Page 7

The Census Beneath

Many people see the U.S. Census as a trigger for political change. While that's true, Census insiders say rich data lies just under the surface. Page 11

Town Meeting Roundups

As the season draws to a close, Maine Town & City once again offers the most comprehensive summary that you will find. Page 23

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A photograph of a person in a field at sunset. The person is wearing a dark jacket and a hat, and is holding a wooden staff. The background is a field of crops under a warm, golden sky.

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From the President and MMA board: Best wishes, Steve Gove

MMA's soon-to- retire Executive Director dedicated his 41-year career to municipal government and MMA – with dedication and a warm smile.

By James Gardner, Jr., President, Maine Municipal Association



James Gardner, Jr.



Steve Gove

As I pondered what I would like my message in June as MMA President to entail, I realized that I would be remiss if I let the subject be about anything other than our outgoing, retiring Executive Director, Steve Gove.

With that message in mind, I felt compelled to get the thoughts of those who serve on our Executive Committee, which follow:

Christine Landes, MMA Immediate Past President and Manager, Town of New Gloucester

Some people say to choose one job you love and you will never have to work a day in your life. With decades of commitment to the Maine Municipal Association, it is obvious that Steve found the job he loved. This love in turn emanated out to the team he could refer to as his second family, the Executive Committee he worked with, other prominent association directors around the country, our Augusta and Washington, D.C. delegation, and most importantly to all of the municipalities that looked to him for guidance and direction from the association. Who could have asked for anything more?

Steve: Because you have given so much to all of us who have had the fortunate opportunity to know you, I offer my congratulations and thanks for a job not well done, but AMAZINGLY well done! Your passion, dedication, attention and commitment have always been directed at making things better, smoother, leaner and more efficient in every path the association traveled. Not one person could have asked for anything else.

Congratulations, and thank you again.

James A. Bennett, MMA Vice President and Manager, City of Biddeford

I had the opportunity to visit and meet with many state municipal management associations a few years ago. One of the things I learned during those visits was that MMA was respected as one of the premier state municipal leagues in the country. This is not by accident. Steve's decades of leadership are a big part of the success. It is with the greatest admiration and appreciation that I wish him well. Every community in Maine is better because of the influence of MMA and, most importantly, because of Steve's influence on MMA's excellence.

Elaine Aloes, MMA Executive Committee member and Chair of Selectboard, Town of Solon

It has been a pleasure to know Steve all these years. He is always a gentleman with a smile and a kind word for everyone. MMA could not have asked for a better person to be its leader. He leaves big shoes to fill and will be greatly missed.

Jon Beekman, MMA Executive Committee and Selectperson, Town of Fayette

In this day and age, it is unusual to find a person who contributes his professional career to primarily one employer. For over 40 years, Steve Gove has given MMA an incredibly positive reputation with his honesty, sincerity, leadership and intelligence. He is a consummate gentleman, with a professional presence that makes everyone comfortable and at ease. It has been an incredible 24 months for me personally on the Executive Committee, just getting to know Steve and the team he has so carefully and diligently built. Steve, you will be missed, but you have earned the right to do whatever you want whenever you want to. Enjoy my friend.

EXECUTIVE DIRECTORS AT MMA

Stephen Gove will retire on June 30, capping a 41-year career at the Maine Municipal Association. As this edition of *Maine Town & City* was going to the printer, our President and the MMA Executive Committee announced that Steve will be succeeded by **Catherine “Cathy” Conlow**, who has served as City Manager in Bangor since 2010. Cathy will start at MMA in August.

To read more about Cathy and her appointment at MMA, please go to our website: www.memun.org. The Bangor Daily News also reported on her career change. You can read that article by searching the internet with the keywords: “Bangor Daily, Cathy Conlow and Maine Municipal.”

William Bridgeo, MMA Executive Committee and Manager, City of Augusta

I’ve been fortunate to know Steve for almost four decades. He’s the consummate professional. Highly principled, imbued with old-fashioned Maine work ethic, loved and respected by his MMA co-workers and committed to the well-being of all of Maine communities. He has set the gold standard in his role as Executive Director and I will miss him very much.

Robert Butler, MMA Executive Committee and Selectperson, Town of Waldoboro

Steve: I’ve been on MMA’s Executive Committee for only five months, but it has not taken me long to appreciate that you’ve guided with foresight and professionalism, an organization that has benefited tremendously from your direction and leadership. You have a lot to be proud of. I wish you well in your retirement, but I suspect it’ll be less “retirement” and more “transition” to roles in which you continue to contribute, always keeping the bar high and your engagement intense.

Melissa Doane, MMA Executive Committee and Manager, Town of Bradley

Steve’s commitment to and knowledge of the Maine Municipal Association is astounding. His dedication to local Maine government is a true inspiration. While my time on the board and with Steve has been short, it has been without a doubt a privilege.

Terry Helms, MMA Executive Committee and Selectperson, Town of Grand Isle

Steve is always ready to lend a helping hand.

Diane Terry Hines, MMA Executive Committee and Manager, Town of Ludlow and Reed Plantation

As a member of the Legislative Policy Committee for two years a couple of years ago, I always wondered who the pleasant fellow was sitting off to the side, but up front, at our meetings. I was a new member and just learning the ropes. Of course, this pleasant fellow was Steve Gove, our faithful leader at MMA.

These past few months, after joining the Executive Committee, we have mostly Zoomed our meetings and Steve again has been that pleasant leader in our meetings. I got to meet Steve last fall in person at the modified MMA Convention. I have found his leadership to be very welcoming and steady as the top representative of MMA.

I am sure he will be greatly missed and feel confident that the Executive Committee has found someone to lead the organization that will emulate the leadership that they follow.

Ivan McPike, MMA Executive Committee and Councilor, Town of Hampden

As a short-term member, and having gone through the COVID-19 pandemic as a municipal official, there were many times I was unaware of how to proceed. It was always great to have Steve answer my calls when I was confused. Thanks, Steve, for all your help.

As you have read my colleagues’ quotes, it gives me great pleasure in closing my article with my thoughts of Steve Gove.

In 2016, I started my journey on the Maine Municipal Association Executive Committee with the required orientation from Executive Director Steve Gove. On my ride north to Easton, I was pleasantly reminded of a gentleman I just completed my orientation with who was truly dedicated to the MMA. With five years now on the Executive Committee, I witnessed the dedication, professionalism, compassion, leadership and just outright great human being in the form of Steve Gove.

Enjoy retirement, my friend! ■



Overview and resources for American Rescue Plan Act

ARPA includes \$65 billion for cities and towns nationally. While details are emerging, here is a summary and look at one key provision.

As Maine municipal leaders know well by now, the Congress and President Biden enacted the American Rescue Plan Act (ARPA), also called the COVID-19 stimulus plan, last March. The act includes many items, but most pertinent to municipalities was funding for cities, towns and plantations if they meet certain requirements.

Funding for local and state governments (also included) was one of the most contested components of the formally enacted ARPA. It had not been included in previous COVID stimulus programs. The Maine Municipal Association and National League of Cities advocated for the inclusion of these funds, seeing the clear impact that COVID-19 had in 2020 and 2021 on various revenue streams and on local and state government services that were needed to respond.

Here's a breakdown of the \$350 billion in national Coronavirus State and Local Fiscal Recovery funding under the act:

- \$195.3 billion for states and the District of Columbia
- \$45.6 billion for “metropolitan cities.” In Maine, there are six: Portland, Lewiston, Bangor, South Portland, Biddeford and Auburn.
- \$19.5 billion for so-called “non-entitlement” units of local government. In Maine, that includes all cities, towns and plantations not listed above.
- \$65.1 billion for counties
- \$20 billion for tribal governments
- \$4.5 billion for U.S. territories

Before proceeding, it's important to note a few things. First, these funds are not simply “allocated” in the way that one might consider state revenue-sharing and public education funds to

be. Rather, cities and towns that wish to receive money through the ARPA must request funding and meet certain requirements.

The list of requirements is too long and, in some ways, too technical to comprehensively cover in this publication. However, **MMA has developed a dedicated website area to examine all of this.** It's easy to find. Simply go to our home page (www.memun.org) and click on the American Rescue Plan Act logo on the upper left of your computer screen. MMA is updating this website area frequently, as details about the ARPA continue to emerge.

The U.S. Treasury Department has stated that “recipients have broad flexibility to decide how to meet the needs of their communities.” Experts from the National League of Cities have encouraged municipal leaders to think broadly, and innovatively, in seeking ways to use this funding back home. Here is a list of the categories of eligible uses for ARPA funds:

- Replacing lost public sector revenue
- Investing in water, sewer and broadband infrastructure
- Providing premium pay for essential workers
- Addressing negative effects of the COVID-19 public health emergency (such as economic harm to small businesses and individuals)
- Supporting public health expenditures (such as COVID-19 mitigation efforts)

Since it is so new, ARPA details and strategies continually surface. That's the tricky part. One of the best parts is the deadline to qualify for these funds is not imminent. The first 50% of ARPA funding was delivered to “metropoli-

tan” cities last month; the balance is to be delivered in May 2022. For most towns and cities in Maine, state government will receive the funding and it will be distributed from there.

What follows, from Neal Goldberg of MMA's State & Federal Relations staff, is a guide to how recipients can calculate the extent of revenue reduction, if any. That is necessary to determine what portion of ARPA funds can be assigned to replacing lost public-sector revenue.

Calculating revenue loss for American Rescue Plan Act reporting

The U.S. Department of Treasury's Interim Final Rule permits broad use of funds for the provision of government services to the extent of a municipality's revenue loss. Included in government services, but not limited to, are maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

In general, recipients will compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic.

