

Maine Town & City

The magazine of the Maine Municipal Association

March 2021

COVID-19 Detectives

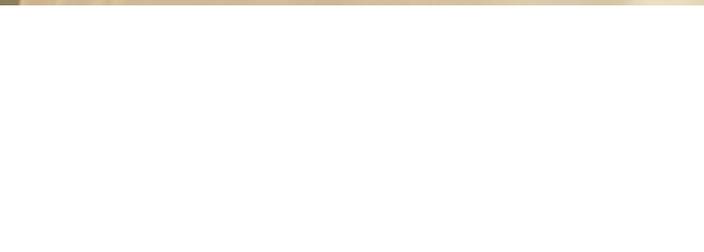
Water quality specialists
work to detect virus

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MMA President's Objectives

Attractive Deals on Electric Vehicles

2021 Technology/New Energy Program





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Electric Avenue



Surprised by the attractive financing, some Maine towns are switching from gas to electric vehicles.

Wastewater Tracing

Technicians in Greater Portland, Augusta, Gorham and Yarmouth track our viral enemy during the pandemic. Page 7

Throwback Newsletter

The Town of Lamoine started a spunky quarterly newsletter in 1995. Now it's a must-read among citizens. Page 13

2021 Technology/New Energy Conference

Broadband, solar power, electric vehicles, wind farms and more will be covered at MMA's two-day, 2021 virtual event. Page 16

New MMA President *James Gardner, Jr.* shares his goals for 2021, including meeting as many members as COVID permits. **Page 5**

Maine communities are making strides in smart development. Two experts on the topic show how more can be done. **Page 27**

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ABOUT THE COVER: *This photo of Phyllis Arnold Rand was taken at the Greater Augusta Utility District water treatment facility.*

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A MESSAGE FROM MMA

BY JAMES GARDNER, JR. / PRESIDENT

MMA's new president outlines 2021 objectives

As I begin my role as president of the Maine Municipal Association for 2021, there are basic goals that I intend to focus on.

First and foremost is MMA's mission statement "to provide professional services, support and resources to Maine local governments and to advocate for their common interests at the state and national levels." Also, to continue to strengthen our core beliefs as an association believing in:

- Local government as the keystone of democracy.
- Representative, participatory, local government.
- The accessibility and accountability of municipal government officials.
- A commitment to honesty, civility, integrity and the highest ethical standards among public officials.
- The vital intergovernmental role of municipal governments in providing basic services essential to public safety and the functioning of our economy.
- Respect for the individuality of each local government and the diversity of its citizens.
- And finally, the value of collaboration as a means of strengthening cities and towns and providing needed services.

Secondly, a focus area is to lead the MMA Executive Committee through the process of hiring a new Executive Director, a process that has only been initiated twice in the last 35 years. I will lead the Executive Committee in challenges that will look at various ways to establish the virtual aspects of what we know today as "Zoom," and where "Zoom" online technology fits into the strategy of delivering MMA services to our membership.

Hopefully, I will be able to obtain another of my goals of using some of my personal vacation time from the Town of Easton to venture out to membership communities and listen to the membership.

COVID-19 has taken a toll of our towns, cities and plantations, as we are all trying to figure out how to successfully complete day-to-day operations. I will work very hard with the Executive Committee and staff of MMA to ensure that we maintain the superior information highway concerning all aspects, both federal and state, of the ongoing COVID-19 guidelines.

As the federal government rolls out the vaccination program, my prayers are that we will be able to get back to some type of normalcy and have the good fortune of seeing each other in person. One of my close colleagues said: "There is a light at the end of the tunnel, but unfortunately, we are still in the tunnel."

In closing, as I do with most letters, I construct my personal thoughts and wishes. They are that "we all agree to disagree, and let the conversation engage in a respectful manner." ■

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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 Feb. 11 webinar will specifically address the challenges and unique features of virtual meetings.

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.

ELECTED OFFICIALS WORKSHOPS

WEDNESDAY, MAY 5

Zoom Webinar

THURSDAY, JUNE 24

Zoom Webinar

WEDNESDAY, AUGUST 18

Saco – Ramada Inn & Conference Center

TUESDAY, NOVEMBER 30

Orono - Black Bear Inn

MANAGING FREEDOM OF ACCESS REQUESTS

THURSDAY, JUNE 10

Zoom Webinar

TUESDAY, DECEMBER 14

Augusta – Maine Municipal Association

HOW TO LEAD EFFECTIVE MEETINGS

THURSDAY, SEPTEMBER 9

Zoom Webinar

THE ABCS OF ASSESSING – FOR NON ASSESSORS

THURSDAY, NOVEMBER 4

Zoom Webinar

DEVELOPING SOLUTIONS ON HOTLY CONTESTED ISSUES

TUESDAY, NOVEMBER 16

Portland – Clarion Hotel



Wastewater monitoring for COVID works, has greater potential

Water quality professionals with the Portland Water District, in Yarmouth, Augusta and elsewhere say if you want coronavirus science – they have it.

By Betty Adams

Lessons from the science of checking wastewater – essentially, sewage – for indicators that COVID-19 is present in a community should help with early identification of other communicable diseases in the future.

That conclusion comes from professionals in the wastewater treatment business in Maine and elsewhere.

“Today it’s COVID. Tomorrow, I don’t know what it will be,” said Scott Firmin, director of wastewater services for the Portland Water District, who is among those pointing to the connections now in place between researchers and plant operators.

The Portland Water District is one of 100 agencies participating in a national study described in a federal RFQ from October 2020, which says the contractor doing the work “shall scale COVID-19 wastewater testing, in phases, in the United States. This network will generate qualitative trend data of SARS-CoV-2 (the virus that causes COVID-19) concentrations in sewage, providing critical information on how to strategically reopen American cities and the economy, and an early warning for new outbreaks. Wastewater testing is predictive of new COVID-19 cases five to 11 days in advance.”

Firmin has been a supporter of increased testing all along, including the national effort.

“It’s an opportunity for a utility like the Portland Water District to potentially add significant value to our community at very low cost potentially



Greater Augusta Utility District (Photo by Ben Thomas)

and very low effort. We’re already collecting the samples. Instead of pouring the extra down the drain, we’re just pouring it into another bottle, putting a cap on it, and having UPS visit the plant.”

The district has four wastewater treatment plants and serves Cape Elizabeth, Cumberland, Gorham, Portland, Westbrook and Windham.

Farther north, the Greater Augusta Utility District, known by the acronym GAUD, was part of a grant-supported pilot study this summer also looking for markers indicating COVID-19 was present in the population.

Radio report sparks interest

Participation there was precipitated by Keith Luke, economic development director for the City of Augusta. Luke said he was driving back

to work after getting his car repaired and heard an NPR report on how Biobot Analytics of Cambridge, Mass., was analyzing sewage for indications of coronavirus.

He forwarded a link to the program to Brian Tarbuck, general manager of GAUD. Luke was able to use \$24,480 in grant funds awarded by the state through the federal CARES Act money to support the project which ran for three months: July 21 through Oct. 21, 2020. The district’s website notes, “The particular testing performed on the District’s untreated wastewater will detect RNA from the SARS-CoV-2 virus.”

A data page on the site shows that seven of the 24 samples taken indicated the presence of SARS-CoV-2 virus, and corresponding data from the Maine Center for Disease Control & Prevention (Maine CDC) showed less

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

than one new case reported on all but two of those dates.

“Quite frankly, COVID had barely reached our shores at that point,” Luke said. “It was good information to have while we had it. It confirmed a very low level of COVID in our community, confirmed by the CDC.”

However, Luke added: “Just as it exploded in central Maine, we ran out (of grant money.) At \$1,000 a pop the utility district didn’t have it in the budget to continue on. It provided good and accurate information while we were able to do it, but when the funding ran out, so did the information.”

Tarback too noted, “The technology is relatively new. It doesn’t tell you where in the community it is.” For GAUD, that would be difficult to determine since it counts more than 6,000 connections and treats wastewater from five communities: Augusta, Hallowell, Manchester, Monmouth and Winthrop at its plant in the capital city.

However, Tarback added, “There are all sorts of interesting discussions around this. Can you leverage this for other things in the wastewater?”

‘Here’s the science’

Luke called the testing program “certainly an interesting experiment and a good project and great to develop all the connections (with Biobot). It was a tool for municipalities to make some localized decisions but also to work to objectively show that it is present in the community and all the precautions to be taken. People say, ‘Show

me the science.’ Here’s the science.”

In Yarmouth last March, a group of residents formed a grass-roots effort known as the Yarmouth Community Coronavirus Task Force and partnered with the town in an application for CARES Act money as well.

“We thought it might be a good idea to submit a proposal to conduct wastewater testing in Yarmouth,” said R. Gibson Parrish, a medical epidemiologist who worked for the Atlanta-based U.S. Centers for Disease Control and Prevention for 20 years and who did public health consulting work after retiring from there.

Another member of the task force, Margaret Downing, worked with Yarmouth’s economic development director to make wastewater testing part of the CARES Act grant application there.

“As we sent in the application, (the task force) also worked to set up the whole process, collaborating with the lab at St. Joseph’s College of Maine,” she said. The lab charges \$9,120 for six months of once a week of testing, and Downing’s husband, Tom Downing, volunteers as courier.

“We have been paying \$380 per sample,” Parrish said. The weekly sample is collected over a 24-hour period beginning 7 a.m. Monday and piggybacks on the process that the Yarmouth Wastewater Treatment Plant is already doing to collect samples for its regulatory requirements.

The CDC’s COVID-19 website says, “Untreated wastewater and primary



Scott Firmin

sludge are both acceptable community wastewater surveillance sample types... There is no evidence to date that anyone has become sick with COVID-19 because of exposure to wastewater. Standard practices associated with wastewater treatment plant operations should be sufficient to protect wastewater workers from SARS-CoV-2.”

When the results come in at the end of the week, Parrish becomes the graph guru, plugging the results into his tables and graphs that already contain the Maine CDC’s coronavirus case count for the week from the Yarmouth ZIP code.

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“The wastewater typically is picking up a signal – virus copies – present at the time the sample is taken, but that’s often a reflection of people who are just becoming infected,” Parrish said.

Warning in Yarmouth

In mid-January, the task force issued a public advisory, which was posted on the town’s website, telling people to use extra care because it was likely the virus was circulating at a higher level at that point.

Parrish said the task force hopes to continue with the testing – currently due to end in March – for another six months.

