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The magazine of the Maine Municipal Association

April 2021

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handled COVID-19

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Won't Back Down



Local leaders responded with diligence and determination as COVID-19 posed unprecedented financial challenges.

Pre-emptive Steps

Fire chiefs in Camden, Rockland and Rockport work together to further residential fire prevention efforts.
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'A Lot More Touches'

The Town of Falmouth asked residents, and heeded appeals for information about how local government works.
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2021 HR & Management Conference

Inclusive hiring, managing employees during COVID times and saving money via safe workplaces are on the MMA event agenda. **Page 28**

MMA Executive Director Stephen Gove writes how MMA and our partners are poised to help members understand the American Rescue Plan. **Page 5**

Island man Dana Reed takes another position as town manager on Mount Desert, and promotes his area's world-class beauty. **Page 21**

ABOUT THE COVER: MMA Website and Social Media Editor Ben Thomas took this timely photo, during a recent stop in Belgrade.

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Lodging and Housing: Municipal Challenges

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Understanding the Short-Term Rental Industry

Maine town and city leaders and staff wrestle with how – and whether – to regulate short-term rentals, which typically promote themselves through sites like Airbnb and VRBO. But do you really get it? Do you understand the financial underpinnings that drive people and businesses to buy existing housing stock in Maine and turn it into places where tourists and visitors stay, relax and party? During this one-hour, virtual webinar, a financial expert in the lodging and short-term rental industry will explain how it ticks, which is critically important as your community considers what to do about it.

SPEAKER: DANIEL INNIS, Professor of Marketing and Hospitality Management at the University of New Hampshire. He is the former Dean of the UNH's Peter T. Paul College of Business. Professor Innis, who previously taught at the University of Maine and oversaw the Masters of Public Administration program, is co-author of the book *Strategic Planning for Logistics*.



WEDNESDAY, APRIL 28
3-4 P.M.

Cost to participate:
\$45 for members
\$90 for non-members



Regulating Short-Term Rentals

Website listings for non-hotel vacation rentals seem to be popping up everywhere, creating challenges and forcing municipal decisions in dealing with them. Attendees will come away from this legal and practical session with an update on permitted regulations and local “best practices.” This virtual session also will address how short-term rentals are being viewed and treated during the current public health pandemic.

SPEAKERS: KRISTIN COLLINS, Attorney with Preti Flaherty in Augusta; and, **WERNER GILLIAM**, Director of Planning & Development, Town of Kennebunkport

TUESDAY, MAY 11
1:30-3 P.M.

Cost to Participate:
\$35 for members
\$70 for non-members

The Middle-Class Housing Crunch

As property values soar, and out of state residents move to Maine to telecommute and take advantage of our quality of life, middle-income families, young people and working-class couples who want to own homes can be left in the financial dust. Nationally recognized expert Eric Kronberg, a “zoning whisperer,” will help municipal staff and leaders balance the often competing needs of community design and development in a potent cocktail for better places. Join Eric for this one-hour, virtual overview of the financial housing pressures that many American communities face, and learn the basics of what your town and city can do about them.



THURSDAY, MAY 27
3-4 P.M.

Cost to participate:
Free for members
\$50 for non-members

SPEAKER: ERIC KRONBERG, Founder, Kronberg Urbanists and Architects, Atlanta, Georgia



A MESSAGE FROM MMA

BY STEVE W. GOVE / EXECUTIVE DIRECTOR

MMA's commitment: We'll help you, with the ARPA

On March 11, President Biden signed the \$1.9 trillion American Rescue Plan Act (ARPA) into law. From a municipal viewpoint, it is historic. Historic in terms of the \$65 billion in direct coronavirus aid earmarked for local governments and the fact that all 19,000 U.S. municipal governments have funds to help respond to and recover from the pandemic. Maine's cities, towns and plantations are expected to receive \$233 million and our county governments \$261 million, in ARPA funds. The ARPA funds provide Maine local governments with the opportunity to act.

At this writing, we are waiting for the U.S. Treasury Department to issue rules on the distribution, allowable uses and certification of ARPA funds. Treasury guidance is expected within 60 days of the ARPA's enactment.

Municipal officials across the state are discussing possible uses of the ARPA funds and planning for their arrival. The ARPA outlines areas of permissible uses of municipal funds. Funds may be used to respond to the COVID-19 public health emergency or its negative economic impacts including assistance to households, small businesses and non-profits or to aid impacted industries such as tourism and hospitality. ARPA funds may also be used to replace lost municipal revenues and to make necessary investments in water, sewer and broadband infrastructure. Municipalities will receive funds in two tranches spaced 12 months apart. Funds must be spent by the end of 2024.