This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID-19 public health emergency by using the most recent pre-pandemic fiscal year (FY 2019) as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID-19 public health emergency

Neal Goldberg (ngoldberg@memun.org), legislative analyst with Maine Municipal Association's State & Federal Relations Department, and **Eric Conrad** (econrad@memun.org), Director of Communication & Educational Services, collaborated on this article.

and then assumes growth at a constant rate in the subsequent years.

Although revenue may decline for reasons unrelated to the COVID-19 public health emergency, to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID-19 public health emergency, any diminution in actual revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID-19 public health emergency.

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a *growth adjustment* of either 4.1 percent per year or the recipi-

ent's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher.

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. To calculate the extent of the reduction in revenue at each of these dates, recipients should follow a four-step process which is demonstrated on the next page.

Please contact Neal Goldberg at ngoldberg@memun.org, or at (207)-623-8428, if you need further assistance calculating your municipality's revenue

loss due to the pandemic. It should be noted that the Interim Final Rule is still evolving. However the method of calculating revenue loss will likely remain unchanged.

What follows is a four-step process to compute revenue loss. Below each step

USEFUL DEFINITIONS

Base year: The most recent full fiscal year prior to the pandemic, likely ending in June of 2019 for many municipalities.

Counterfactual trend: The revenue expected had the pandemic never occurred.

Growth Adjustment: Either the standardized 4.1% expected national growth rate, or the average of the annual revenue growth over the three full fiscal years prior to the pandemic, whichever is higher.

Point in time: One of four dates in which to calculate revenue loss.

n: The number of months elapsed since the end of the base year.



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is the corresponding example of the generic municipality, *Town Alpha*.

Step 1: Identify revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the base year revenue.

Consider Town Alpha, its most recent full fiscal year prior to the pandemic was from July 1, 2018 to June 30, 2019. Town Alpha had a base year revenue of \$100.

Step 2: Estimate counterfactual revenue, which is equal to base year revenue * [(1+growth adjustment)^(n/12)], where n is the number of months elapsed since the end of the base year to the calculation date, and growth adjustment is the greater of 4.1 percent and the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency.

Town Alpha finds that 4.1% is greater than its average annual revenue growth in the three full fiscal years prior to the pandemic (FY 16, FY17, FY 18). This becomes the growth adjustment.

The number of months, n, is determined by counting from the end of the base year (June 30) to the end of the four points in time. In this illustration, n=18 on December 31, 2020; n=30 on December 31, 2021 and so forth.

*To determine the counterfactual revenue for the first point in time, December 31, 2020: $\$100 * [(1 + 0.041)^{(18/12)}] = \106.2*

*To determine the counterfactual revenue for the second point in time, December 31, 2021: $\$100 * [(1 + 0.041)^{(30/12)}] = \110.6*

Step 3: Identify actual revenue, which equals revenues collected over the past

twelve months as of the calculation date.

In the twelve months prior to December 31, 2020, Town Alpha had actual revenue of \$96.

In the twelve months prior to December 31, 2021, Town Alpha had actual revenue of \$105.

Step 4: The extent of the reduction in revenue is equal to counterfactual revenue less actual revenue. If actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date.

Revenue loss for the first period in time, December 31, 2020 is:

$\$106.2 - \$96 = \$10.2$

Revenue loss for the second period in time, December 31, 2021 is:

$\$110.6 - \$105 = \$5.6$ ■

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BEST WEBSITE RESOURCES

We recommend four key websites for Maine municipal officials to reference in learning more about the ARPA, how to apply and what qualifies.

U.S. Treasury Department. The program is being administered by the Treasury Department. <https://home.treasury.gov>. This website includes a portal for Maine's six metropolitan cities to apply. It includes a wealth of information for so-called "non-entitlement" municipalities as well.

National League of Cities. The NLC, which for months advocated for city and town COVID-19 funding, provides regular updates and strategies on the ARPA. www.nlc.org/covid-19-pandemic-response

Maine Municipal Association. We are adding to the national and state sources of ARPA information on a regular basis. www.memun.org

MMA recently posted the recording of a webinar on the APRA at our online Video Training Library. www.memun.org/Member-Center/Video-Training-Library

International City/County Management Association. This global organization of municipal managers is also providing updates on Treasury Department information. www.icma.org

Elected Officials Workshops

This MMA course is a must for newly elected and veteran officials - councilors & selectpersons. Topics include Understanding Your Role in the Community as an Elected Official, Public Meetings, Freedom of Access and Freedom of Information, Liabilities and Immunities, Media Relations and Conflicts of Interest. This course meets state FOAA training requirements.

Managing Freedom of Access Requests

This course is presented by MMA and is designed to help municipal "Public Access Officers," municipal staff and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly. This course meets state FOAA training requirements and applies to the Maine Town, City and County Management Association Certification Program as 2.5 credits in the Elected Relations category.

How to Lead Effective Meetings/Zooming in to Facilitate Effective Zoom Meetings

These workshops are designed to help everyone, from municipal staff leaders to elected officials, prepare for, run and conclude effective meetings. They do not provide legal advice and are not meant to help attendees learn about the legal requirements of running public meetings. They will advise attendees on the best ways to deal with complicated subjects, troublesome interrupters – and more.

The ABCs of Assessing – for Non Assessors



This new, 90-minute webinar will cover the top 10 things elected officials should know about municipal property tax assessment, including the duties of the assessor, who is responsible for carrying out those duties and what is required by state statute.

Developing Solutions on Hotly Contested Issues



This new course will help elected officials deal effectively with controversial issues – both within their ranks and in their communities. The instructor will introduce tools to use when dealing with high conflict situations, including listening for understanding and helping people move from positions to interests and joint solutions.

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2020 Census data emerges, with valuable facts for municipalities

It takes time, but Census Bureau staffers say planners, grant writers and local emergency managers are among those who should consider panning for Census gold.

By Eric Conrad, Editor

We all know two things about the U.S. Census: It is conducted once every 10 years (COVID-disrupted 2020 was one of them), and it plays a crucial role in apportionment for U.S. Congress and state Legislatures across the United States.

Already in 2021, that has happened at the federal level. Texas' congressional delegation will go from having 36 to 38 seats. Montana will add a second seat, just as Maine has, for the first time since 1993. North Carolina will go from 13 to 14.

So-called "rust belt" states of Illinois and Pennsylvania will lose a Congressional seat for the fifth straight Census. Imagine that level of consistent loss, given the Census comes once in 10 years. New York State also loses a seat and California does too, for the first time – ever.

U.S. Census Bureau officials who worked with the Maine Municipal Association staff and municipal and state leaders in Maine starting in 2019, however, stress that there is much more data both available and forthcoming that local leaders – even in rural states such as Maine – can use.

This may be especially true in 2021, as municipal, county and state officials try to make the best use of American Rescue Program Act funds, the details of which are just becoming known now.

"We have so much data," said Nicole McKenzie, senior partnership specialist with the Census Bureau's regional center in New York. "The hardest part is people don't know about it, don't know how to access it."

One significant section of compiled Census data is known as the American Community Survey. McKenzie said data in this survey can be invaluable for municipal planners and grant writers. The trick is to delve beneath superficially available data and use tools available on the Census Bureau's site to sort and filter the information.

Here's just one factoid, which is a bit surprising: The American Community Survey shows that 84.9% of all Maine residents have some kind of internet service in their homes. That sounds high, right? Yet, it is slightly – but only slightly – lower than the U.S. average of 86% of internet availability in the home.

The American Community Survey also is important to emergency managers so they have local and regional estimates of the most vulnerable populations, such as senior citizens, young children and people with disabilities.

The U.S. Department of Energy reported that some cities and agencies have used American Community Survey data in creative ways.

Appalachian Voices, a rural environmental organization, used the ACS' "LEAD Tool" (Low-Income Energy Affordability Data) to calculate the impact of a North Carolina utility company's proposed rate increase on lower-income households.

The City of New Haven, Conn. used the tool's information on energy costs as part of the city's climate action plan.

And in Kentucky, the Office of Energy Policy used the tool to identify regions of that state – often poorer, rural regions – that are most profoundly affected by high energy costs. The state then allocated money to non-profits working in four regions of the state to help offset those energy costs.

"Stakeholders, including state and local governments, utility providers, nonprofits and others often lack accessible data to help inform their decision making or provide a complete picture of their service areas," according to an article on the DOE website written in February 2021. "The LEAD tool fills this data void."

FOR CENSUS HELP

The Census Bureau operates a Census Academy that offers video training recordings, workshops for data users, data tools and data "gems." Its website is: <https://Census.gov/academy.html>

The American Community Survey, highlighted in this article, has its own website: <https://census.gov/programs-survey/acs>.

Nicole McKenzie, of the Census Bureau's Northeast Regional Center based in New York, can be reached via email at: Nicole.e.mckenzie@2020census.gov.

The **State of Maine's Economist** has a website on this topic, which includes state contact information: maine.gov/economist/state/census.html.

Eric Conrad, the editor of *Maine Town & City* and Director of Communication and Educational Services at MMA, can be reached at econrad@memun.org.

The Census Bureau conducts more than 130 surveys that are much less known than the overall count's impact on Congress, but can be more valuable at the municipal level. Here are two more examples:

- It does **demographic surveys** that measure income, poverty, education, the availability of health insurance, quality of housing, crime, computer use and more.
- Census Bureau **economic surveys**

are done monthly, quarterly and annually. They spotlight selected parts of the U.S. economy.

Back to state and national data, here are some more trends to consider.

Maine's population reached 1.362 million in 2020, a 2.6% increase from 2020. However, that increase was much less than Maine saw from 2000-2010 (5.5%) and it trailed the nation's 2010-2020 growth rate of 7.4%

by a wide margin.