“We feel that it has been worthwhile to have that as a piece of information in addition to other available data to give the community a sense that we’re trying to keep an eye on things. Six months more takes us into early fall. Hopefully, by then, the vaccination push will have covered most of the people in the United States.”

Yarmouth Town Manager Nathaniel Tupper committed to providing half the money for wastewater testing for the next three months. “That gives them some time to raise more money,” he said. The task force has already begun to get the remainder.

Downing said she is “100% confident” the money will be raised. Any extra would go to a myriad of projects the task force undertakes, including helping people who are required to quarantine or isolate, making masks,

etc., and partnering with Yarmouth Community Services, the Yarmouth Food Pantry and the New Mainer’s Public Health Initiative.

Brian Kavanah, director of the DEP’s Bureau of Water Quality, said that after the pandemic started in March, the state received correspondence from Biobot regarding testing and forwarded it to the three major wastewater associations. Biobot offered a special price package of \$125 per test for May, and Bangor, Bath,

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Rockland and Sanford signed up, Kavanah said.

“Most of those tests came back as non-detected,” Kavanah said, adding, “One issue in the beginning when infection rates were so low was maybe there were not enough cases to be picked up.” The price increased after May, and most municipalities halted the program.

However, Kavanah said the U.S. Centers for Disease Control & Prevention, which now collects results from the Portland Water District and other wastewater treatment entities nationally, is looking at what could be done in the future.

“Can this be developed enough

so it becomes a good, standardized methodology for how to take samples, analyze samples and collect data for the CDC and use it for public health? Maybe it’s an indicator for other viruses down the road,” Kavanah said. “The message is this is constantly evolving. The federal government is trying to fine-tune this to make it a really usable tool.”

Michael Abbott, associate director of the Division of Environmental and Community Health at the Maine CDC, said both he and Dr. Stephen Sears, an epidemiologist who is a clinical adviser with the Maine CDC COVID-19 response team, have been reviewing the wastewater testing results.

Accurate, present indicator

“We feel they are a good general indicator of prevalence of disease in a community,” Abbott said. “We haven’t been viewing them as an indicator of upcoming surge or decline.”

He said the Maine CDC views it as a new technique. “We’re very interested to see at the end how it mimics the change in cases. We don’t know yet if it can be used confidently as a predictor tool.” In the meantime, he said the state CDC is not making any changes in its approach to handling the pandemic.

Testing wastewater for disease markers and other substances has been done before. In 2014, scientists in Brazil found wild poliovirus in sewage from an airport. (The World Health Organization, in a note accompanying that report, wrote that, “Brazil was not re-infected with WPV; the country was exposed to a poliovirus importation. The environmental surveillance system had the capacity to detect the poliovirus in sewage samples and the high immunity appears to have prevented transmission.”)

An article “Wastewater-Based Epidemiology for Early Detection of Viral Outbreaks,” by Irene Xagorarakis and Evan O’Brien, appears on the National Center for Biotechnology Information website. It features a chart showing that water-based epidemiology has been used to search for various substances in wastewater in the United States and Europe, including alcohol, amphetamines, cocaine, counterfeit medicine, opiates and tobacco. The same article notes that coronaviruses, noroviruses, influenza, and polyomaviruses, among others, have been detected through testing wastewater.

At the University of Arizona, on-campus wastewater testing in late August 2020 discovered coronavirus presence in a particular dorm and follow-up COVID-19 testing identified three people in that dorm who were infected and then isolated to prevent further spread.

Closer to home, St. Joseph’s College of Maine in Standish introduced wastewater testing for traces of COVID-19 in 10 of its campus buildings “to provide an ‘early warning system’ designed to detect the presence of COVID-19...,” according to the college website. “(T)his analysis will alert the college to the presence of SARS-CoV-2

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up to six days before symptomatic cases are caught through individual testing.” That testing was done in conjunction with the Portland Wastewater District and remains on-going.

While wastewater treatment plant operators can do sampling to help determine whether COVID-19 is present in a particular population, the process itself could lead to more knowledge about both it and other things in the future.

“Even though we’re not producing information right now that maybe public health officials are using today to make decisions, there is interest,” said Firmin, of the Portland Water District. “And I really believe that there might be potential here, and maybe it’s not with COVID, maybe it’s the next thing, maybe it’s a use that we haven’t come up with yet. But I think there is a benefit and by being part of this effort that’s establishing the national network, that allows for labs to be set up that allow for us to be able to send off samples at a very low cost.”

Phyllis Arnold Rand, who has worked in the wastewater business in Maine for 30 years and now serves as

water quality coordinator for GAUD, noted that treatment plants were being built under the Clean Water Act to make the surface waters – rivers, lakes, and oceans – fishable and swimmable.

“What people don’t realize is that it is not a right to discharge pollutants into the waters of the United States,” Rand said. “It’s a privilege, and that privilege is granted through permitting.”

Wastewater standards

Wastewater treatment plants must remove a minimum percentage of pollutants from the wastewater before

discharging it. “We have to remove a minimum of 85% of certain pollutants from wastewater,” Rand said. “We monitor through sampling and analysis to determine whether or not we meet the limits in our permit.” The district runs chemical and biological tests in-house to show its effect in the Kennebec River.

All that work has resulted in cleaner water bodies. Rand noted that the area where the GAUD discharges into the Kennebec River rated as Class C until the mid 2000s when it was upgraded to Class B. “That’s a demonstration of how much cleaner the river at

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our location has become,” she said.

Depending on the volume of the wastewater, a treatment plant can reveal a few things about the community.

Rand said the treatment plant in Augusta processes an average of 3 million gallons per day. “So it needs to be a large volume of something for us to be able to ‘see’ it coming in.” But it has happened. “I remember there was a large fire in Augusta. When the facility was being hosed down, the water was going into the catch basin and we saw the ash coming into the treatment facility.”

Another time, the plant operators came into work and found a layer of

kerosene floating on top of a tank. “It wasn’t just a little spill, Rand said. “We contacted the Department of Environmental Protection, who confirmed that a house nearby was for sale and there was vandalism. Someone broke in and broke the end off of the tank that was holding the fuel, and they must have had a drain in that basement. That’s how it got to the wastewater treatment plant.”

While Rand concluded that GAUD had too big an area feeding into the treatment plant to accurately determine where any evidence of COVID might originate, she said the pilot program has been valuable.

“I have gotten calls from other municipalities asking me for guidance on how to discuss this testing with their town manager or town council. I do think this is a very good tool if you have sort of a captive area that you can test, for example, a nursing home,” she said. That could predict an increase in cases before people they become symptomatic.

“There are uses for this,” Rand said. “It isn’t cheap, but there are a lot more companies that are trying to get into this business because they see that it’s a lucrative business.” ■

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ABOUT THIS SERIES

Throughout 2021, Maine Town & City will recognize municipal officials as they respond to the challenges posed during the unprecedented, global COVID-19 pandemic. If you have suggestions for this series, please email me at: econrad@memun.org.

Eric Conrad, Editor



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Twenty-five years later, Lamoine newsletter a must read

Stu Marckoon is the town employee behind the quarterly publication. He offers advice, experience for communities that may want to try self-publishing.

By **Stephanie Bouchard**

Back in 1995, the coastal Town of Lamoine was celebrating its 125th anniversary. The select board decided to create a simple newsletter to get the word out to residents about special commemorative events happening during the anniversary year.

Twenty-five years later, the newsletter, *The Lamoine Quarterly*, is a mainstay of the Hancock County town located about 20 miles from Acadia National Park.

“We created a monster!” joked Stu Marckoon, who, besides being the town’s administrative assistant to the select board – deputy town clerk, deputy tax collector, treasurer, general assistance administrator, addressing officer, emergency management director and assistant fire chief – edits, writes and designs the quarterly publication.

“It proved to be very popular,” he said. “Boy, if I make a mistake, I hear about it.”

Initially, the eight-page newsletter was mailed to anyone who subscribed to it, people could pick it up at town hall and some local establishments, and a copy was sent home with kids at school.

The town stopped mailing it in 2019 (a handful of copies are mailed to seasonal residents who are out-of-state in the winter), moving to sending it to people electronically. “When we stopped mailing it, I had a few people who kind of freaked out because they didn’t have Internet,” Marckoon said.

The electronic version, which has the advantage over the print version of having color photos, is also available for download from the town’s website. In fact, hard core fans can get nearly all the issues of *The Lamoine Quarterly* in the online archive on the town’s website. (Only the July 1996 issue is missing from the archive. Marckoon can’t find a copy of it, so hasn’t been able to digitize it.)

Hard copies are still available for pick-up at the town office and are still sent home with schoolchildren. “People will swing by the office and it’s, ‘Is the quarterly out yet?’” he said. “They look forward to it.”

“The town has really embraced it,” said Jo Cooper, a longtime member of the select board. “I think people would be in an uproar if we didn’t have it.”

What’s in it?

The *Lamoine Quarterly*, if you haven’t already intuited, is not your everyday, municipal newsletter. Yes, it features

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



the municipal government news you'd expect. Things on this list include: planning board and select board minutes, new building permits issued, town calendar items such as transfer station hours during the holidays and the date of the annual town meeting, and big doings at town hall, such as the recent installation of a 65-inch smart TV in the meeting room to better accommodate the pandemic-necessitated Zoom meetings.

But its eight pages offer more than town government basics.

With a background in news (Marckoon began a radio news career in 1977, when he was still in high school, and still works part-time as a morning news anchor for Ellsworth-based radio station 97.7 FM), Marckoon has

shaped the municipal newsletter into a mini-newspaper that reports on what's happening throughout the community – not just at town hall.

In addition to road work updates and reminders to get dog licenses, readers are treated to newspaper-style content (but without ads), such as:

- The destruction by fire of a well-known osprey nest atop an electrical pole. (Complete with photos of the nest aflame. All nest residents

survived, by the way, and a new, safer nesting platform was erected in its place.)

- The wrecking of the cover of a popular water spring when an evergreen tree smashed into it during a windstorm, and the plans to fix it.
- A shooting spree that left one person dead.
- Resident-taken photos of rare albino and piebald deer grazing in the

ballfields on the school grounds.

- A massive search effort to find two lost dogs.
- Recap of the “Stormageddon” winter of 2015, complete with photos of a ginormous snowman created by three young people with the help of an excavator operated by one of the kids’ parents.
- Beaver construction projects and the havoc they cause.
- The Make-A-Wish gifting of a “shed” to a young girl.
- Bears marauding bird feeders.
- Making maple syrup at home.
- Free-range “Wascally Wabbits.”