As municipal officials plan for the ARPA funds they do so with maximizing the impact and best use of those funds in mind. From conversations with my fellow municipal league directors, I offer that it might be helpful to view the local ARPA funds through three lenses.

The first lens is leveraging ARPA aid. How can local officials get the highest and best use of the ARPA funds? Can we use the funds to leverage other federal and state dollars? Can we collaborate and pool the funds with other municipalities on a regional basis or with our county government? Do we have existing programs we can use to deliver ARPA funds more efficiently and to complement established efforts?

The second lens through which local officials might view ARPA funds is simply good governance. Are we fol-

lowing allowable uses of the ARPA funds? Is our local legislative body approving the use of ARPA funds? Are we meeting all accounting, documentation and reporting requirements? Must we enact a local ordinance to use ARPA funds in a particular way? Have we involved community stakeholders in discussions about using ARPA funds and built consensus? How do we ensure transparency in the planning and use of ARPA funds?

Municipal officials might see ARPA funds through a third lens. Investments in optimal uses and recovery. What urgent local health, infrastructure and economic needs exist that these funds can address? How do we tackle immediate needs and make lasting changes in our community or region with these funds? How can ARPA funds be used to stabilize our municipal budget? Have we identified local or regional priorities for the use of the coronavirus aid? How do we use ARPA funds to invest in future growth and prosperity?

Looking at the ARPA funds through these three lenses – leveraging aid, good governance and optimal uses for long-term recovery – might help municipal officials focus on the “sweet spot” of maximizing and making the best use of the aid. MMA is here to assist our members with guidance on access to and use of the ARPA funds through our website, written materials, inquiry services and webinars.

I end this column recognizing an MMA staff member who retired as MMA Director of Health Trust Services on March 31.

Anne Wright served in that position for five and a half years and was the Assistant Director of HT Services for a number of years prior to that. Anne has many fans and friends among municipal officials and the MMA staff. If you have worked with Anne, you know of her competence, commitment to service, excellent presentations and wonderful sense of humor.

We will miss Anne serving in her director's role, but we are happy that she is staying on a bit longer in a part-time position coordinating Health Trust projects. And, we are happy that she and her husband Terry will have more time to spend on their favorite Maine island.

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Municipal leaders responded to COVID-19 with caution, not fear

Town Manager Anthony Wilson of Belgrade turns his Master's degree research paper into an insightful report about town and city finances in 2020 and 2021.

"If I had a crystal ball, my job would be a lot easier."

~ Jay Town Manager, Shiloh LaFreniere

By Anthony Wilson, Manager, Town of Belgrade

Sparked by the COVID-19 pandemic, the 2020 economic recession struck like a thunderbolt – suddenly and devastatingly – in every corner of the globe, Maine included. Faced with an unprecedented challenge, the state's municipal administrators sweated over how to react budget-wise to an economic predicament whose duration and severity could not be predicted.

As is always true in times of recession, local government resorted to cutback management – leading an organization to lower resource consumption and organizational activity (i.e., spending) to match available revenues. The COVID-19 recession provided fresh opportunity to gain clarity and perhaps new understanding of which cutback methods modern-day public administrators employ and why. While the efficacy of those practices will not be fully known for years, the prevalence of the measures implemented indicates which tactics are most trusted among public administrators and, thus, should be considered.

Anthony Wilson has served as Belgrade's town manager since July 2019. He earned a Master's degree in Public Administration from the University of Texas at Tyler in December 2020, graduating *summa cum laude* after completing a 56-page research paper on how Maine municipalities responded financially and budget-wise to the COVID-19 recession.

How managers cut costs

An online survey of Maine municipalities conducted last fall on this topic elicited 108 responses, mostly from town and city managers. The response fairly reflected the state's municipalities, drawing proportional responses from Maine's smallest to its largest communities. Nearly three-fourths of respondents had worked in municipal government more than 10 years. Of those serving in a managerial capacity during the recession of 2009, 75 percent reported that experience informed and guided their actions in 2020.

Most survey participants responded to the recession's sudden onset by implementing cutback management. Nearly three-fourths budgeted fewer expenses and/or reduced spending in the current fiscal year, though by and large, the cuts were not dramatic – 10 percent or less.