Nationally, the Census found there are 331 million people living in the U.S., an increase of just 1.9 million from 2019-2020 alone – and 46% more humans living here than in 1980.

The number of what the Census Bureau refers to as “non-Hispanic white people” actually declined by 224,500 people nationally from 2017-2020, while the number of Hispanic residents, Asian-American and black residents all grew. Just over 40% of the population growth during that same four-year period was due to immigration.

Yet, there are signs that the American population growth is due to slow down:

- First, the American death rate in 2020 – no doubt, due to COVID-19 – was the highest since 1943, when the U.S. was in the middle of World War II, which claimed 405,399 American lives.
- The United States is getting older. In 1980, people 65 and older accounted for 11% of the U.S.

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population. In 2020, that figure stood at 16%.

- And, more Americans live alone today, due to longer life span, better social services and improved access to local health care. On top of that, the number of two-adult households with no children is the fastest growing “household” category in the U.S., followed closely by households with one person in them.
- The number of married couples living together with children has gradually but consistently declined since 1980. Perhaps counterintuitively, the number of “single mother” run households also has fallen since 2010.

Because so much is at stake, the U.S. Census results rarely go undisputed. The 2020 Census – with details

still emerging – is no different. In fact, as its numbers were collected while the COVID-19 public health emergency upended the U.S. and the world, there may be more skeptics than before.

In a report from April 2021, The Washington Post quoted some officials who argued that the counts in states like Arizona, Florida and Texas were lower than anticipated, suggesting to them that Hispanics who live here – both documented and undocumented residents – were reticent to participate due to the heated 2020 Presidential election.

Even with COVID-19 happening, Census Bureau workers in Maine last year – there were 50 of them – did their best to get accurate counts, something that groups like MMA and the National League of Cities empha-

size is important in terms of federal funding, among other things.

McKenzie, of the Census Bureau’s New York center, said Census workers are trained to be patient and gently persistent.

“Sometimes, if you just listen to people, and they knew they were heard, (skepticism) works itself out,” she said.

Look for the Census to be back in the news this fall, when its “redistricting count” comes out. That is information that affects Congressional, state legislative and even some municipal election districts.

One final note: Census Bureau officials are available to help municipal staff and leaders who want to learn more about the available tools. Municipalities can even request “data dissemination specialist-led training by emailing a request to: census.askdata@census.gov. ■

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'Wild' housing market triggers local property revaluations

Assessors say the Maine housing market may be hotter than ever. Sounds good if you are a seller, but required municipality-wide revals are never easy.

By Janine Pineo

A not-so-odd thing happened during the COVID-19 pandemic: People who could do so fled their primary residences in hard-hit areas to hunker down where the virus wasn't as pervasive.

As 2020 wore on, something else began to happen that shows no signs of abating here in the middle of 2021: Across the country, the residential real estate market is booming. Cash is king and properties are being snatched up after bidding wars regularly raise the final price tag to above the asking price. Story after story in the local and national media tell of strong sales everywhere, across urban and rural locales, signaling a sea change in every corner of the country.

Maine is no exception.

In some areas of the state, home sales are at breathtaking rates — in speed of closing, in final prices and in sheer volume. In southern Maine, this wave follows an uptick in sales that started several years ago, while other areas have seen a sudden rise in sales that is unparalleled in recent memory.

All of this has a ripple effect in municipalities where homes are sold above market price. The bottom line is that significant shifts in property sales affect local valuations, possibly triggering the need for a full revaluation sooner rather than later when the current assessment ratio falls below 70 percent, which is part of state law on assessing.

Paul McKenney, a certified Maine assessor with Municipal Resources Inc., a New Hampshire-based company



providing municipal services, said the market in southern New Hampshire is "absolutely crazy" and Kittery is getting the overflow.

"It's just all over the place," he said. "People are just throwing numbers out there."

McKenney is the appointed assessor for Kittery and the contract assessor for Berwick and Ogunquit.

"Kittery is unique in a way," he said, because of its border location. The farther away you get from the border, the change in sales is not as prevalent, he added, even within Kittery itself.

For Maine, the exodus seems to be coming from Boston and New York. "People are moving up here... out of those congested areas," he said. Also of note, McKenney said, is the trend that sales are cash buys.

Not only are sales increasingly based on cash, but prospective buyers are waiving inspections that generally occur before a sale is completed, said Stephen Whalen, project manager at

Vision Government Solutions Inc., which serves 350 municipalities across New England, offering appraisal services and providing software to assessing departments.

The entire New England region is wild, Whalen said. "Residentials are going crazy," he said. "Even Central Maine is seeing an uptick. Same in New Hampshire, where the border towns are going crazy. From Vision's perspective, it seems it's a lot more scattered than it used to be."

Another contributing factor is low interest rates, which mean people can buy more house for the money, he said. And the inventory for certain housing stock is down, driving up the price.

"Each style of house won't go up at the same rate," Whalen said. "Ranches lately have been pretty hot."

"Assessors are facing a rising market at a pace that's really impressive," said Bill Van Tuinen, contracted assessors' agent for several municipalities, including Skowhegan, China, Bethel

Janine Pineo is a freelance writer from Hudson and regular contributor to *Maine Town & City*, jpineo@gmail.com.

and Madison. “We’re seeing prices going up and we’re seeing sales going up.”

The challenge for a municipal assessor, Van Tuinen said, is what to do when sales significantly shift the assessment ratio. “If they ignore,” he said, “they leave the town open to appeals.”

Commercial, industrial and residential properties all need to be equal “to keep it fairly assessed,” Van Tuinen explained.

Moving target

Looking at 15 years of state valuation numbers, a trend is obvious between the 2018 report and the 2021 report. The state valuation was \$169.8 billion in 2018, \$176.2 billion in 2019, \$185.9 billion in 2020 and \$195.1 billion in 2021, showing large and consistent rises over the most recent span of years during the 15-year period.

According to the state website, “State valuation lags actual market values and municipal assessments by

nearly two years by the time it is final and certified.”

Therefore, the 2021 state valuation represents the full equalized value of all taxable property as of April 1, 2019, the uniform assessment date for property with 2019 tax status in Maine.

That means actual 2020 and 2021 valuations won’t be known until next year and 2023, respectively. On a municipal level, however, the valuation and the assessment ratio are more current, for much rests on accurately assessed properties, everything from municipal budgets and education commitments to state revenue sharing and county obligations. It also determines the amount of exemptions, including the homestead and veteran exemptions.

Portland is a mirror and likely predictor of the state’s numbers.

Christopher Huff, the city’s tax assessor, said Portland has seen double-digit increases in property sales since 2017. It triggered the decision in 2018 to begin a revaluation in 2019, something the city hadn’t done since 2006 on its 24,000-plus parcels. According to the municipality’s 25-page Citizen’s Guide to Revaluation, the assessed values in Portland are averaging 66 percent of market value, falling below the 70 percent minimum standard required by the state.

The pandemic set back the revaluation’s completion by a full year, which means pandemic-fueled markets have played into the project. Most recently

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there was a month-long delay in sending out final notices on new assessments because of changes in certain areas of commercial real estate. Huff said that in order for the city to respond more easily to short-term changes — as demonstrated by the pandemic itself — new models needed to be built and tested in the assessing software.

The new target date of June 28 probably generated more negativity from the public than anything else so far in the revaluation project, Huff said. That is another tightrope municipalities must traverse whenever property taxes, valuations and assessments take center stage: How to handle the politics around property tax bills.

Deliberate openness

For Portland, it's been an all-out push to keep people informed. "We've been very open and transparent," Huff said. "We used a lot of different methods."

The city website is the repository of all things revaluation. A specific URL was obtained (revalueportland.me) that takes visitors straight to the revaluation project page. A dedicated help line was set up to answer questions about the revaluation.

In 2019, a general information brochure was sent to every parcel address, Huff said. That was followed by another brochure in 2020, "right before COVID."

A number of meetings were held with neighborhood groups, a citizen's guide was written, the city communications director sent out news flashes and op-eds were published in the Portland Press Herald. Also produced was a 30-second digital ad, a radio ad and a two-minute video explaining the project.

Huff said at the end of 2019 and early in 2020, the city even set up tables at supermarkets during weekends to talk with residents and answer questions. He was skeptical of that approach, he said, but spoke face to face with 100 people.

"We did a lot of outreach," Huff said, adding that the city manager was determined to get information out far and wide.

"Even with all of this PR," Huff said, "you're still going to have people come out and say, 'This is news to me.'"

South Portland has been in a simi-

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lar boat as Portland, with its revaluation under way for two years.

“In recent years, significant changes have occurred in the real estate market in South Portland (and the region),” according to the notice on the city’s revaluation web page. “In fact, this past January, Redfin named South Portland one of the 10 most competitive cities in the entire United States to buy a home, finding that 55.6 percent of homes sold above list price.” Redfin is a national real estate brokerage company.

City Assessor Jim Thomas said that while the city has seen somewhat more volume in sales over the past couple of years, what’s more astonishing are the higher prices.

South Portland also used its website to go into detail about the revaluation and what it means to property owners. Letters were sent to every taxpayer with an invitation to call with questions, he said. Public workshops with the City Council were held. “What we’ve been doing is making sure local reporters... understand what we’re doing,” Thomas said.

Poised to begin

The Town of Mount Desert will start its revaluation on July 1, according to Kyle Avila, the town’s single assessor. It won’t be a classic revaluation but a statistical update, with inspections of all property that sold in the last three years. Mount Desert’s last revaluation was in 2007.

For 2020, the assessment was at 85 percent of the sale price, Avila said, about a 10 percent drop from the previous year.

“We’ve seen a huge uptick in sales,” he said. “Prices are definitely up.”

Typically, Avila said, the town averages a total of 40 to 50 sales annually. In the last quarter of 2020 alone, sales clocked in at the mid-60s range for that three-month period.