The Lamoine Quarterly helps make Lamoine unique. More importantly, said Carol Korty, a Lamoine resident who often contributes community news items for three local organizations she volunteers with, it is valuable for the residents.

‘A big service’

“The fact that it comes out four times a year with this information, including a schedule for when the town groups are meeting, is a big service,” she said.

“I like to look at all the things (in the newsletter), because always there’s some story in there that I had not been aware of,” she said. “I know stuff is going on, but I’m not clear about all the details and then it’s there, and I find that interesting.”

“The newsletter is a place where you can, you know, see what the planning board is up to, or see pictures of different things, or see what the latest big controversy is going on with the appeals board,” said Cooper. “It sounds funny, but it really is, you know, small town interests, and very well done. We also have had some neat things going on in town and it does accentuate the positive – which I think is so important right now – without being really hokey about it.”

The select board sees the newsletter as an important way to connect with residents, she said.

“People just don’t know what goes into running (a municipality),” Cooper said. “I feel that the more the public understands what’s behind some of this, the better for all of us, and the more fiscally responsible choices as a town we can make as to what matters to the town. The newsletter’s just one part of that.” ■

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NEWSLETTERS 101

Interested in publishing your own municipal newsletter? Here are some tips from the folks in Lamoine:

Make it part of your town budget. Every year, Lamoine budgets enough to cover the cost of printing the newsletter (about \$1,200).

Find a point person who will be responsible for it. If you are going to assign this task to an employee, make sure the employee is willing to do it and sustain it. Maybe even offer them extra compensation if this task is something outside their defined role. Assigning the newsletter to interns can be tricky because of the turnover in interns and a lack of consistency. It's a bonus if whoever does your newsletter has a background in journalism or writing, Marckoon said. If the person behind your newsletter does not have a background in journalism or writing, find someone with that background to consult with, just to make sure what you're doing "works."

Get a good publishing program to make it easy to layout the newsletter. Marckoon uses Microsoft Publisher, but there are many programs available.

Show some personality in the writing. "If you make it interesting to read, people might remember it," said Marckoon. Having an engaging writing style is great, but also make

the publication as even-handed as you can. Don't criticize people. For example, if the town cites a resident for building without a permit, word this news in a way so as you don't embarrass that person. (Maybe you can avoid identifying the person.) If you report on sensitive subjects, handle them with compassion.

Be consistent with your publishing date. That way, folks in town have an idea when they need to get information to you for inclusion in a particular issue, and everyone knows when to expect the latest copy.

Make sure you have committed stakeholders. In Lamoine, the select board has "ownership" of the newsletter. Marckoon writes most everything in it but the select board reviews it before it goes to print.

Cover as many different aspects of your town as you can, including nonprofits, community organizations and schools. Yes, you want to include council minutes and news from the various town committees, the calendar of municipal meetings and the like, but the primary purpose of your newsletter is to let residents know what's going on around all over town, not just at town hall. A newsletter, said Marckoon, "makes your town human. And that's important."

Check out The Lamoine Quarterly online: <http://www.lamoine-me.gov/Quarterlies/LQPastIndex.htm>



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AGENDA

DAY ONE AGENDA - April 15th:

9:10 a.m. Welcome

Stephen W. Gove, Executive Director,
Maine Municipal Association

9:15 a.m. - 10:00 a.m.

Keynote Address - The State of Broadband in Maine

The issue remains a high priority: The quality of broadband Internet service remains pivotal throughout the state, as Maine competes in the global economic development marketplace. So, how's it going? How are Mainers being served in cities like Augusta, Bangor and Portland, but also in rural areas and on island communities? What new idea and projects are out there to serve as educational examples?

Presenter: Nick Battista, Senior Policy Officer, Island Institute and ConnectME Authority Board Member

MTCMA Certification - .75 points Leadership category

10:00 a.m. - 10:15 a.m.

BREAK/ SPONSOR BREAKOUT MINI SESSION

10:15 a.m. - 11:15 a.m.

The Future of Electric Vehicle Initiatives in Maine

As the independent administrator of energy efficiency programs in Maine, Efficiency Maine provides a variety of financial incentives for public and private entities to support programs and projects that will ultimately reduce greenhouse gases in our state. Join us to learn more about Efficiency Maine's Electric Vehicle Initiatives, including their electric charging station initiative and grant program, as well as an update on the future of electric-powered vehicles, in general, and how towns and cities should think about fleet vehicle purchasing in the future.

Presenters: Anastasia Hediger, Program Manager, Climate and Policy Initiatives; Amalia (Molly) Siegel, Program Manager for Electric Vehicle Initiatives, Efficiency Maine; Ephrem Paraschak, Town Manager, Town of Gorham

MTCMA Certification - 1 point Finance/Budget category

11:15 a.m. - 11:30 a.m.

BREAK/ SPONSOR BREAKOUT MINI SESSION

REGISTER
ONLINE TODAY!

<https://memun.org/2021-Technology-Conference/Registration>

11:30 a.m. – 12:30 p.m.

Using Artificial Intelligence to Lower Operating Costs & Environmental Impact

Did you know 45% of a building's energy is consumed by the Heating, Ventilation and Air Conditioning (HVAC) system, and 30% is typically wasted? Artificial intelligence (AI), the transformative technology being used in a growing array of industries – from automobile to healthcare to retail – is also a powerful tool for municipalities. A self-operating technology, AI optimizes existing HVAC systems to reduce energy consumption. AI-driven HVAC operations can also help mitigate the potential spread of pathogens and improve air quality. Join this session to learn ways in which AI can work within your municipality's facilities.

Presenters: Mark Carter, Vice President, Smart Solutions, RealTerm Energy

MTCMA Certification – 1 point Leadership and Finance/Budget categories

12:30 p.m. – 1:00 p.m.

BREAK/ SPONSOR BREAKOUT MINI SESSION

1:00 p.m. – 2:00 p.m.

Wind Power's Pioneer

Oh, the lessons learned! The Town of Mars Hill became Maine's "granddaddy of 'em all" in 2006, when First Wind Holdings built 28 wind turbines in this Aroostook County town of 1,410 people – the first major wind project in our state. Dave Cyr, who helped guide the community's historic foray into wind energy, will provide updates on the project and explain the finances behind wind power in Mars Hill, then and now.

Presenter: David Cyr, Former Town Manager of Mars Hill

MTCMA Certification – 1 point Finance/Budget and Leadership categories

2:00 p.m. – 2:15 p.m.

BREAK/ SPONSOR BREAKOUT MINI SESSION

2:15 p.m. – 3:15 p.m.

The Legal Aspects of Solar Power

This session will explore a variety of legal issues that municipalities may face when exploring the idea of municipal solar energy projects - from requests for proposals (RFPs) and power purchase agreements (PPAs) to land use issues and "solar ordinances." Two leading municipal attorneys will lead you through a discussion of these and other topics.

Presenters: Mark Bower and Ben McCall, Attorneys, Jensen, Baird, Gardner & Henry

MTCMA Certification – 1 point Legal category

DAY TWO AGENDA – April 16th: ◀.....

9:00 a.m. Welcome Back!

9:15 a.m. – 10:15 a.m.

Tightening Your Financial Security

Fraud schemes can fly under the radar until it is too late, resulting in costly remediation for the organizations affected. Data from the Association of Certified Fraud Examiners shows that organizations lose approximately 5% of revenue due to fraud. This presentation will discuss fraud prevention from an organizational level down to individual employees, touching on risk assessment, internal control, and types of fraud, ending with a live demonstration of creating a realistic phishing email.

Presenters: Jeremy Clough, Information Security Officer, Machias Savings Bank; Jim Edwards, SVP Cash Management Solutions, Machias Savings Bank

MTCMA Certification – 1 point Finance/Budget category

10:15 a.m. – 10:30 a.m.

BREAK/ SPONSOR BREAKOUT MINI SESSION

10:30 a.m. – 11:30 a.m.

TRIO Toolbox

Harris Local Government's TRIO software suite is a popular package that many small to large municipalities and water and sewer districts in Maine rely upon. This session is designed to help TRIO users understand the tool better, know where to turn for help – and ask questions of the Harris experts themselves.

Presenters: Ben Clairmont and Brian Hackett, TRIO/Harris Local Government

MTCMA Certification – 1 point Finance/Budget category

1 CMA/CAT re-certification credit through Maine Revenue Services

11:30 a.m. – 12:30 p.m.

BREAK/ SPONSOR BREAKOUT MINI SESSIONS

12:30 p.m. – 1:30 p.m.

Solar Siting: Encouraging Thoughtfully Sited Renewable Energy Development

Maine Audubon, along with several partners, has developed a variety of tools to help municipalities realize the benefits of solar development while avoiding and minimizing impacts to Maine's most vulnerable natural resources. In addition to a model solar land use ordinance and low-impact best practice guidelines, Maine Audubon has created a mapping tool that brings together spatial information on electrical infrastructure, previously degraded sites, and natural resources to encourage thoughtfully sited solar projects across the state. We will share these tools and discuss solar siting strategy.

Presenter: Sarah Haggerty, Conservation Biologist/GIS Manager, Maine Audubon

MTCMA Certification – 1 point Leadership and Finance/Budget categories

Not the new normal: Three tactics for navigating the ‘raw normal’

By Matt Lehrman and John Little, Social Prosperity Partners

If this was the “new normal” you’d feel confident to operate in the now, organize for the soon, and plan for the future. You would draw inspiration from your organization’s vision statement.

You would define purpose from its mission statement. And you’d achieve consensus around organizational priorities via a clear description of key objectives.

If this was the “new normal” you would feel confident plotting the course from your organization’s current situation to where it aspires to be in three to five years, or even longer.

There’s an old Yiddish adage, “Mann Tracht, Un Gott Lacht” meaning: “Man Plans, and God Laughs.” In the midst of disruption and uncertainty, it surely rings true.

So, how will you recognize the start of the “new normal”?

It arrives at the precise point that you and your team feel stable in your situation and confident enough to update your organization’s strategic plan. And we hope that’s not any time soon.

Planning, not plans

That’s not to say that you shouldn’t be deeply engaged in planning. You absolutely should. The question is “What are you planning for?” At this moment, it’s likely that your organization would be better served by a vigorous focus on the options and opportunities of the next three to six months rather than the hopes of the next three to five years.