Oakland Town Manager Gary Bowman was among the most aggressive in trimming expenses. He instituted furloughs and laid off five workers; he shuttered the recreation department; and, he dramatically reduced road maintenance and capital purchases.

"I probably locked it down a little harder than I should've," Bowman said. "But I wasn't going to be in a position where I ran out of money. I would do it all the same again."

Farmington cut nearly \$400,000 from its initial proposed budget. Town Manager Richard Davis stripped from

EDITOR'S NOTE

This article was written before the American Rescue Plan was enacted by Congress and signed by President Biden. The ARP includes significant federal funding for municipal, county and state governments – with restrictions. We are publishing the piece to show the logic, and thoughtfulness, that municipal leaders put into their 2020 decisions and 2021 concerns. We thank the author, Anthony Wilson, for his valuable contribution.

Eric Conrad, Editor

his plan all new spending, mostly to add firefighters, and proposed the same budget in 2020 that the town adopted in 2019. He employed one budget manipulation he is uncertain was wise – deferring a loan payment on a fire truck. That bought additional time to achieve fiscal equilibrium, but it meant Farmington will make two payments in 2021, when the ripple of the recession may still be felt.

True to the academic literature, most of the cuts survey respondents reported were in infrastructure maintenance and capital improvements. With only 13 full-time employees, Hallowell's staffing levels were so thin that then-City Manager Nate Rudy had no place to cut but capital purchases and road maintenance. He called the maintenance reductions "horrifying,"

noting that road replacement represents a tenfold increase in cost compared to repaving; failure to perform the latter leads to the former.

Fewer than one-third of the managers took advantage of historically low interest rates and a hyper-competitive marketplace to pursue capital projects. Brunswick Town Manager John Eldridge considered borrowing money to fund three years of road paving at once, but admitted, “I wasn’t that brave. But I wanted to be.”

Where cuts were made

The three service areas most likely to be cut were: public works (36 percent of respondents), facility maintenance (35 percent) and roads (34 percent). Each reflects the deferring of maintenance costs and capital improvements.

The least likely cost-cutting moves were closing facilities (6 percent of survey respondents), reducing hours of operation (9 percent), eliminat-

ing full-time positions (10 percent) and reducing or eliminating services (18 percent). Each of those moves would immediately reduce service levels. That is often a politically unpopular option, as the Town of Jay learned when it sought to end curbside trash collection a few years ago. Citizens petitioned against the move and, through a referendum, reversed the decision.

In short, municipalities mostly resisted moves that would cut services that directly and immediately impact the public, in lieu of tactics with long-term ramifications. Most managers indicated an inclination to continue along that track. Seventy-six percent of respondents said they are likely to delay capital improvements. Fifty-one percent said they likely will delay maintenance in the next fiscal year and perhaps beyond. In contrast, only 3 percent expressed a likelihood of closing facilities. Fourteen percent said reducing operating hours is likely. Fifteen percent said reducing full-time staffing is likely.

Sixty-nine percent of respondents said they reduced spending by targeting specific programs and expenditures – the tactic most supported by the academic literature. A mere 6 percent of survey respondents said they instituted across-the-board cuts, which produce equity and, thus, are more politically expedient. However, across-

FIVE TAKEAWAYS

1. Nearly three-fourths of survey respondents reduced spending/budgets.
2. Most expense reductions were in capital improvements and maintenance. Services were largely spared cuts.
3. Most spending cuts were targeted, versus across-the-board, reductions. That achieves efficiency if not equity.
4. Nearly three-fourths of respondents are using fund balances to bridge funding gaps.
5. About one-third of respondents increased property tax rates.

the-board cuts are less efficient and are unsustainable over a prolonged recession.

One town has practice

Cutback management has been the norm in Jay for a decade. Ten years ago, two large paper mills constituted 70 percent of Jay’s tax base. Today, only one mill remains in operation, at a fraction of its former capacity. Last spring, an explosion rocked the plant; soon after, its owners announced more layoffs. Both developments will further diminish Jay’s tax base this year.

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Throughout the town's economic slide, Jay's cutback strategies have mirrored those in the literature, particularly the mining of efficiencies where possible by consolidating services and reducing staffing. Maintenance of town facilities and properties were centralized within the public works department, which previously focused solely on road maintenance. The town clerk doubles as Jay's code enforcement officer. The town office is closed to the public on Wednesday mornings to reduce clerical staffing.