“Everything got snapped up,” he said. “There’s no inventory.” He noted that he doesn’t plan to react to the market this year given the revaluation.

“Assessments are a snapshot in time,” Avila said.

Portland’s Huff echoed Avila, saying that while the city had to declare its tax bill on April 1, the market has

changed daily since then. “The market is totally different on April 2. We’re still seeing double-digit increases. We may be outside of 10 percent in one year.”

He continued, “It’s really just crazy times. For now, there’s no signs of a slowdown. I’d be pleased to see a slowdown.” ■

NATIONAL OUTLOOK

Redfin Chief Executive Officer Glenn Kelman (@glennkelman)

Tweeted about the status of the U.S. real estate market on May 25. Here is some of what he wrote:

- It has been hard to convey, through anecdotes or data, how bizarre the U.S. housing market has become. For example, a Bethesda, Md. homebuyer working with @Redfin included in her written offer a pledge to name her first-born child after the seller. She lost.
- There are now more Realtors than listings.
- Inventory is down 37% year over year to a record low. The typical home sells in 17 days, a record low. Home prices are up a record amount, 24% year over year, to a record high. And still homes sell on average for 1.7% higher than the asking price, another record.
- Lumber prices are up 300%.
- In Redfin’s annual survey of nearly 2,000 homebuyers, 63% reported having bid on a home they hadn’t seen in person.
- Lenders are calling employers to confirm that the homebuyer will have permission to work remotely when the pandemic ends. Rates are lower for loans on primary residences, and lenders also want to make sure the borrower actually plans to work after getting the loan.
- 90% of people earning \$100,000+ per year expect to be able to work virtually, compared to 10% of those earning \$40,000 or less per year. The folks who need low-cost housing the most have the least flexibility to move.

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U.S.-Canada border closure will have lasting impact

Weddings, funerals, small businesses and summer festivals are all affected by COVID-19 restrictions that both federal governments have maintained.

By Stephanie Bouchard

In October of 2020, a woman raised in Calais married a man from Canada. This is not an unusual thing for people living in the communities along the Maine border with Canada. Families on both sides of the border have been marrying each other since long before the border was officially determined.

But the normally porous border has been locked down to non-essential travel for over a year, turning the everyday lives of border residents upside down.

For Lindsay Clowes – born in Canada but raised in Calais, where most of her family resides – and her Canadian husband, Alex Leckie, that meant a complete overhaul of their wedding plans. In order to have their friends and family from both sides of the border present at their wedding, they had to get creative.

Adhering to pandemic restrictions on gatherings and getting the go-ahead from town officials on both sides of the border, the couple was able to arrange to be married on a pier jutting into the St. Croix River, which separates St. Stephen, New Brunswick and Calais.

Their friends and family from Calais stood on the shore across the river



where they could see the ceremony from afar. The bride's grandparents watched from a boat positioned in the river. The wedding was livestreamed on Facebook so that all the guests on both sides of the river, and those who couldn't attend in person, could hear what was happening on the Canadian pier.

While the bride told journalists reporting on the unusual wedding that she was thrilled with how things turned out, Mike Ellis, Calais' city manager, said the wedding was just another example of the burdens placed on residents on both sides of the bor-

der by the ongoing border closure.

"It just breaks your heart that they can't take part in certain, you know, landmarks, in people's lives and things like that," he said.

Particularly hard for him to hear are the heartbreaking stories of border residents not being able to be with family across the border who are ill or dying. In such dire circumstances, border residents can get permission to cross, but sometimes permission comes too late.

Longest international land border closed

The border with Canada – at more than 5,500 miles, the longest international land border in the world – was closed to nonessential travel in March 2020. Last fall, citing the severe economic and social impacts border communities were enduring, both U. S. Sens. Susan Collins and

Angus King of Maine asked the Trump administration to re-evaluate the ongoing border closure, but the closure has been renewed on nearly a monthly basis. The latest extension of the closure is until June 21.

The Canadian Press, a national news agency in Canada, reported on May 27 that the White House responded to a rumor that the border would open on June 22 by saying that no decision by the Biden administration has been made about it.

According to a mid-May news report by the Canadian Press, Prime Minister Justin Trudeau has suggested

Stephanie Bouchard is a freelance writer from Ellsworth and regular contributor to *Maine Town & City*, stephanie@stephaniebouchard.net.

that 75% of Canadians will need to be vaccinated before travel restrictions are lifted in Canada. By the end of May, the country's Covid-19 vaccination tracker reported that about 54% of the eligible population had received at least one dose of vaccine.

Towns in Maine along the Canadian border have heard nothing about a possible reopening, say officials in Jackman, Calais and Van Buren. But, they have heard from residents about how frustrated they are by the ongoing closure.

"There is a very high level of frustration, whether it's business owners,

family, or just the general public," said Ellis, in Calais. "It's a part of our life. We shop over there. We visit relatives over there. There's a lot of commerce that happens between the two cities. I get a lot of questions. I get a lot of comments. There's starting to be an element of anxiety to the point where (people are asking) 'Why is this continuing to go on?' They think there's some kind of underlying issue."

Normal life disrupted

Residents in border communities feel the strain of not being able to go about their daily lives the way they

always have – crossing to and from Canada for health-care appointments, shopping, work and visiting family and friends.

Paul Nadeau, a town councilor in Van Buren, and his wife, haven't been able to visit his wife's three adult children and their young grandchildren in Canada since the closure began.

"The two younger ones (are) involved in hockey and sports in school," he said, "and we haven't been able to participate or go see them play because of the fact that we can't cross the border." That's been "kind of a hardship," he said.

For some residents of Jackman, they've had to find new health-care providers, said Tamara Cowen, who is secretary of the local chamber of commerce and co-owner of Cozy Cove Cabins in Jackman.

"I know people who have depended on the dentist up there (in St. George, Canada). I know one person who goes there for acupuncture. You can't get that right here, so they've lost that," she said.

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The loss of French-speaking health-care providers has been particularly difficult for the older residents in town who feel more comfortable working with doctors and nurses who speak French, said Scott Smith, chair of the board of selectman in Jackman.

“Those people were always traveling north, and they of course got closed off and had to go find services on this side, which, because a lot of the population is older, it’s not as easy to change and they’re not as (accepting of) that type of change.”

They also have to drive much farther to access the services that they were getting in Canada, he noted. On the U.S. side, it’s 70 miles to a fairly large city with health-care providers – Skowhegan – and almost 90 miles to Waterville, 120 miles to Bangor and 160 to Portland. By comparison, it’s only 45 miles from Jackman to Saint-Georges, Canada, which is a major service center for health care and more.

While Maine’s Office of the State Economist doesn’t have specific data about the economic impacts of the border closure on particular regions of the state, towns along the border have been affected economically by the lengthy border closure, although some more than others.

Jackman, for instance, has been doing well, said Cowen and Scott, because they get more visitors and

seasonal residents from the south than they do from Canada. What they’re missing are the Canadian tourists who stop in Jackman for gas, supplies or food on their way to Maine’s southern coast, Smith said.

Calais and Van Buren, however, have felt the pinch. Mike Ellis of Calais said that while businesses have been doing a good job of adapting, business owners have told him that they are down anywhere from 30% to 50% because of the border closure.

In Van Buren, retailers in particular have been hit hard, said Paul Nadeau. They’ve traditionally done a lot of business with Canadians who cross the border to shop, or who have seasonal homes in the area, who come to snowmobile or go four-wheeling. Now, many stores have closed or are barely hanging on.

One store in Van Buren that is on the verge of closing is Ouellette’s Trading Post. The store has been in the Ouellette family for more than 80 years, said Myles Ouellette, whose father has been running the store for the last 35 years.

“We’ve lost 30% of our business just because of the closure,” he said. “If my dad hadn’t been established for years, we would be closed.”

The situation has become so serious that the family is likely going to put the store up for sale this summer,

he said. “We don’t want to have to go that route,” he said, “but that’s kind of where we’re at.”

A return to normal

With pandemic restrictions being lifted in Maine and more people getting vaccinated here and in Canada, residents in border towns hope that an end to the border closure will happen soon. Still, no one is counting on



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it, even though the province of New Brunswick released a reopening plan on May 28 that would allow for a potential reopening by July 1.

For that reopening to happen,

75% of New Brunswick residents age 12 and older must have received at least one vaccine dose; 20% of New Brunswick residents age 65 and older must have received two doses; and hos-

pitalizations must remain low. If those criteria are met on the Canadian side, then Mainers with one vaccine dose may cross the border without isolating for 14 days. Those who haven't been vaccinated must isolate and then take a COVID test between days five and seven. Even if New Brunswick does allow Mainers in, whether they can actually cross into New Brunswick would still depend on the U.S. government's travel restrictions.

In an effort to bring some normalcy to its summer, Calais is reinventing the annual summer festival that they usually do in cooperation with their Canadian neighbor, said Ellis.

"We're going to try to keep that tradition going," he said. "We just think it's important for morale and for everybody to not forget about some of the wonderful things that we've always had as part of being from this area." ■



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Small towns across Maine push for better broadband access

COVID-19 caused more people to work at home, and thousands of school students to learn at home. Communities with sluggish internet service took notice.

By Susan Cover

With more people working from home, towns are considering their options to improve internet service for residents who struggle with weak, or in some cases nonexistent, internet connections.

At recent town meetings in Washington and Jefferson, residents approved requests from elected officials to move forward with plans to study current service availability in each town. In Searsport, town officials plan to call a special town meeting to ask residents whether they support borrowing money so the town can create its own high-speed fiber-optic service.

"The pandemic amplified the need," said Searsport Town Manager James Gillway. "It would have been nice to have started this five years ago instead of three years ago."