Matt Lehrman and John Little are co-founders of Social Prosperity Partners, a firm that works nationally in service to municipalities, nonprofits and companies providing services in strategic planning, group facilitation, and community engagement. Matt was the keynote speaker at MMA’s 2020 Annual (Virtual) Convention.

Appropriate to the gut punch that so many organizations have endured in the past year, Mike Tyson’s famous quote speaks viscerally to the inadequacy of all strategic plans, when he observes: “Everybody has a plan until they get punched in the mouth.”

The raw normal

What do you plan for if you’re not in a position of stability, confidence and strategy? That’s what we call the raw normal – a time of uncertainty – which should be approached with three essential objectives:

Understand: Charge your whole team with the responsibility to pay attention to all that’s changing. Just like the FBI following an incident, create a mechanism for your team to submit “tips” about all that they’re observing. There’s incredible wealth in your ability to gather, organize, and ultimately interpret the ramifications of all that input.

Adjust: Like a surfer riding a wave, navigating the raw normal is about rapidly making small adjustments. Sure, your strategic plan might tell you it’s time to replace your surfboard, but that’s an irrelevant option when you’re already out on the water. Focus on making the adjustments that you can. Over time, many small, smart and even fearless adjustments can result in a magnitude of change.

Collaborate: Under pressure it’s hard to rise above one’s own situation and see a greater picture. Likewise, it’s way too easy to commiserate with others about the challenges being faced. In the raw normal, perhaps your greatest opportunity is to seek out others who are problem solving in new and creative ways and join them in the effort. Learn from their successes. Avoid their mistakes. Join forces where you can minimize risk. And raise a toast to moments of optimism and accomplishment. ■

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Into the future: Towns, cities lease electric vehicles, save money

Combining an Efficiency Maine program and manufacturers' rebates enticed municipal leaders to make the switch from gas vehicles to electric and hybrid.

By Susan Cover

An enhanced rebate program for electric and hybrid vehicles funded by Efficiency Maine is prompting municipal officials across the state to consider their options when the time comes to replace outdated gasoline-fueled cars and trucks.

In Gorham, that means four Hyundai Kona electric vehicles are replacing surplus police cruisers for town officials who need to go to meetings, get additional training, run town-related errands or conduct routine business, said Town Manager Ephrem Paraschak. The three-year lease will cost the town very little – basically the cost of insurance and a \$400 turn-in fee at the end of the lease – because of a \$12,000 Efficiency Maine rebate per vehicle and other incentives provided by the dealer and Hyundai, he said.

“For us, it was a no-brainer,” he said.

And while that kind of deal may not be available in every instance, Efficiency Maine did make the program more attractive in December when it announced increased rebate amounts. The Efficiency Maine rebate for battery electric vehicles is \$12,000 and for plug-in hybrid electric vehicles, it is \$5,000.

“That has caused municipalities to perk up and take notice,” said Michael Stoddard, executive director of Efficiency Maine.

Paraschak said in Gorham, the lease allows up to 10,000 miles per year per vehicle. While town council members had questions about hidden fees or other potential unforeseen



Tesla Model 3 (Submitted photo)

costs, the town attorney reviewed the lease to make sure the town would not be surprised in the future, he said.

“As municipal officials, we want to do the right thing,” he said. “We want to be progressive but really at the end of the day it comes down to cost. For us, this will be a good pilot program.”

Previously, Gorham used the Efficiency Maine rebate of \$12,000 per vehicle to purchase two Chevy Bolts that are in use in the code enforcement office. After rebates, those vehicles cost a little more than \$16,000 each, he said.

Kennebunk Fire Chief Jeffrey Rowe tapped the Efficiency Maine program in March of last year when it came time to update the vehicle he drives to fire scenes and to meetings around the state. After getting a pre-

approval letter from Efficiency Maine, his town purchased a Tesla Model 3, a battery electric vehicle.

“It was very easy,” he said. “It went flawlessly. For a municipality, it should be pretty attractive. This vehicle has worked well for us.”

So far, Rowe has put about 5,000 miles on the car and other than refilling the washer fluid and checking the tire pressure, he has not had to do any maintenance. The car can travel 330 miles per charge and comes with a built in GPS that indicates where there are charging stations along a route, he said. Although the town took some criticism on Facebook following the purchase, Rowe said the rebates make the vehicles an affordable option that also helps address climate change.

Moving forward, he envisions a

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

time in the not-too-distant future when fire engines will be powered by electricity, noting that the City of Los Angeles already uses one.

“In five years, we’ll think nothing of this conversation,” he said.

\$50 a month in Cumberland

In Cumberland, Town Manager William Shane said he thought it was a joke when Rowe Ford contacted town

officials with details about the rebate program. But after following up, the town decided to lease two vehicles – one for town hall staff and another for the police department, he said. With a cost of less than \$50 a month per vehicle, the deal was too good to pass up.

“The costs seem to be extraordinarily attractive now, especially for towns,” he said.

The town is leasing two Hyundai, all electric, mid-size cars for three years. Officials plan to put a charging station outside town hall so residents can use it too, he said. Shane said he’s excited to see the benefits of what he hopes will be reduced maintenance and cost savings on gas mileage currently paid to employees.

With towns facing increased costs related to the COVID-19 pandemic, Shane said the rebate program pro-

vided a nice boost in an otherwise difficult time.

“This was a nice thank you,” he said. “It put a smile on our face. This is a good program.”

Cashel Stewart, sustainable transportation coordinator for the City of South Portland, said the city is in the process of considering whether to lease four Hyundai Konas to replace aging “gas guzzlers” that are part of the city’s fleet. So far, the city has its approval letter from Efficiency Maine. It is waiting to hear about manufacturers’ rebates to see if the deal can work, he said.

With a citywide spending freeze, the \$12,000 rebate from Efficiency Maine coupled with the Hyundai rebate will be essential to helping the city continue to pursue its goal of having all electric vehicles by 2040.



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The goal is part of the “One Climate Future” plan approved by both Portland and South Portland city councils, he said.

“There’s some ridiculous savings to be had for electric vehicles,” he said.

Stewart said he worked with a local car dealer to get quotes on other electric vehicles, but noted at this time, the Hyundai rebates proved to be the most beneficial. That could change, so Stewart suggested that other municipal officials just beginning the process should ask for multiple quotes on a variety of vehicles that are eligible for the program.

How it works

The program has been around since September 2019, but more municipalities expressed interest since Efficiency Maine announced in December that it would increase the rebate amounts.

Across the state, 57 car dealers participate in the program, said Amalia Siegel, a program director for Efficiency Maine. Municipalities interested in participating in the program



Hyundai Kona (Submitted photo)

should download a form from the Efficiency Maine website, which will then allow them to get a pre-approval letter from Efficiency Maine so they can get the rebate.

Siegel said municipal officials should find a dealer, get the pre-ap-

proval letter from Efficiency Maine and decide whether to lease or purchase a battery electric vehicle or a hybrid that runs on both gas and electricity. For entities that need to get multiple bids, she suggested reminding the dealers to include the Efficien-

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cy Maine rebate in the bid amount.

In addition to the rebates for purchase or lease, there are also mail-in rebates for chargers -- \$500 for the first one and \$250 for the second, she said. The rebates can be applied up to 10 vehicles. When it comes to leasing, the program allows only four leased vehicles per customer, she said.

Since the program began in 2019, Efficiency Maine has issued about a

dozen rebates for municipalities, with "a small handful" recently submitting applications.

Stoddard said there's a good variety of makes and models eligible for the program, including crossover SUVs, mini-vans and larger SUVs. It's no longer the case that electric or hybrid vehicles are "teeny, tiny little cars," he said.

And there's reason to remain op-

timistic in the near term with manufacturers promising more variety later this year and next year, he said.

"The intent of the program is to lower Maine drivers operating costs and reduce carbon emissions," he said. "The way we are trying to do that is by market transformation."

One way to do that is to give financial incentives to those already interested in buying one of the vehicles. For municipalities, it's a chance to get competitively priced vehicles with lower maintenance costs.

"When local governments lead by example it's very helpful to market transformation," he said. "It helps increase the visibility of these new technologies and shows people they function very well."

In addition to the Efficiency Maine rebates, municipal officials should also ask about manufacturer rebates, which can be significant, Stoddard said. Also, if they are leasing a vehicle, it's important to ask the dealer if they are passing along the savings the lease company gets from federal tax credits to the municipality, Siegel said.

The rebate program to promote the purchase or lease of battery electric or hybrid vehicles is funded by a \$5.1 million settlement the state received after suing Volkswagen for emission control failures. A portion of the funds from a separate settlement that was awarded following a federal lawsuit against Volkswagen went to Efficiency Maine to promote electric vehicle chargers, according to Efficiency Maine.

Another consideration for municipalities is whether to install charging stations that can only be used by municipal officials, or whether to install them in locations where they can also be used by the public. Municipalities may want to consider stations with the technology to accept credit card payments with the expectation that more and more drivers will be switching to electric vehicles.

"The thing people should be aware of is all indications are this is what cars of the future are going to look like," Stoddard said. "Drivers are going to need places to charge up. It's great for municipalities to take advantage of cleaner, lower cost vehicles and add public charging capacity for the future." ■

Spring Workshop

MRRA is offering a Virtual workshop on April 26th 2021!! We will be hearing from NRCM and the DEP about legislative updates, discussing safety with Battery Recovery, as well as a safety training session.