The need to help residents improve their internet service comes a year into the coronavirus pandemic that required many to work from home. And, depending on the school district and the severity of the virus in each county, students too are relying on home internet service. Add to that an increasing interest by out-of-staters who want to move to Maine and work remotely, and the strain on existing systems grows each day.

In early May, Gov. Janet Mills announced that \$150 million in federal American Rescue Plan Act funds would be dedicated to expanding broadband statewide. Maine received more than \$1 billion in discretionary federal funds that Mills hopes to use

for a variety of infrastructure and jobs-related projects.

Gillway is hopeful that Searsport will benefit from those funds as the town moves forward to create a system that not only helps residents and businesses when it is complete, but for years into the future. The town hired Machias-based consultant Axiom Technologies to help with the process. Gillway said the company often refers to designing systems that are "future proof, so 10 to 20 years down the road we have the tools in place so people can work from home or do schoolwork from home."

In the meantime, Searsport installed Wi-Fi hot spots in five locations in town to try to help the areas that struggle with service. Those areas include the downtown, wharf, parking lots and the community center. At the April town meeting, residents approved the budget item that continues to fund the hot spots, he said.

The Connect Maine Authority's Broadband Action Plan, released in January 2020, called for bringing high-speed internet to 95% of Maine by 2025. At the time the report was released, the authority estimated that about half of Maine's roadways, or 17,660 miles, were unserved or underserved by high-speed internet.

"Most rural communities do not have access to viable high-speed connectivity," the report states. "This limits their ability to develop a strong workforce, incubate innovation, create an environment to attract new residents and businesses, and support seniors and others to stay in their homes."

In recent years, Calais, Baileyville and Roque Bluffs have all pursued



James Gillway

efforts to improve internet service in their areas. In 2016, Calais and Baileyville conducted a feasibility study which led to the creation of the Downeast Broadband Utility. With work on the infrastructure complete, residents and businesses are now enjoying much faster and reliable service, said Calais City Manager Mike Ellis.

Over the next three to six months, service will be expanded to two additional sites in Calais, which will mean the high-speed service will be available to 98% of residents in Calais and Baileyville, he said. The nearby town of Alexander signed up as well.

"People are signing up every day," he said. "The service is good quality. It's dependable. We're all very happy."

In Roque Bluffs, the town spent two years planning and applying for grants before being awarded an \$893,170 grant from the U.S. Department of Agriculture to build a

Susan Cover is a freelance writer from Augusta and regular contributor to *Maine Town & City*, mainefreelancer@yahoo.com.



Blue Hill poll workers, from left, Joyce Newkirk, Kathy Soper and Becky Wilber (Photo by Liz Mockler)

fiber optic network. The USDA also awarded grants or loans to create or improve internet access to Arrowsic, Monhegan Plantation and the Biddford Internet Corporation.

Roque Bluffs Select Board member Karen Miller said the pandemic caused

significant delays and increased costs for their project, which is now a year behind its original schedule. After months of searching, the town found an engineering firm out of Wisconsin that had experience working with USDA grants. That company now says

service will likely be available in town in July 2022.

“When I look at the total picture, I say we’re upright, we’re breathing,” she said. “We’re trying to take it one step at a time. These small towns recognize how significant this is to their well-being.”

Washington votes in favor

Washington residents sent a clear signal in March that they want the town’s Broadband Committee to move forward in investigating options for high-speed service, said Select Board member Tom Johnston. He and others want to be sure the town lays the groundwork so when or if state and federal funds become available, they are ready.

“If you’re ready for the grants, it’s a whole lot easier to get them,” he said.

As it is now, most residents in town don’t meet minimum standards for speed set by the state. Residents can email and use the internet, but can’t use streaming services, he said.

“Most people in town barely meet the standard if at all,” he said.

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Once the town's committee completes its preliminary work, Washington will likely need to find a consultant to help with applications for planning grants and to put the town in a strong position to tap into whatever funds become available. While there's been talk about additional state and federal funds, Johnston said it's not entirely clear what will help small towns like Washington.

"Everything is in flux right now, which makes life difficult," he said.

Jefferson approves funds

Jefferson Broadband Committee Chairwoman Diana Sommers said more than half of the town does not have access to high-speed internet. At the March town meeting, residents overwhelmingly approved allowing the town to spend \$14,250 to map the areas not currently served, create a network design and pay for service provider negotiations.

For Sommers and others who live in town, it's a very real problem. She and her husband rely on cellular data for internet access after their attempts

to pay for satellite service proved too unreliable. Last year, her grandchildren struggled to do schoolwork using a slow cellular connection, she said.

"That's all I have at my home," she said.

Sommers and others started meeting nearly two years ago to see what they could do to address the problem. She said service providers would "cherry pick" where to offer service, sometimes doing a home or two near a major road, while leaving those who lived on the rest of the road without a connection. During a meeting on the issue, 30 residents came forward to help gather information on the 90 miles of roads in Jefferson to identify unserved or underserved areas, she said.

When looking to apply for state grants, the town found out it needed a more formal survey, so it hired Casco Bay Advisors, a Gardiner-based firm that specializes in helping municipalities expand internet access, to help gather information, apply for state grants and get to the point where the town can issue a request for proposals

to build the infrastructure necessary for service to come to the area. Jefferson is not interested in running its own utility, but wants to build out the area to entice providers to come to town.

"We want to have the infrastructure put in and somebody else running it," she said. ■



MTCMA is accepting nominations for the Annual Managers Awards. Nominations may be made by Elected Officials, Staff, Citizens and Colleagues of the Managers, or may be self-nominated.

Linc Stackpole Manager of the Year Award – Accepting nominations of Public Administrators who have contributed to the public management field in some outstanding fashion; displays integrity and leadership; received the respect and confidence of his/her peers.

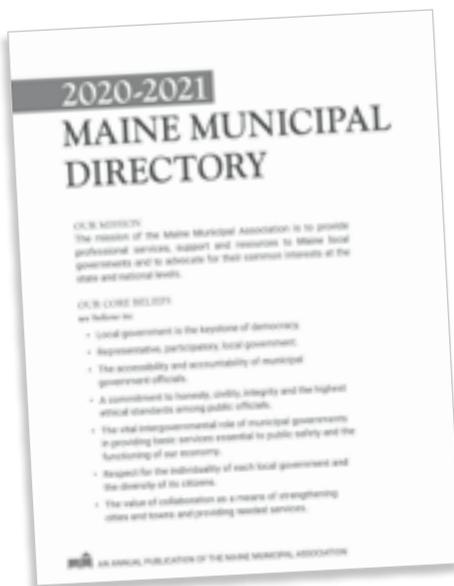
Leadership Award – Accepting nominations of Public Administrators for a particularly bold and innovative project or for solving an unusually difficult problem.

Rising Star Award – Accepting nominations of Public Administrators who have been in the profession for five years or less; who has done a particularly good job in a community; and to provide encouragement to stay in the profession.

Distinguished Service Award – Accepting nominations of an assistant manager or manager who has made an outstanding contribution to the management profession and local government. The award recognizes a manager whose service has been judged by peers as exceptional, and who has made major contributions beyond direct service to local government.

Nomination forms are available on the MTCMA website: <https://www.mtcma.org/about-mtcma/awards/>. Nominations are accepted until June 30, 2021.

AVAILABLE FOR SALE!



The Directory provides you with the names, addresses and telephone numbers of Maine's municipal officials as well as useful information about each municipality, including its:

- population
- state legislative districts
- county and school district
- election date and fiscal year
- Congressional district
- form of government

To order a copy please call us at 1-800-452-8786 or e-mail CentralServicesDepartment@memun.org



HOMETOWN CAREERS

FIND YOUR FUTURE IN MAINE'S TOWNS AND CITIES

ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people - especially young people - more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, www.maine-hometowncareers.org. Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

You really can make a difference, with a Hometown Career.

**COME HOME TO A MAINE MUNICIPAL CAREER,
AND REAP BENEFITS BEYOND YOUR PAYCHECK.**

Contact towns and cities near you about available jobs, today!

MAINEHOMETOWNCAREERS.ORG

Here you go: Updating 2021 Town Meeting action and elections

By Susan Cover

Municipal officials across Maine continued to show flexibility this spring in scheduling their elections and town meetings, with some opting for secret ballots and others re-locating their gatherings to larger spaces to accommodate crowd size limits because of the coronavirus pandemic.

York's May town meeting also meant the last election for clerk Mary-Anne Szeniawski, who retired after a 40-year career. She will be succeeded by Lynn Osgood.

The following results are based on newspaper accounts, interviews with municipal clerks and independent research. In the following list, unopposed incumbents are not included, with few exceptions. Former officials are named, whether or not they won. The names of challengers, unless they served previously, are not included.

The results are listed in alphabetical order by municipality.

Alna: Two newcomers were elected to the select board in March: **Linda Kristan** got 183 votes to outpace a challenger who got 131 votes and **Charles Culbertson** earned 174 votes to defeat a challenger who got 144 votes. Incumbents **Doug Baston** and **Greg Shute** did not seek re-election. Shortly after the election, Selectwoman **Melissa Spinney** resigned her seat for personal reasons. No special election to fill the seat has been scheduled at this time.

Belgrade: At a secret ballot town meeting because of the pandemic, voters chose two people for three-year terms on the select board: newcomer **Barbara Allen** (285 votes) and incumbent **Ernst Merckens** (284 votes). A third contender received 196 votes.

Boothbay: In a five-way race for two seats, incumbents **Dale Harmon** (244)

and **Steve Lewis** (229) defeated challengers who earned 89, 88, and 78 votes.

Boothbay Harbor: Newcomer **Alyssa Allen** earned 190 votes to defeat a challenger who received 103 votes.

Caanam: Four people ran for three seats on the select board. Elected to serve one-year terms were **Daniel Hariman** (96); **Jeffrey Clarke** (84) and **Charles Worcester** (91).

Castle Hill: Write-in candidate **Allen Michaud** received 10 votes to earn election to the select board, replacing incumbent **Herman Condon**, who did not seek re-election.

Durham: Incumbent Selectman **Richard George** received 325 votes to fend off challenges from four write-in candidates who received nine, three, three and two votes respectively.

Easton: In a three-way race for two seats, newcomers **Tammy Beaulier-Fuller** and **Norman Trask** were elected to serve three-year terms. **Beaulier-Fuller** received 102 votes, **Trask** 136 votes and incumbent **Paul Dudley** received 48 votes. One of the two seats was open because former select board member **Mike Corey** retired and moved to Prisque Isle.

Eustis: Incumbent Selectman **Steve St. Jean** was re-elected with 22 votes, with a challenger receiving one vote.

Fort Kent: In a three-way race for two Town Council seats, voters re-elected **Corey Pelletier** with 155 votes and

chose newcomer **Andrew Caron** with 126 votes. A third candidate received 106 votes. One of the two council seats was open because council Chairman **Dr. John Bouchard** did not seek re-election.

Industry: With no one on the ballot, voters chose to write-in incumbent Selectman **Robert Geisser**, giving him about a dozen votes.

Jay: Newcomer **Lee Ann Dalessandro** received 140 votes to win election over **Randy Richards** (112 votes), who served on the select board in the 1980s.

Mercer: Incumbent Selectwoman **Dari Hurley** was re-elected with 83 votes, defeating a challenger who received 72 votes.

Nobleboro: Selectman **Richard Spear** was re-elected with 144 votes, while a challenger received 50 votes.

Northport: In an April special election, **Breanna Pinkham Bebb** received 101 votes to defeat a challenger who received 41 votes. Bebb will hold the seat until June, when another election will be held for the seat to determine who will serve a three-year term.

Orono: With seven candidates to choose from, voters selected the following to serve three-year terms on Town Council: **Laura Mitchell** (407), **Cheryl Robertson** (484) and **Geoffrey Wingard** (535). In addition, **Thomas Perry** earned 479 votes over a challenger who got 324 votes for a two-year term on the council.

ELECTIONS

Has your town had its election?

Did you let MMA know so we can update our database?

No election, but you have changes: let us know!

Contact Val or Kimberly:

PersonifyRequests@memun.org

1-800-452-8786 or 207-623-8428

Susan Cover is a freelance writer from Augusta and regular contributor to *Maine Town & City*, mainefreelancer@yahoo.com.

Perham: Through write-in balloting only, voters awarded newcomer **Anthony Huston** 17 votes to elect him to a three-year term on the select board.

Pittston: Select board Chairperson **Mary Jean Ambrose** was re-elected to serve another term, earning 176 votes. A challenger received 53 votes.

Rome: Incumbent Selectwoman **Monica McCarthy** and challenger **Paul Anderson** tied with 137 votes each. McCarthy withdrew from the race and Anderson was sworn-in to office for a one-year term. In the two other select board races, which are also for one-year terms, incumbent **Lois Stratton** (131) lost to challenger **Larry DiPietro Jr.** (145) and incumbent **Kelly Archer** was re-elected with 146 votes with a challenger receiving 126 votes.

Saint Albans: Incumbent Selectman **Hiram Weymouth** received 53 votes to defeat a challenger who received 26 votes.

Searsport: Three people ran for two seats, with incumbents **Doug Norman** (107) and **Linda Payson** (94) defeating a challenger who received 59 votes.

Surry: Following a recount, **Chris Stark** earned 216 votes to defeat a challenger, who received 205 votes.

Thorndike: Incumbent Selectwoman **Doreen Berry** got 75 votes to defeat a challenger who received 53 votes and Selectman **John Trafton** won reelection with 84 votes over a challenger who got 40 votes. Also, in a race for the third selectman spot, newcomers **Bob Carter** and **Charles Greenberg** tied with 61 votes, requiring a second round of voting. Greenberg won the second round with 57 votes. Voters also opted to stagger terms starting in 2022 so only one select board position will be open in any given year.

Unity: Incumbent selectman **Daniel McCormick** fended off a challenge

from a write-in candidate to win reelection with 125 votes.

Waterford: Newcomer **Jamie Toohy** earned 211 votes to defeat a challenger who received 152 votes. The seat was open because former Selectman **John Bell** retired after serving three terms.

York: Incumbents **Todd Frederick** and **Marilyn McLaughlin** received 2,220 votes and 2,079 votes respectively to defeat a challenger who received 900 votes.

Washington: **Mitchell Garnett** defeated incumbent select board member **Berkley Linscott** by a vote of 60-42. ■

49 Valuable Training Videos ▶▶

THE MAINE MUNICIPAL ASSOCIATION is steadily building its general-interest video training library. We now offer 49 videos, from topics that range from tips for newly elected officials to short-term rentals.

To watch any of these videos, go to
<https://memun.org/Training-Resources>

Some of the videos require Member Area passwords. If you need a password to access the Member Area of MMA's website, please call the Resource Center at: 1-800-452-8786 *Some videos require payment to be accessed.



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“**ACT NOW**”

2021 SALARY SURVEY

Please take time to complete or update your municipality's portion of MMA's searchable, statewide Municipal Salary Survey. This is a valuable tool for elected officials, managers and appointed staff.

<https://salarysurvey.memun.org>

Watch for Data Collection to open in mid-June.

Updating the survey is easy. Just review your 2020 data in the platform, and update only the areas that changed. **Remember:** your email address serves as your username.

For more information, including the option to “copy prior year data,” contact Carol Weigelt at 207-623-8428 or email: salarysurvey@memun.org



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85th ANNUAL CONVENTION

AUGUSTA CIVIC CENTER
AUGUSTA, MAINE

**THURSDAY, SEPTEMBER 30, 2021
& FRIDAY, OCTOBER 1, 2021**

MORE DETAILS COMING SOON!

Agenda, exhibiting and registration details will be emailed. We don't want you to miss out, so please be sure we have your correct contact information.

If you would like to receive updates about exhibiting at the Convention please contact:
Sue Bourdon - sbourdon@memun.org or 207-623-8428 x2298

If you have questions about the Convention agenda or Member registration, please contact:
Alicia Gaudet - agaudet@memun.org or 207-623-8428 x2304

**WE HOPE
TO SEE
YOU THERE!**

PEOPLE

Diana Asanza is serving as Old Orchard Beach interim manager, in addition to her regular positions as finance director and treasurer. She has worked in those positions since 2012. Prior to her Old Orchard Beach career, Asanza worked for the Massachusetts towns of Norwood, Norton and North Attleborough, Mass. She began her municipal service in 1998 and moved to Scarborough with her family in 2012.



Diana Asanza

The Rotary Club of Damariscotta-Newcastle helped **Terry Bramhall's** dream of becoming a paramedic come true after awarding her a grant to help pay for the training that takes 1,200 to 1,800 hours. Bramhall works as a Waldoboro EMT, but wanted to learn and serve more. Now in her 60s, Bramhall has dreamed about becoming a paramedic since childhood. She was interviewed by a panel of Rotary members and then awarded the grant. Bramhall is a certified nursing assistant in the Pen Bay Medical Center Emergency Department, where she has worked 12-hour shifts for 40 years. The Rotary offers annual scholarships based on educational goals, not age. They award grants of up to \$2,000 for training and \$1,000 for tools.



Terry Bramhall

The Rockport Select Board hired **Jonathan Duke** as its new town manager, effective July 6. Duke is a lifelong Rockport resident and former Hope town administrator. He currently serves as Newcastle town manager. Duke said "excited" is too weak of a word to describe his happiness about managing his hometown. His father, Robert, bowed out as a June 8 select board candidate and stopped his volunteer work for various town committees to avoid conflicts of interest. Jonathan Duke also has served



Jonathan Duke

the town as a selectman. Duke replaces **William Post**, who resigned effective May 27 to accept the job as administrator for Sagadahoc County.

The first fire chief in Bristol, **Paul Leeman Jr.**, retired May 1, ending a 21-year stint as chief. At 70 years old, Leeman said he feels far younger and did not "want to slide down to the point where people would ask, 'Would you please step down?'" according to reports. In all, Leeman served the volunteer department in one capacity or another for 50 years – beginning as a teenager. Firefighting runs red in the Leeman family. Paul Leeman's grandfather, Clifford, was among the founders of the Bristol Fire and Rescue. His father, Paul Sr., served as assistant chief at the Round Pond station for 20 years. His son, Paul III, already has logged 30 years with the department. "I was there 15 years before I had a pair of boots," Leeman said. Bristol is home to 2,600 year-round residents and home to Pemaquid Point Lighthouse and Muscongus Bay.

The Bristol select board hired **Scott Sutter Jr.**, a contractor, to replace Leeman, effective immediately. Sutter is a lifelong Lincoln County resident who has worked in building and emergency services. Sutter said he would reduce his construction work to serve as fire chief. Leeman worked with



Paul Leeman and Scott Sutter

Sutter for his first month. In addition to chief, Sutter will serve as compliance officer, director of emergency services and fire warden. He also will make station checks and ensure the trucks are fit and ready. Sutter was raised in Wiscasset and later Edgecomb. He was a teenager when he started volunteering for the Edgecomb Fire Department. Like Leeman, public service is a hallmark of Sutter's family. His father, **Scott Sr.**, worked as a firefighter for Wiscasset and director of its ambulance service. Sutter started his career with the Bristol department when he joined as a regular firefighter in 2013. He served four years as lieutenant and captain for the past two years.