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AT-A-GLANCE CALENDAR



MMA EDUCATIONAL OFFERINGS 2021

DATE:	DAY:	COURSE NAME:	LOCATION	SPONSORED BY:
MARCH				
3/2	Tues.	Elected Officials Workshop	ZOOM Webinar	MMA
3/10	Wed.	MFCA Annual Meeting	ZOOM Meeting	MFCA
3/10	Wed.	Cultural Competency 101	ZOOM Webinar	MMA
3/16	Tues.	Introduction to De-Escalating Techniques	ZOOM Webinar	MMA
3/18	Thurs.	MBOIA March Membership Meeting & Training	ZOOM Webinar	MBOIA
3/23	Tues.	MTCCA Virtual Brown Bag Lunch Series #1: Vital Records - Registration (Deaths Section)	ZOOM Meeting	MTCCA
3/24	Wed.	MTCCA Virtual Brown Bag Lunch Series #2: with Secretary of State Shenna Bellows	ZOOM Meeting	MTCCA
3/25	Thurs.	MTCCA Virtual Brown Bag Lunch Series #3: Vital Records - Permits (Deaths Section)	ZOOM Meeting	MTCCA
3/26	Fri.	MTCMA 41st Annual Statewide Manager Virtual Interchange	ZOOM Webinar	MTCMA
APRIL				
4/2	Fri.	MACA Annual Business Meeting	ZOOM Meeting	MACA
4/6	Tues.	MMTCTA Tax Liens Workshop	ZOOM Webinar	MMTCTA
4/8	Thurs.	Personnel Practices	ZOOM Webinar	MMA
4/8-9	Thurs.-Fri.	MeWEA Spring Conference	ZOOM Webinar/Conference	MeWEA
4/14	Wed.	MTCCA Virtual Brown Bag Lunch Series #4: Vital Records - Marriages (Part 1)	ZOOM Meeting	MTCCA
4/15-16	Thurs.-Fri.	Municipal Technology & New Energy Conference	ZOOM Webinar/Conference	MMA
4/16	Fri.	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
4/21 & 4/22	Wed. - Thurs.	Athenian Dialogue: Greenlights	ZOOM Meeting	MTCCA
4/22	Thurs.	Planning Board/Boards of Appeal	ZOOM Webinar	MMA
4/23	Fri.	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
4/27	Tues.	Understanding Implicit Bias	ZOOM Webinar	MMA
4/27	Tues.	MWDA Spring Training Seminar	ZOOM Webinar/Seminar Event	MWDA
4/28	Wed.	MTCCA Virtual Brown Bag Lunch Series #5: Vital Records - Marriages (Part 2)	ZOOM Meeting	MTCCA
4/30	Fri.	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
MAY				
5/5	Wed.	Elected Officials Workshop	ZOOM Webinar	MMA
5/5	Wed.	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
5/6	Thurs.	MAAO Board of Assessment Review	ZOOM Webinar	MAAO
5/11	Tues.	Regulating Vacation Rentals	ZOOM Webinar	MMA
5/12	Wed.	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
5/13-14	Thurs.-Fri.	MMTCTA Annual Conference	ZOOM Webinar/Conference	MMTCTA
5/19	Wed.	MTCCA Virtual Brown Bag Lunch Series #6: Vital Records - Access & Disclosures (Part 1)	ZOOM Meeting	MTCCA
5/20	Thurs.	MTCCA Virtual Brown Bag Lunch Series #7: Vital Records - Access & Disclosures (Part 2)	ZOOM Meeting	MTCCA
JUNE				
June	Thurs.	MCAPWA Highway Congress Skowhegan - Skowhegan Fairgrounds	CANCELED	MCAPWA
6/3	Thurs.	New Managers Workshop	ZOOM Webinar	MMA
6/4	Fri.	MEGFOA Training Workshop	Location TBD	MEGFOA
6/10	Thurs.	MMTCTA Cash Management	ZOOM Webinar	MMTCTA
6/10	Thurs.	Managing Freedom of Access Requests	ZOOM Webinar	MMA
6/16 & 6/17	Wed. - Thurs.	Athenian Dialogue: Daring Greatly	ZOOM Meeting	MTCCA
6/17	Thurs.	Municipal Human Resources & Management Conference	ZOOM Webinar/Conference	MMA
6/24	Thurs.	Elected Officials Workshop	ZOOM Webinar	MMA
JULY				
7/8	Thurs.	MFCA Membership Meeting & Networking	TBD	MFCA
7/13	Tues.	MMTCTA I've Got The Job - Now What? Workshop	Augusta -Maine Municipal Association	MMTCTA
7/15	Thurs.	MBOIA July Membership Meeting & Training	Augusta -Maine Municipal Association	MBOIA
7/14 & 7/21	Wed.	MTCCA Licensing Workshop	ZOOM Webinar	MTCCA
7/20	Tues.	Planning Board/Boards of Appeal	ZOOM Webinar	MMA
7/22	Thurs.	MMTCTA Basic Excise Workshop	Augusta -Maine Municipal Association	MMTCTA
TBD	TBD	MMTCTA Tax Liens Workshop	Orono - Black Bear Inn	MMTCTA

PLEASE NOTE: In light of the ongoing public health pandemic, events scheduled in-person should be considered tentative until more information becomes available. Facilities and locations may also be subject to change. Please be sure to check the MMA website for regular updates.

AT-A-GLANCE CALENDAR



MMA EDUCATIONAL OFFERINGS 2021

DATE:	DAY:	COURSE NAME:	LOCATION	SPONSORED BY:
AUGUST				
8/11-13	Wed.-Fri.	MTCMA 75th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18	Wed.	Elected Officials Workshop	Saco - Ramada Inn & Conference Center	MMA
8/19-20	Thurs.-Fri.	MMTCTA Governmental Accounting	Waterville - Elk's Lodge	MMTCTA
8/25	Wed.	MFCA Joint Meeting	Newry - Sunday River	MFCA
8/26-27	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA
8/26	Thurs.	Women in Leadership Symposium (NEW!)	Augusta - Maine Municipal Association	MMA
SEPTEMBER				
Sept.	TBD	MCAPWA Golf Tournament	Cumberland - Val Halla	MCAPWA
9/2	Thurs.	MMTCTA Payroll Law	Waterville - Elk's Lodge	MMTCTA
9/9	Thurs.	How to Lead Effective Meetings	TBA	MMA
9/10-12	Fri.-Sun.	MSFFF Annual Convention/Meeting	Waldoboro	MSFFF
9/13	Mon.	Planning Board/Boards of Appeal	Portland - Fireside Inn & Suites	MMA
9/15	Wed.	MEWEA Golf Tournament	Newry - Sunday River	MeWEA
9/16-17	Thurs.-Fri.	MeWEA Fall Convention	Newry - Sunday River	MeWEA
9/22-24	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/23	Thurs.	MBOIA September Membership Meeting & Training	Portland - Fireside Inn	MBOIA
9/30-10/1	Thurs.-Fri.	85th Annual MMA Convention	Augusta - Augusta Civic Center	MMA
Sept.	TBD	MWDA GA Basics	TBD	MWDA
Sept.	TBD	MWDA Advanced GA	TBD	MWDA
OCTOBER				
Oct.	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part I	CANCELED	MCAPWA
Oct.	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part II	CANCELED	MCAPWA
10/9	Sat.	MSFFF Firefighters Memorial Service	Augusta	MSFFF
10/14	Thurs.	Labor & Employment Law	Augusta - Maine Municipal Association	MMA
10/20	Wed.	Identities & Privileges	ZOOM Webinar	MMA
10/21	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/22	Fri.	MEGFOA Training Workshop & Annual Meeting	Augusta - Maine Municipal Association	MEGFOA
10/26	Tues.	MBOIA & Fire Marshal's Office Training	Portland - Fireside Inn	MBOIA
10/27	Wed.	Legal Update on Recreational Marijuana	ZOOM Webinar	MMA
10/27	Wed.	MBOIA & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/28	Thurs.	MBOIA & Fire Marshal's Office Training	Waterville - Elks Lodge	MBOIA
10/29	Fri.	MBOIA & Fire Marshal's Office Training	Augusta - Maine Municipal Association	MBOIA
NOVEMBER				
11/4	Thurs.	The ABCs of Assessing - for Non Assessors (NEW!)	ZOOM Webinar	MMA
11/9	Tues.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - Maine Municipal Association	MMTCTA
11/9	Tues.	Grant Writing: The Municipal Experience (NEW!)	Belfast - Hutchinson Center	MMA
11/16	Tues.	Developing Solutions on Hotly Contested Issues (NEW!)	Portland - Clarion Hotel	MMA
11/30	Tues.	Elected Officials Workshop	Orono - Black Bear Inn	MMA
DECEMBER				
12/3	Thurs.	MWDA Winter Issues Training	Augusta - Maine Municipal Association	MWDA
12/8	Wed.	Planning Board/Boards of Appeal	Augusta - Maine Municipal Association	MMA
12/9	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - Green Ladle	MBOIA
12/10	Fri.	MTCMA/MMANH Joint Workshop - Leadership Exchange	South Portland - DoubleTree Hotel by Hilton	MTCMA
12/14	Tues.	Managing Freedom of Access Requests	Augusta - Maine Municipal Association	MMA
TBD	TBD	Small Claims	Augusta - Maine Municipal Association	MMTCTA

Online registration is easy!

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

PLEASE NOTE: In light of the ongoing public health pandemic, events scheduled in-person should be considered tentative until more information becomes available. Facilities and locations may also be subject to change. Please be sure to check the MMA website for regular updates.

USDA Rural Development can help many communities

The federal agency operates a critical infrastructure loan program with rates that are lower than you might think. The Town of Norway is a recent beneficiary.

By Tommy R. Higgins, Acting State Director, USDA Rural Development

Rural communities, non-profits, and tribes looking for affordable solutions to construct, renovate or improve infrastructure need look no further. Due to historically low interest rates offered by one government agency, now may be the time to apply for funding through the USDA Rural Development's Community Facilities Direct Loan Program.

Community facilities that have considered applying for this federal funding in the past may want to seize upon this opportunity now, as interest rates for this key program have been reduced to 2.125%, a rate that is historically low for the program.

Eligible entities for the program are public bodies, community-based nonprofits and Native American Tribes in communities with a population under 20,000. Priority is given to communities of 5,500 or less, and those with a median household income below 80% of the state non-metropolitan median household income.

Funds can be used to purchase, construct, or improve essential community facilities, purchase equipment and pay related project expenses. Throughout Maine, this critical program has been used to for purposes



The Town of Norway's Highway Maintenance Building was financed through a Community Facilities Direct Loan. (Submitted photo)

such as hospitals, medical clinics, dental clinics, assisted living facilities, public safety buildings, public works buildings, community centers, food pantries, libraries, private schools and more.

In the Town of Norway, USDA Rural Development provided a Community Facility Direct Loan in the

amount of \$3.12 million to finance construction of a highway maintenance building. The building, which is under construction, will include three maintenance bays, an overhead crane, six double drive-thru bays, staff offices, a locker room, two bathrooms, one ADA shower, a tools and parts room, a kitchen and a utility room.

Dennis Lajoie, Norway Town Manager said of his experience working with the agency: "The competitive, fixed rates offered by Rural Development, along with the ability of staff to work alongside the town toward its vision, made financing our new highway safety building possible. With interest rates now at 2.125%, we are in the process of financing a second infrastructure project for renovations to the Town Office building, and looking into the potential of acquiring a much

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MaineSTART is the Defined Contribution program from Maine Public Employees Retirement System (MainePERS).