Portland police officer **Les Smith** was recently recognized for bravery as the

department presented him with the Heroism Award. Smith is credited for playing a key role saving the life of fire Capt. **Chris Thompson** during a Peaks Island structure fire last December. Smith also works as a Portland EMT and firefighter and responded to the fire call even though he was off duty. He arrived first to the scene. While water flow was limited due to a fire truck malfunction, Thompson fell through a piece of floor. Smith worked to clean debris around the hole that allowed



Frank Clark and Les Smith

the captain to pull himself out of the smoky hole. "Officer Smith's continued perseverance to knock down the fire after being struck by falling debris and observing Capt. Thompson's collapse through the floor demonstrates outstanding courage worthy of this recognition," Chief **Frank Clark** said during the awards ceremony.

Meanwhile, Officer **Nick Gowen** was named Portland Officer of the Year for his work for the FBI's "Safe Streets Task Force." Gowen is widely regarded by supervisors and co-workers alike as one of the department's hardest-working and most proactive officers," according to a statement by Portland Downtown. "He is also recognized by city residents for his diligence and compassion." Downtown Portland is a nonprofit that works with police and other agencies to keep the "funky" city's downtown clean, safe, and make improvements over years to lure businesses, tourists and working waterfront efforts. Gowen joined the department in 2013.

Portland police also named Crime Analyst **Kelly Crotty** as Civilian of the Year. After working for Preble Street to provide social services, Crotty joined the city police in 2017 as community services coordinator in the Bayside neighborhood. ■

If your municipality submits a news item for the *Maine Town & City*, consider sending a corresponding photo to Eric Conrad: econrad@memun.org

STATEWIDE

Confirmed cases of COVID-19, the virus pandemic that turned the world upside down for more than a year, plummeted in Maine in late May, with the lowest single-day increase in new cases since Oct. 27, 2020. The drop was reported a day after Maine health officials declared that vaccinated people no longer must live under a mask mandate. Business owners remain cautious, with many requiring patrons to continue wearing masks while inside. As of late May, the virus had killed 824 Mainers. Total cases as of May 25 were pegged at 67,132, according to Maine Center for Disease Control numbers. Maine also is among the top 10 states to have 70% of its population vaccinated by spring.

CAPE ELIZABETH/CARIBOU

The popular Beach to Beacon 10K marathon race will be held virtually this year as fears about exposure to the COVID-19 virus linger. It was canceled outright last year. Meanwhile, in Caribou, the annual Aroostook River Spring Runoff Canoe & Kayak Race was held last month, with paddlers pushing their way down 6.2 miles of the Aroostook River. The two recreational events illustrate the risk people feel in participating in sporting competitions. While the Cape Elizabeth 10K was founded in 1984 by Joan Benoit Samuelson, the City of Caribou has not hosted the river race for nearly 30 years.

CASTINE

The town is a tad closer to building a new fire station after the select board last month hired a Portland architect. Port City Architecture will help town officials find an appropriate site, provide land evaluation, engineering and then design work. The first phase of the project will cost \$26,000 for the firm to develop a conceptual design and outline cost estimates for the new facility. The town will rebate the firm \$10,000 if it decides to hire the architectural company for further permitting, documentation and construction administration. An earlier study concluded the fire station should be as close to Maine Maritime Academy as possible, which is limiting but not undoable, officials said.

EASTPORT

In an area thirsty for growth, the city will see two craft breweries open this year in time for summer. Most of Maine's 100 micro-breweries are located in greater

NEW ON THE WEB www.memun.org

Here are highlights of what has been added to the Maine Municipal Association website (www.memun.org) since the last edition of Maine Town & City.

- **American Rescue Plan Act:** MMA has created a new website area, available through our main home page, devoted to the ever-evolving federal details and requirements regarding ARPA. Please visit this area for updates from our Legal Services team, State & Federal Relations staff, the National League of Cities – and more.
- **The Nature Conservancy of Maine** is once again promoting availability of grant funding for protection of wetlands and wildlife habitat in the state. In this round of funding, which the Conservancy administers for the Maine Department of Environmental Protection and U.S. Army Corps of Engineers, \$7.4 million is available statewide.

Portland and Bangor, and along the mid- and southern coast. First Mile Brewing in Fort Kent and Three Rivers in Milo are exceptions. But soon, rural Maine will continue attracting new breweries. In late May, Horn Run Brewing was scheduled to open in Eastport. Bad Little Brewing owners hope to start hopping in Machias in July. In related action, Machias voters agreed by a vote of 51-18 to endorse using a Community Development Block Grant of \$180,000 to help fund the renovation and expansion of the new brewery and restaurant.

PORTLAND

Portland International Jetport officials launched a \$100,000 campaign to attract travelers after a 50% decline in passengers this year compared to the number of people flying prior to the pandemic. The marketing effort is being called "Maine's Home Airport" and will include advertising in newspapers, TV outlets and on some digital platforms. Prior to the pandemic, the Jetport logged a 30% increase in passengers from 2014 through 2019, serving 2.2 million flyers at its pre-pandemic pinnacle. Portland officials expect a pick-up in air traffic demand, which fell last year.

PRESQUE ISLE

A truck bypass that opened in 2019 has helped divert large truck traffic from the Star City's Main Street. The bypass stretches for 1.7 miles from the Fort Fairfield Road and Conant Road. A concerted effort to redirect heavy traffic to the bypass has been a success, including a campaign by the Maine State Police to check heavy vehicles still using Main Street for compliance with weight limits. Diverting heavy vehicles from the downtown's single major artery has been discussed for years. The project

cost \$16.8 million and was a collaborative effort among local, state and regional parties. A second, larger leg of the bypass is planned for future construction.

SCARBOROUGH

Despite a request by some residents to slow down, the Town Council in May changed its growth ordinance to allow for more buildings. After much public debate, the vote was 6-1. The Growth Management Ordinance was passed 20 years ago in reaction to rapid growth. Now, the council wants to encourage growth and ensure the vast housing project proposed for the former Scarborough Downs off-track betting property proceed without possibly running amuck of building permit limits built into the ordinance two decades ago.

YARMOUTH

Town residents and officials marked the opening last month of their new \$8.5 million public safety building. Included in the unveiling were the volunteers who helped with the project. The building will serve as the town's Emergency Operations Center, housing the Police and Fire-Rescue departments. Town Manager Nat Tupper thanked taxpayers for agreeing to pay for the new facility. Officials predicted faster response times because of sleeping quarters that allows 24/7 on-site coverage. A 2016 steering committee evaluated what each service needed and, in the following year, the council opted to consolidate the two departments at one site to save buying land. Voters endorsed the project in 2018. The new center also can be used as a meeting and training site. Construction of the 27,000-square-foot building took just under a year. ■

MUNICIPAL BULLETIN BOARD

PLEASE NOTE

Due to constraints caused by the coronavirus public health emergency, many of the training programs listed below will be held online via Zoom, although we are beginning to transition into a mix of virtual and in-person events. Please view our website for updates and details. Thank you.

All of the upcoming workshops can be found on the MMA website.

Use the following link:

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>



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IN-PERSON EVENT JULY 13

'I've Got the Job – What Now?' in Augusta

The Maine Municipal Association's Christopher G. Lockwood Conference Room in Augusta will see its first in-person workshop in quite some time on July 13, as the Maine Municipal Tax Collectors' and Treasurers' Association holds an introductory workshop for new people in these positions, or veterans looking for a refresher.

Among the topics to be explored: nature of the positions, duties, settlement and discharge, delinquent taxes, excise taxes and more. The workshop will begin with registration at 8:30 a.m. and end at 3:30 p.m. Stu Marckoon, treasurer in the Town of Lamoine, is the presenter and the cost is \$55 for MMTCTA members and \$85 for non-members.

ZOOM EVENT JULY 14 and 21

Clerks' Licensing Webinar

Kim McLaughlin, clerk in the Town of Old Orchard Beach, and state agency representatives will present two, 3.5-hour sessions on many licenses that municipal clerks must know about and handle. Among them: dog licenses, hunting and fishing licenses, business licenses.

The workshops, sponsored by the Maine Town & City Clerks' Association, both begin at 9 a.m. on July 14 and 21 and will be held via Zoom. Clerks must fully attend both classes in order to receive certification in this area. Cost is \$60 for MTCCA members and \$80 for non-members.

ZOOM EVENT JULY 20

Local Planning Boards & Boards of Appeal

Attorneys from MMA's Legal Services Department will lead a Zoom webinar session for local Planning Board and Land Use Boards of Appeal members from 4 p.m. to 7:30 p.m. on July 20.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$45 for MMA members and \$90 for non-members.

IN-PERSON EVENT JULY 22

Basic Excise Tax: Augusta

The Maine Tax Collectors' and Treasurers' Association will hold its Basic Excise Tax workshop on July 22, starting at 8:30 a.m. and running all day, at the MMA conference center in Augusta. This workshop focuses on the procedures of excise tax, with an emphasis on how to calculate them and the mil rate for various types of motor vehicles.

Presenting the workshop will be Tracie York, Tax Collector in the Town of Lincoln. Cost for the workshop is \$55 for MMTCTA members and \$85 for non-members. The workshop is scheduled to conclude at 3:30 p.m.

IN-PERSON EVENT AUG. 18

Elected Officials Workshop: Saco

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead an in-person workshop for Elected Officials on Aug. 18 at the Saco Ramada Inn and Conference Center. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$65 for MMA members and \$130 for non-members. A light dinner will be provided.

IN-PERSON EVENT OCT. 14

Labor & Employment Law: Augusta

This perennially popular, and important, workshop returns on Oct. 14, as attorneys from the law firm Bernstein Shur join David Barrett, Director of Personnel Services & Labor Relations at MMA, to inform attendees with up-to-date legal and practical approaches to solve the most common employment issues.