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www.mainestart.org
e-mail: Gary.Emery@mainepers.org

needed fire truck. Financing long-term assets with low cost fixed rate financing is very important to the Town of Norway as we know that these assets help to serve the public for decades to come. USDA Rural Development is a great partner in working with the town to accomplish its goals, which will benefit the residents of Norway now and well into the future.”

Lajoie encourages other town

managers and leaders to learn more about the Community Facilities Direct Loan Program, which can help rural Maine communities to finance their infrastructure needs.

He also encourages other town managers and leaders to learn more about the Community Facilities Direct Loan Program, which can help rural Maine communities to finance their infrastructure needs.

Benefits of working with USDA

In addition to competitive low interest rates, USDA Rural Development offers no loan minimum or maximum. There is no prepayment penalty, meaning the loan can be paid off at any time. The loan terms are up to 40 years for non-profit corporations and 30 years for public bodies (based on Maine state statutes), or the useful life of the security, whichever is less.

Other benefits of working with Rural Development, aside from its local and knowledgeable staff, is there are no application fees, no annual renewal fees and no servicing fees. There is also no Davis-Bacon wage match requirement.

Finally, there is no minimum equity requirement. Loans may be up to 100% of the collateral value.

USDA Rural Development is accepting applications through this program. If you have questions or are interested in applying, please contact Robert Nadeau, Community Programs Director at (207) 990-9124 or email Robert.nadeau@usda.gov. ■

MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our municipal and associate members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

Labor Relations — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes.

Executive Search — Assistance with the recruitment of a new city or town manager, department head and/or senior management position.

Training — On-site training in a variety of topics.

Testing — Entry level police and fire testing.

For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.

For more information visit the MMA website: www.memun.org

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New housing playbook should be considered for Maine towns

The authors note that out of state residents are moving here to escape urban congestion and pollution. As remote work gains acceptance, this trend will continue.

By John Egan, chief lending and program officer, Genesis Community Loan Fund, and Kara Wilbur, real estate developer and chair, Build Maine

With new access to remote work, more people are choosing where they want to live based on ideas about lifestyle, making Maine an attractive and more viable place to relocate. At the same time, an increasing number of people are struggling to maintain a living wage, keep a roof over their heads, and feed their families.

With the onset of COVID, intensified interest in Maine is ushering in a new wave of land and housing speculation, driving up prices. These combined forces, paired with real challenges in building housing, underpin the current housing crisis. There is a real risk that as more people move to Maine, many Maine people will be priced out, find themselves unable to gain access to better quality housing, and left with fewer choices for how and where they want to live.

The past 50 years of low-density, far-flung housing has failed to contribute to a strong economic picture and has cost towns potential tax revenue, social capital and contiguous lands for farming, forestry, or recreation. In southern Maine, residential subdivisions have carved up woods and farms, changing the face of those communities. In other areas of Maine, population has stagnated or declined, with city and town centers, struggling to overcome years of disinvestment, while low-density housing and commercial development have steadily chipped away at the edges – a slow and almost imperceptible dispersion of people across a landscape that was once dominated by working fields and forest.

Towns can play a bigger role in directing new energy into rebuilding their towns and economies, and how central housing is to that effort. Building attractive housing in places close

to services, whether it's a village center or a downtown, is a proven economic and community development strategy. People will spend their income there, build community relationships, and create the kind of energy that attracts more people and activity.

Our villages and downtowns are places where we have made major public investments in infrastructure, and where it makes financial sense to direct more housing development. Transportation for individuals and families can also be less costly, and provide opportunities for people to walk, bike, snowmobile or drive a utility vehicle to a local business, potentially bumping into a friend or neighbor along the way. There is a strong and growing desire for closer proximity to community life. Even our rural villages and crossroads have the infrastructure and community assets in place to build on, and opportunities to fill in the gaps where we have lost buildings over the last 80 years.

Building housing that is affordable to middle income Mainers is a challenge in the best of circumstances. Site construction and predevelopment costs are the same for affordable as for market rate, and building housing in town centers is more complicated and expensive than in undeveloped areas. There are a number of factors we can't control – cost of materials, national appraisal practice, bank financing programs – but there are many aspects of development that we can influence locally.

Luckily, towns have a lot of power when it comes to attracting and building new housing in the right places and the community wealth that comes with it. Below are a number of actions already happening in Maine that can

remove the barriers that stand in the way of building housing:

Prioritize small local builders and developers committed to your town.

People who live locally care deeply about their communities and can become the small-scale developers who make the needed, incremental investments in the regular buildings that make up the fabric of our communities. Towns and cities can help incentivize locally grown developers by removing barriers that inadvertently discourage local small investors in favor of bigger outside developers.

Reinvest property taxes into critical projects.

Local governments can help overcome extraordinary costs on infill projects by reinvesting a portion of increased taxes back into the project. This tax re-investment can cover the significant gap between project costs and rents that exist in most of Maine, effectively bumping up the value of the project and increasing access to additional financing. Providing tax assistance for projects involving underperforming buildings or vacant lots can unlock difficult infill projects that would otherwise not happen and begin to grow taxable value across a neighborhood. Additional tax revenue generated from new housing can also be used to support local revolving loan programs that can fund additional housing projects. This tool, made available through Tax Increment Financing enabling rules, can be difficult to use in communities with a town meeting form of government.

Eliminate parking requirements.

Many zoning codes mandate off-street parking based on math imported from studies of suburban communities in other states. These parking rules can erode the affordability, walkability,

and sustainability of our villages and downtowns. Parking requirements shrink the size of buildings, reduce the number of housing units, increase the cost of projects, or simply make a project unbuildable. The Town of Newcastle eliminated parking requirements completely throughout town, regulating only parking location. Portland passed new rules to eliminate parking mandates within ¼ mile of any bus stop. Lewiston will now waive parking requirements for any project located within 500 feet of a public parking facility.

Allow housing by right. Don't require special permission to build housing. A developer or builder needs to know what is allowed on a given property before they purchase a property. Any additional process adds confusion, delays, risk, and expense. Municipalities can work with local developers to understand and remove barriers to development and also set up clear direction through zoning about local expectations related to project scale, size, design and other goals.

Understand how development math works. Understanding the basics

of a development pro forma can put municipal officials in a strong position to work proactively with developers to navigate and solve issues that hinder projects. In many parts of the state, projects simply don't pencil without financial assistance (in addition to bank financing) to cover "the gap," or the difference between the cost of the project and the revenue from rents. Lewiston has been working closely with developers to pull investment into the residential downtown and has attracted over \$21 million in private investment, including affordable, workforce, cooperative, and market rate housing. North Yarmouth is working with land owners and builders to identify ways to increase value through more compact mixed-use development, which has led to close to \$2 million dollars in additional taxable value from one project alone.

Take advantage of land banking tools. Land banking is a practice that allows towns to clear title on blighted or abandoned properties and move the property back into productive reuse. Land banking can reverse neighborhood decline and facilitate rein-

vestment. Sanford, Rumford and many other communities in Maine have land banking programs that can serve as models for other resourced communities. Legislation is also in progress that would make land bank tools accessible to more municipalities and provide technical support and new funding opportunities for rural communities in particular.

Put more buildings on the National Register of Historic Places either through individual listings or districts. This federal designation allows developers to gain access to Federal and State historic tax credits, which provide a cash infusion of up to 45% of the project cost. This program is one of the most powerful ways to jump start reinvestment in our communities. Many Maine towns and cities have done the leg work required to get districts and buildings listed on the register, opening the door to reinvestment in the civic and economic hearts of their communities.

Update zoning to remove barriers. Towns and cities can take a strong, proactive step forward by removing barriers to housing embedded in zoning.



Meet Our Attorneys

Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

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Some towns are opting for wholesale replacement of 1970s and '80s zoning, and other towns are focusing on quick fixes. There are a number of relatively easy and critical zoning changes that towns can make to remove barriers, including:

- **Eliminate single-family only zoning.** Allow all residentially zoned parcels to have at least four dwelling units by right, or allow three ADUs per lot. Making this change continues to allow single-family houses, but provides more flexibility for homeowners and increased opportunities for housing. Portland recently passed new zoning that allows for any lot to have two accessory dwelling units. Newcastle's new code also allows three units per lot.
- **Eliminate minimum square foot requirements per dwelling unit.** This blunt tool can stop downtown projects in their tracks, preventing building rehabilitation and new construction that matches the scale of existing, loved buildings. These requirements can be eliminated completely or replaced with more flexible and locally calibrated side setbacks and building height maximums. Yarmouth removed lot size per unit requirements in several areas of town, unlocking a more walkable devel-

opment pattern along its Route 1 corridor.

- **Eliminate minimum lot area requirements.** Oversized lot requirements are cumbersome, unnecessary, and can prevent good, small scale incremental projects from happening. Bangor just made a sweeping change, reducing minimum lot sizes from 10,000 sf to 5,000 sf, the size of a typical 50 ft by 100 ft downtown lot. Newcastle eliminated minimum lot area, opting to regulate lot width and allow for a diverse range of building types.
- **Waive connection and impact fees for projects within downtown or village areas.** Projects located in a downtown or village center are already more difficult and more expensive than building in a new location. Impact fees are just one more cost that can further contribute to an investor's decision to look elsewhere to do a project. Towns can waive impact fees for projects in the places that meet local financial, social, and environmental goals.

Embrace all types and sizes of housing. We are in the midst of cultural shift, with more people reconsidering how and where they live. There is a growing interest in living both within walking distance of a corner store and

coffee shop, while also having access to natural, open lands. In Maine, we can offer the best of both worlds in almost all of our communities. There are also more people looking to downsize because they must. Tiny houses on piers, foundations, or wheels will continue to grow in market share, and towns willing to allow these kinds of small, affordable, flexible, and even moveable housing options will attract new residents.

Unless Maine towns take proactive steps, and particularly smaller rural communities, expensive new apartments will be filled by climate and congestion refugees from big cities to the south of us, and Maine people may be priced out or forced to live in substandard, inefficient homes. Unless we take steps to focus growth and provide more options in our downtowns and community centers, one of Maine's greatest assets, our access to open natural spaces, could be threatened by low-density housing. As an alternative, our towns can craft strategies to re-envision downtowns and villages for local Maine residents, with local people central to the process of building and investing in our communities. ■



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The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

Visit the MMA website For more information: www.memun.org



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PEOPLE



Nicole Briand

The Bowdoinham Select Board named interim Town Manager **Nicole Briand** to the job permanently. Previously the town planner for 10 years and the town's code enforcement officer, Briand assumed the manager's duties after **Thomas Woodlin** resigned last August. The new effort was led by David Barrett of the Maine Municipal Association, who facilitated the search process. Briand was chosen from a pool of 48 candidates, some of whom were interviewed in person and the remainder remotely. Three finalists were interviewed by the select board and a panel of five town residents. The select board's vote was unanimous.

A nine-member search committee recommended that Franklin County Detective **Kenneth Charles** was the best choice to become Farmington's new police chief. Officials were impressed by his 30 years of experience, his attitude and personal qualities. Charles' expertise goes beyond law enforcement: He has worked in emergency medical services, health care and the military. He has worked for the Franklin County sheriff since 2002. In 2014, Charles was Deputy of the Year for the third time. He served as a Maine police academy instructor from 2017 to 2020. The nine members of the search committee unanimously supported Charles. He replaces



Jack Peck

Jack Peck Jr., who served as chief for 10 years until 2020. Last month, Peck was named the new assistant director of the Maine Criminal Justice Academy in Vassalboro. Peck is a former president of the Maine Chiefs of Police Association and was recruited to serve on the Maine Sheriffs Association Board of Directors. Meanwhile, department Office Manager **Karen Kidd** was named Employee of the Year, credited for making fast changes required when the COVID-19 pandemic reached Maine. Other employees and officers received certificates for outstanding work.



Lynn R. Mealey

Lynn R. Mealey retired last January as clerk in the Town of Randolph, a position she held since 2004. Mealey first went to work for the town in January 1999, as a part-time office and sewer billing clerk. She is a Randolph legacy: Her mother, Ella Shepard, served as town clerk as well, from 1970-74, running things from the house where Ella and Lynn lived. Mealey worked with 15 different select board members over the years.



Glenn Moshier

The Ellsworth City Council last month named interim City Manager **Glenn Moshier** to the job permanently. Moshier replaces **David Cole**, who retired last September. Moshier will remain the city's police chief, a decision that some residents questioned. Councilors explained they had previously found a good finalist, but the person withdrew. Moshier was approached to accept the job permanently. He has worked for the city since 2004 and has a good rapport with department leaders and other city staff, councilors said. Moshier has a degree in government and has served as police chief since 2017. Capt. **Troy Bires** has performed many of the department's day-to-day operations and will continue to do so. Bires has worked for the city since 1990. Moshier said he wanted to retain his role as chief so he could oversee the department's budget, personnel decisions and training, and operating policies.

The Portland Police Department has three new members, two of whom will work on mental health and substance abuse crises. A third has been named media liaison. **Andrea Taatjes** is the department's first "alternative response liaison," who will work closely with patrol officers and respond to calls with them when the situation involves someone who could be having a mental health crisis. She also will partner with community groups and the public to assist people with mental health disorders, both during and after a crisis. Taatjes is a licensed mental health clinician and worked most recently for

Bay State Community Services in Braintree, Mass. She has worked clinically with youth, adults and families.

William Burns is Portland's new substance abuse use disorder liaison, replacing **Oliver Bradeen**, who resigned to take the job as director of the Milestone Recovery center. Most recently, Burns worked for the city of Saratoga Springs, N.Y., where his duties included overseeing the city's emergency shelter system. Burns is not new to the Portland department. From 2011 to 2018, he worked as the health services director and coordinator of the adult resource center at the Preble Street day shelter. In all, Burns has 35 years of experience in the field. In 2015, the city council created the position to help battle the opioid crisis. The job requires Burns to provide education and awareness to the department staff in helping deal with opioid crisis and reduce overdoses.

The third new Portland police employee is **David Singer**, who will take over communications and other related duties that previously were handled by someone from the department. As the full-time media liaison, Singer will deal with residents and municipal staff members, write press releases and manage the department's "massive" video data gathered daily from officers' body cameras, dashboard cameras and interview rooms. Singer is a former news anchor for WGME in Portland.



Dennis Simmons

Wiscasset Town Manager **Dennis Simmons** last month was named permanent manager. The select board has been "ecstatic with his performance to date," according to select board Chair Pamela Dunning. Simmons replaces John O'Connell, who resigned last July. O'Connell worked with Simmons to ensure a smooth transition. Previously, Simmons served as the town EMS director. He earned a bachelor's degree in public administration from the University of Maine at Farmington. Also last month, the select board promoted acting Wiscasset Ambulance Services Director **Erin Bean**, who succeeded Simmons, to the job permanently. ■

BAR HARBOR

The Canadian government extended its ban on cruise ships that carry more than 100 passengers until February 2022. That decision ripples along the Maine coast, including in Bar Harbor, a popular cruise ship destination. The loss of ship traffic and the tourists it brings will affect the town's 2022 budget. The industry has essentially shut down since 2020, the first year of the COVID-19 pandemic. American Cruise Lines has 19 stops scheduled for Bar Harbor. The company operates smaller ships that carry 100 or fewer passengers. The town manager and council decreased anticipated cruise ship revenue from \$530,000 to \$174,000.

EAST MILLINOCKET

A new Portland company announced plans to lease part of the former Great Northern Paper mill to convert low-grade biomass into biocarbon. It will be known as a "pyrolysis facility." Start-up Standard Biocarbon Corp. plans to lease 25,000 square feet in the former mill's finished paper warehouse. The facility will be the first in New England. The firm expects to begin operations in the fall and start with five employees. The company will use low-grade wood traditionally used for papermaking or to generate power. "Biochar," similar to activated carbon, improves crop production and reduces the need for irrigation and fertilizer. It also can be used for agricultural compost or environmental cleanup. Five tons of wood is needed to produce one ton of biochar. Among other reasons, the company chose the East Millinocket mill for its proximity to wood supplies.

SANFORD

The city was expected to host its first mass COVID-19 vaccination site this month and predicts it will be needed for six months. It will be York County's first mass site and will be located at the Center for Shopping on Main Street. The plan has been reviewed legally and the lease approved, according to the York County commissioners, who authorized the proposal in a special meeting last month. The operation is a collaborative effort of municipalities and county government, joined by Southern Maine Health Care. It will be run by the York

NEW ON THE WEB www.memun.org

NEW ON THE WEB

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*.

COVID-19 updates: Things change so quickly, from vaccine eligibility decisions to outbreak reports to restrictions on events and gatherings. MMA updates these items frequently, at both our home page and our special Coronavirus resource area on the web.

If your town or city uses the Zoom platform to hold meetings remotely, you might want to watch the official Zoom video on how to prevent unseemly intrusions known as "zoom bombs."

The Colorado Municipal League offered basic guidance on enhancing professionalism at online meetings. We liked it so much we posted it at our home page.

County Emergency Management Agency, which expects that 250 people will be vaccinated the first day and as many as 1,000 vaccinations a day once ramped up, depending on the supply of vaccines. There are other smaller sites being operated by York Hospital and Southern Maine Health Care. Many other vaccination sites will be opened in York County and other areas as more vaccine doses are available.

SOUTH PORTLAND

The city has purchased a four-acre parcel of land, known locally as the "Pig-gery," for \$1.5 million. The city will preserve the land, which is mostly wooded and has been used by residents for years as a walking and sledding trail. Blueberry lovers use the trail to pick their baskets full of the wild berries. The council decided to buy four acres of the 6.2-acre parcel because it was likely going to be purchased and developed. It is the one of the largest undeveloped parcels in the city. Even if the remaining two acres

are developed, the council believes it will have preserved the most popular part of the land for open space for the enjoyment of residents and visitors. The city used \$1 million from its fund balance and \$500,000 in Land Bank funds to make the purchase.

STACYVILLE

Three new National Scenic Byways have been designated in Maine. U.S. Sen. Susan Collins, who lobbied the U.S. Department of Transportation to support the designations, said the classifications will enhance and lure more economic activity and tourism to the areas. The three new byways include: the Katahdin Woods and Waters Scenic Byway near Baxter State Park in Penobscot County; the St. John Valley Cultural/Fish River Scenic Byway in far northern Maine; and, the Bold Coast Scenic Byway in Down East. Maine is also home to three other National Scenic Byways and the Acadia All-American Road, sited along Route 3 from Trenton to Bar Harbor. ■

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



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MUNICIPAL BULLETIN BOARD

PLEASE NOTE

Due to constraints caused by the coronavirus public health emergency, all of the training programs listed below will be held online via Zoom. Please view our website (www.municipal.org) for updates and details. Thank you.

ZOOM EVENT

MARCH 26

MTCMA's 41st ANNUAL (VIRTUAL) INTERCHANGE

The Maine Town, City and County Management Association's annual "winter" event takes on a virtual look this year, but the agenda remains as appealing as always. Topics to be explored include: developing positive media relations; implementing internal financial and procedural controls; and, navigating the complex world of employee benefits.

The half-day event begins with a welcome at 8:30 a.m. and will conclude at 12:30 p.m. Cost is \$40 for MTCMA members and \$80 for non-members.

ZOOM EVENT

APRIL 6

Tax Lien Procedures

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a timely, virtual workshop on Tax Lien Procedures on April 6. The program focuses

on the tax lien process, form completion and the "how to" of implementing liens, rather than the legalities involved. Participants will receive up to date information and forms.

Stu Marckoon, treasurer in the Town of Lamoine, is the instructor. Participants will receive up to date information and forms. The online event begins at 9 a.m. and will end at 1 p.m. Cost is \$30 for MMTCTA members and \$60 for non-members.

ZOOM EVENT

APRIL 8

Personnel Practices

Several attorneys from the law firm Bernstein Shur will lead a "must attend" workshop on Personnel Practices, to be held virtually via Zoom, on April 8. The workshop is important if you are an elected or appointed municipal official who supervises employees. It will address employee conduct issues, conflict resolution, ADA requirements and performance management in general.

The online event begins at 9 a.m. The workshop will run until noon. Cost is \$45 for MMA members and \$90 for non-members.

ZOOM EVENT

APRIL 22

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 April 22

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.

ZOOM EVENT

MAY 5

Elected Officials Workshop

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a Zoom webinar for Elected Officials on May 5. The evening workshop begins at 4 p.m. and ends at 7:30 p.m. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The webinar 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 \$45 for MMA members and \$90 for non-members.