The workshop will be held at the MMA Conference Center in Augusta. It will be relevant to most all municipal managers and supervisors, offering advice on legal compliance and how to avoid employment-related claims. It starts with registration at 8:30 a.m. and ends at 2:30 p.m. Cost is \$85 for MMA members and \$170 for non-members. ■

LEGAL NOTES

Law Court Rejects 'Distress' Sale Property Tax Valuation

In a decision that should be of interest to all municipalities, the Maine Supreme Judicial Court recently upheld the City of Old Town's 2014 and 2015 property tax assessments of a large but bankrupt and liquidated paper mill. Susanne F. Pilgrim, Director of MMA's Legal Services program, filed an *amicus curiae* ("friend of the court") brief on behalf of the city.

The mill's owner contested the city's original property tax valuations, arguing that the price it paid for the mill at a bankruptcy sale after the April 1 assessment date should have fixed the mill's just value for property tax purposes. The Law Court was unmoved, however, and held that because the evidence did not compel the conclusion that the property was over-assessed, the taxpayer had failed to meet its burden of proof that the assessment was "manifestly wrong."

Had the Court ruled against the city, the ability of tax assessors to assign a just or fair market value even to "distressed" commercial and industrial properties, such as mills, shopping malls, and office buildings, would have been substantially hamstrung, with significant adverse impacts on municipal budgets as well as other taxpayers.

The Law Court's decision, *City of Old Town v. Expera Old Town, LLC*, is available here: <https://www.courts.maine.gov/courts/sjc/lawcourt/2021/21me023.pdf>

Filing friend of the court briefs is one of the services MMA's Legal Services program provides free of charge to our members. If your municipality is involved in appellate litigation of statewide significance to municipalities, we invite you to contact us to discuss this special form of assistance. (By R.P.F./S.F.P.)

Longtime MMA Attorney Charts a New Direction

Staff Attorney Michael L. Stultz, a sailing enthusiast who has been a vital member of our MMA Legal Services crew for over 20 years, has charted a new course for himself. Michael is now Assistant Counsel at the U.S. Navy's Naval Surface Warfare Center in Crane, Indiana. He will be heading one of three divisions in the Center's acquisitions department. He relocated last month. (In case you're wondering why there's a large Navy base

MUNICIPAL CALENDAR

ON OR BEFORE JUNE 15 — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

JULY 5 — Independence Day, July 4 is a legal holiday, observed Monday, July 5 (4 M.R.S. § 1051).

ON OR BEFORE JULY 15 — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S. § 5253).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may conduct process to close certain town ways to maintenance during winter months (23 M.R.S. § 2953). For further information, see the MMA Municipal Roads Manual.

in the U.S. heartland, this one was established as a secure naval ammunition depot at the outset of World War II – far from enemy ships and planes; it now specializes in high-tech warfare.)

While with MMA, Michael built a close relationship with many local officials, especially municipal clerks, road commissioners, and harbor masters. In addition to fielding legal inquiries and giving legal advice, he was active in MMA's training programs and legal publications.

Michael will be greatly missed, both by his MMA colleagues and by his municipal clients and friends. We all wish him the very best in his new career. (By R.P.F.)

Statute of Limitations on Tax Lien Lawsuits

Question: Is there a time limit on when a lawsuit to challenge the validity of a property tax lien foreclosure can be brought?

Answer: Yes, but it depends on when the lien was recorded. According to 36 M.R.S. § 946-B, if a lien was recorded after Oct. 13, 2014 no one may file suit challenging the validity of the foreclosure after five years immediately following expiration of the period of redemption (18 months following the recording).

If a lien was recorded on or before Oct. 13, 2014 but after Oct. 13, 1993 no one could sue to challenge the validity of the foreclosure after 15 years immediately

following expiration of the period of redemption or Oct. 13, 2019, whichever was earlier. (Under any circumstances this deadline has now passed.)

For a lien recorded on or before Oct. 13, 1993, no one could sue to challenge the validity of the foreclosure after 15 years immediately following expiration of the period of redemption or July 1, 1997, whichever was later. (Once again, under any circumstances this deadline has now passed.)

These time limits are intended to ensure that legal challenges to tax lien foreclosures are brought within a reasonable time after apparent foreclosure, while records and witnesses are apt to be still readily available. They do not in any way prohibit the sale of tax-acquired property at any time following foreclosure, however, which as a general rule should be sooner than later.

Nor do these time limits necessarily establish good title to property after they have expired because title may be doubtful for reasons other than a faulty tax lien foreclosure. For this reason we generally recommend that tax-acquired property be conveyed only by quitclaim deed without covenant regardless of when it is conveyed.

These time limits are also absolute. According to § 946-B(4), "Disability or lack of knowledge of any kind does not suspend or extend the time limits provided

LEGAL NOTES

in this section." This seems an impregnable barrier to tardy tax lien challenges.

For much more on property tax liens, see MMA's *Municipal Liens Manual*, available free to members at www.memun.org. (By R.P.F.)

Municipal Planning Assistance Program

(Reprinted from the December 2018 *Maine Town & City Legal Notes*)

The State's Municipal Planning Assistance Program (MPAP), which is hosted by the Maine Department of Agriculture, Conservation and Forestry, provides technical and financial assistance to municipalities and regional planning organizations as well as state agencies and the legislature. (The MPAP replaced the former State Planning Office, which was in the Executive Branch.)

MPAP assistance includes model ordinances and other guidance documents, workshops and webinars, one-on-one technical support, planning data, training for local officials, annual grants to regional planning organizations, and competitive grants for specific planning projects.

We revisited the MPAP website recently and were greatly impressed by both the quantity and quality of information available there.

Among many other things, the website includes a wide variety of planning guides, model land use ordinances, and technical bulletins on a diverse range of subjects.

The website also features town-by-town planning data collected by certain state agencies that can be very useful for comprehensive planning purposes.

Also included is contact information for the various regional planning organizations in Maine as well as professional planning consultants.

The website also has an FAQ section with more information about what the MPAP does and how it can assist with local planning projects.

We strongly encourage municipal planners and others who may be looking for planning resources and expertise to visit the MPAP's website at <https://www.maine.gov/dacf/municipalplanning/index.shtml>. (By R.P.F.)

New CDL Entry-Level Training Requirements

New commercial driver's license (CDL) training requirements are coming in 2022 for most entry-level commercial motor vehicle (CMV) operators in either interstate or intrastate commerce.

Entry-level CMV operators who apply on or after Feb. 7, 2022 for a Class A or Class B CDL for the first time, or an upgrade from an existing Class B CDL to a Class A CDL, or a school bus (S), passenger (P), or hazardous materials (H) endorsement, will have to complete the new entry-level driver training requirements. But these requirements are not retroactive; they do not apply to CMV operators who hold a valid CDL or an S, P, or H endorsement issued before Feb. 7, 2022.

Bottom line: Whereas school bus and municipal CMV operators were previously exempt from entry-level training requirements, this exemption no longer exists for those who apply for a CDL on or after Feb. 7, 2022. New school bus operators, public works vehicle operators, and ordinarily employed snowplow operators will be subject to the new requirements if they apply for a CDL on or after that date.

Nevertheless, federal law authorizes, and Maine law provides, an exemption from CDL requirements (as well as Maine Class A and Class B licensing requirements) for firefighters who operate fire apparatus, for law enforcement officers who operate mobile command centers, and for emergency snowplow operators in small towns of 3,000 or fewer inhabitants (see 29-A M.R.S. § 1252(1)(C)).

The new CDL entry-level training requirements come courtesy of the U.S. DOT Federal Motor Carrier Safety Administration (FMCSA), which has been working on this project since 2016. For more information, go the FMCSA's website here: <https://tpr.fmcsa.dot.gov/>.

For questions, contact Bethany Kohler of the Maine Secretary of State's Bureau of Motor Vehicles at Beth.Kohler@maine.gov or (207) 624-9000, ext. 52128. (By R.P.F.)

Harbor Master Training Requirements Increased

The Maine Legislature has added a new training requirement for harbor masters and deputy harbor masters.

PL 2021, c. 53 amends 38 M.R.S. § 1-A by requiring harbor masters and deputy harbor masters to complete at least eight hours of continuing education training every three years. This is in addition to the basic training that harbor masters and deputy harbor masters must complete within one year after being appointed or reappointed unless they have previously completed basic training, except that if they have not held either position within the past five years, they must complete basic training again.

The new continuing education training requirement may be met by completing training offered or approved by a statewide association of harbor masters. The basic training requirement must be met by completing training offered by that association. The training courses offered by that association must include in-person, remote, and online options. A municipality may, at its sole discretion, pay for or reimburse a harbor master or deputy harbor master for this training.

PL 2021, c. 53 takes effect 90 days after adjournment of the current legislative session.

For a comprehensive list of training requirements for local officials, in alphabetical order from animal control officers to shellfish conservation wardens, see "Training Requirements for Other Local Officials," *Maine Town & City, Legal Notes*, May 2017. (By R.P.F.) ■

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Maine Municipal Bond Bank

2021 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday, August 2nd

Application Deadline

Wednesday, August 25th

Application Approval (Board Meeting)

Thursday, September 9th

Preliminary opinions and loan agreements due from bond counsel of each borrower

Friday, September 10th

Last date for signing school contracts and rates in place for water districts. PUC approvals due

Week of October 4th

Maine Municipal Bond Bank Pricing

Monday, October 25th

Final documents due from bond counsel

Wednesday, November 3rd

Pre-closing

Thursday, November 4th

Closing - Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2021 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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Our 360-degree understanding of municipal land use law and private land use development benefits our clients; we utilize this knowledge in assisting you to find the best way to resolve permitting and other land use disputes.



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