ZOOM EVENT

MAY 11

Regulating Vacation Rentals

Websites with non-hotel vacation rentals appeal to travelers to such a degree that home, apartment and condo rentals seem to be popping up everywhere. That creates challenges for local officials, from site regulation to traffic to safety and noise complaints. Attendees will come away from this Zoom-only session with a legal update on permitted regulations and a look at municipal "best practices."

This May 11 webinar will run from 1:30 p.m. to 3 p.m. It will be instructed by Kristin Collins, attorney with Preti Flaherty in Augusta, and Werner Gilliam, planner and code enforcement officer, in the Town of Kennebunkport. Cost for the workshop is \$35 for MMA members and \$70 for non-members.



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LEGAL NOTES

Second Amendment 'Sanctuaries'

A number of municipalities in Maine have expressed interest recently in declaring themselves Second Amendment or firearm "sanctuaries." Some of them have asked for MMA Legal Services' opinion. Here's a synopsis of our advice.

If the declaration merely expresses support for the constitutional right to keep and bear arms and/or opposition to any law that would unconstitutionally restrict that right, it is simply a collective expression of the opinion or point of view of the body adopting the declaration; it has symbolic value but no legal effect. Still, everybody has the right to express their opinion.

But if and to the extent the declaration purports to invalidate allegedly unconstitutional laws restricting the Second Amendment, or immunize people from prosecution under these laws, it is legally unenforceable for at least two reasons. First, the U.S. Constitution's Supremacy Clause declares the Constitution and federal law to be the "supreme Law of the Land," thus preempting all other laws and acts that conflict with federal law (see U.S. Const. art. VI, cl. 2). Second, Maine law expressly preempts or prohibits municipalities from adopting any order, ordinance, rule or regulation concerning firearms (see 25 M.R.S. § 2011). Any declaration of local sovereignty or exemption from state or federal firearm laws is therefore legally null and void. Local governments cannot invalidate state or federal laws, only courts can.

Although the Second Amendment's right to keep and bear arms is a fundamental right for all, it is not unlimited, and not every restriction on firearms is an unconstitutional infringement of this right. For instance, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), the U.S. Supreme Court, while striking down a ban on handguns in the home, affirmed the constitutionality of "long-standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

The apparent catalyst for the current wave of interest in Second Amendment

MUNICIPAL CALENDAR

ON OR BEFORE MARCH 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).

APRIL 1 — Municipal property tax assessments are controlled by this date (36 M.R.S. § 502).

ON OR BEFORE APRIL 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).

APRIL 19 — **Patriot's Day**, the third Monday in April, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE APRIL 30 — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S. § 5253).

BY APRIL 30, 2021 — **Biennial Solid Waste and Recycling Municipal Reporting forms** are due to the Maine DEP covering calendar years 2019 and 2020. See DEP website for form (38 M.R.S. § 2133(7)).

sanctuaries is H.R. 137, a bill introduced by Congresswoman Sheila Jackson Lee (D-Texas) in the U.S. House of Representatives on Jan. 4, 2021. Among other things, the bill would require all firearms to be registered, would require a license to possess a firearm, would require insurance for firearms, and would prohibit certain types of firearms, ammunition and magazines. Thus far, there appears to be slim support for the bill and little chance of passage.

For the record, we take no position here in the long-running policy debate between gun rights and gun control. (By R.P.F.)

Local Roads in Mud Time

(Although it hasn't been, for Maine at least, an especially hard winter weather-wise, we reprise the following Legal Note from the March 2008 *Maine Townsman* because road problems come spring seem reliably perennial.)

It's news to nobody that Maine's roads have taken a real beating this winter. Now that spring (and mud season) is officially underway, here are some important road-related reminders:

Potholes and frost heaves. A municipality can be held liable for damage or injury caused by highway "defects" but only if (1) the road is a town way and (2) the municipality had at least 24 hours' advance notice

of the defect and failed to warn of or repair it (see 23 M.R.S.A. § 3651-3655, the "Pothole Law"). A defect can include a pothole or frost heave (among other things) as well as an obstruction (such as fallen tree limbs or other debris), but it does not include snow or ice (for which municipalities have no liability, see 23 M.R.S.A. § 1005-A). Liability is limited to \$6,000 (\$25,000 for death).

Posting roads. The municipal officers (selectmen or councilors) must adopt regulations or an ordinance in order to post and enforce vehicle weight limits on local roads (speed limits are exclusively within the State's jurisdiction, however). For details, including a sample ordinance, see our "Information Packet" on this subject, available on MMA's website at www.memun.org.

Street cleaning and repairs. A municipality can be held liable for its negligence during the performance of road construction, street cleaning or repairs (see 14 M.R.S.A. § 8104-A(4)). This of course includes work performed by a contractor on a municipality's behalf, so contracts should require the contractor to provide proof of liability insurance in the amount of at least \$400,000 and naming the municipality as an additional insured.

Rural Road Initiative [now Local Road Assistance] funds. State funds distributed to municipalities under the Rural Road Initiative [now Local Road Assistance] Program

LEGAL NOTES

may [now with certain exceptions] be used only for capital improvements that have a life expectancy of at least 10 years or that restore load-carrying capacity (see 23 M.R.S.A. § 1803-B(1)). Routine road maintenance and repair are [now with certain exceptions] ineligible for these funds. [For details on the exceptions, see the statute.]

Maine Local Roads Center. For expert advice and technical assistance on construction, maintenance and repair of local roads and bridges, contact MDOT's Maine Local Roads Center at 624-3270 or visit their website at <https://www.maine.gov/mdot/mlrc/>. (By R.P.F.)

'Informational' Materials and Displays at the Polls

We're sometimes asked if it's permissible for supporters of a referendum ballot question to provide "informational" or "educational" materials or displays at the voting place on election day.

Whether it's a poster, a factsheet, an architect's rendering, a video, or anything similar, we always advise against it because no matter how innocent or well-intentioned the request may be, it seems likely it would violate the statutory "250-foot rule" against campaigning at the polls (see 21-A M.R.S. § 682).

This law prohibits influencing or attempting to influence another person's vote within the voting place as well as on public property within 250 feet of the entrance to the voting place. It specifically prohibits, among other things, the display of advertising materials such as signs or posters, the operation of advertising media such as audio or video devices, and the distribution of campaign materials such as literature (see "Elections & the 250-Foot Rule," *Maine Town & City*, Legal Notes, October 2020).

Supporters of a ballot measure will sometimes argue that their materials or displays are simply intended to inform or educate voters, not to influence them, but this claim seems specious to us. No matter how sincere their motives, the ultimate hope and objective is clear – to persuade voters to approve the question. In other words, to influence voters.

Incidentally, we'd give the very same advice if *opponents* of a ballot question asked to place informational or educational materials or displays at the polls on Election Day.

A violation of § 682 is a Class E crime. Suspected violators should be promptly warned by election officials, and if a violation continues, a law enforcement officer should be contacted immediately. If a person attempts to influence voters or interfere with their free passage, the warden (or in a local election, the moderator) must have that person removed from the voting place. Again, if necessary, a law enforcement officer should be contacted immediately.

For the record, there's one exception that we know of to the above: The school budget validation process actually *requires* certain printed information to be displayed at polling places to assist the voters in voting. For details, see 20-A M.R.S. § 1486(2). (By R.P.F.)

Executive Sessions via Zoom

Question: Can our board conduct an executive session via Zoom or similar technology?

Answer: Yes, of course. As long as public boards remain authorized to meet "remotely" (until 30 days after the current state of emergency due to the COVID-19 pandemic is terminated, see 1 M.R.S. § 403-A), remote executive sessions are likewise authorized.

The process for calling a remote executive session is the same as for an in-person executive session: There must be a duly noticed public meeting of the board, a motion to go into executive session specifying the precise nature of the business to be discussed and citing one or more legal authorities permitting an executive session for that business, and a public, recorded 3/5 vote of board members present and voting (see 1 M.R.S. § 405(3), (4)).

As with an in-person executive session, once a remote executive session is concluded, it should be adjourned, and the board should reconvene remotely in a public meeting. If there is no other business, the meeting itself should then be adjourned.

A primary concern with any executive session is security. Just as the public is physically excluded from an in-person executive session, measures should be taken to ensure that a remote executive session is absolutely inaccessible to the public. There are probably a variety of ways to accomplish this, but we'll leave it to those more tech-savvy than we are to

figure it out. Also, if a recording is made of the executive session, care should be taken to ensure that it remains strictly confidential.

For more on executive sessions and Maine's "Right to Know" law, see our "Information Packet" by the same title, available free to members at www.memun.org. (By R.P.F.)

Liquor Licenses & COVID-19

Question: Must the municipal officers (selectmen or councilors) hold a public hearing for annual renewal applications for on-premises liquor establishments during the current pandemic?

Answer: No, a public hearing is not required for renewal applications. The emergency COVID-19 legislation enacted last March specifically authorizes the municipal officers to grant renewals without a public hearing during the present state of emergency and for 30 days after the emergency is terminated (see PL 2019, c. 617, pt. F, § F-1(2)).

We should note, though, that the emergency legislation does not authorize the municipal officers to act on renewal applications without a public meeting of the board. But for the duration of the COVID-19 emergency, any municipal board may meet "remotely" – through telephonic, video, electronic, or other similar means (see 1 M.R.S. § 403-A).

Incidentally, for readers who may not be aware of it yet, the law governing the exercise of Maine's local liquor option has been significantly relaxed. For full details, see "New Law on Initiating Local Liquor Option Referendums," *Maine Town & City*, October 2020. (By R.P.F.) ■

PROFESSIONAL DIRECTORY



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Maine Municipal Bond Bank

2021 SPRING 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 Spring Issue.

FEBRUARY						
	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						

MARCH						
	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			

APRIL						
				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	

MAY						
						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					

Wednesday, February 10th

Application Deadline.

Wednesday, March 17th

Application approval (Board Meeting).

Monday, April 5th

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

Wednesday, April 7th

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

Week of April 19th

Maine Municipal Bond Bank Pricing.

Monday, May 10th

Final documents due from bond counsel.

Wednesday, May 19th

Pre-Closing.

Thursday, May 20th

Closing - Bond Proceeds Available (1:00 PM)

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



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The COVID-19 public health crisis has and will continue to cause severe disruptions to the ways in which municipalities and taxpayers conduct business, including how real and personal property is locally assessed. Our team is here to help municipal assessors navigate the novel property tax assessment and valuation challenges presented by the pandemic. Our seasoned approach is informed, cost-effective, and value-oriented.



bernsteinshur.com/municipal-governmental-services