Some cutbacks have been reconsidered. A police officer position was restored after its elimination resulted in overtime costs that exceeded the post's total expenditures. A merging of snowplow routes was reversed because snow was not removed from roadways in a timely manner.

Throughout the downsizing, Town

Manager Shiloh LaFreniere said her team has sought to consider whether essential services can be adequately provided in the wake of cutbacks. She relies heavily on her directors to identify the intended and unintended consequences of reductions. Transparency and communication have been keys, she said.

"You start cutting budgets, and each department looks at another department and says, 'Why are you cutting me and not them?'" LaFreniere said. "You have to have that conversation with your department heads and employees to explain, 'Look, we're trying to work through this together, and there's going to be pain. We've got to figure out how to make that work.'"

Municipalities raised revenue

One manager wrote in his/her survey response, "When you start with

a bare bones budget, there is very little, if any, to cut." Thus, leaders also must consider whether, and how, to increase revenues.

Nearly three-fourths of municipalities planned in the current fiscal year to use a portion of their fund balances. Approximately half of survey respondents are using Rainy Day funds to support operational costs, even though that violates a managerial maxim warning against using a finite resource to fund ongoing costs – "magic money," as Rudy calls it. The continued use of budget reserves by survey respondents seems inevitable – 63 percent indicated they are likely to do so.

Eldridge built Brunswick's 2021 budget around maintaining capital improvements and "structural balance" – reducing ongoing expenditures to match revenues rather than bridging gaps with the fund balance.

"If you don't deal with structural issues, you're just going to have to deal with it next year," Eldridge said. "You can only use Rainy Day money once. The next year you're left with whatever that hole is."

To maintain Brunswick's capital budget, Eldridge scotched a plan to add public safety personnel. Ultimately, elected officials opted to use a portion of the fund balance.

"We live in a political world, and decisions are made based on constituencies sometimes," Eldridge said. "Programs have constituencies; roads and sidewalks don't."

Davis was among the few Maine managers to seize upon a competitive marketplace and boost capital spending – in Farmington's case, an increase in road paving. Brunswick continued with its planned construction of a fire station and downtown revitalization projects. The Town of Jackman pressed ahead with a \$350,000 repaving project because the work was desperately needed. Jackman reduced costs by purchasing culverts through a cooperative and by completing some project tasks with its two-man Public Works Department.

More than one-third of survey respondents reported increasing property taxes. Eighty-four percent of the communities that raised property tax rates adopted increases of less than 5 percent. Forty-nine percent of respondents indicated future tax increases

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are likely. That forecast may be attributed as much to rising public school budgets as to the cost of municipal government.

Mike Roy, since retired as Waterville's city manager, unsuccessfully lobbied his city council for a slight tax increase to offset a \$500,000 reduction in state revenues in the current budget. Roy argued that because of a \$5,000 increase in the homestead exemption, most taxpayers would not feel the impact of a slight increase in the tax rate. Elected city councilors instead bridged the funding gap by us-

ing a portion of Waterville's \$5 million fund balance.

Few managers expect a return to fiscal normalcy this year. Nearly two-thirds anticipate the recession will reverberate for two or three years. "If we find this is the status quo, we'll keep (the budget) locked down," Oakland's Bowman said.

Farmington's Davis said 2021 "will be the year that's really telling. Things really haven't had a chance to shake out yet." With 40 years of administrative experience, Eldridge advises prudence. "It's the most unique challenge

I've ever seen," he said. "Things are not as dire as they seemed in May, but I'd still be cautious about it."

Intriguing associations

A few statistically significant associations were discovered when a manager's experience was analyzed against whether a community raised its property tax rate or pursued capital improvements.

Thirteen of the 14 managers with five to 10 years of municipal government experience said their municipalities raised taxes. Only 29 percent of managers possessing more or less experience work in a community that raised taxes. Because so few respondents possessed five to 10 years of government experience, the association may be a statistical artifact. However, a valid reason for the association may exist.

Managers with five to 10 years of experience may possess a blend of boldness, creativity and political courage that encouraged them to recommend a tax increase. By contrast, managers who are newer to government

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may be reluctant to grasp the fiscal necessity of proposing a tax increase; longer-term, more veteran managers may be wary of championing tax hikes if they suffered political scars from doing so in the past.

Sixty-one percent of managers with five to 10 years of experience pursued capital projects in the competitive recessionary marketplace, compared to only 27 percent of managers in the other experience ranges tested. Again, the sample size may be too small to generalize. But as with the tax increase question, this finding may reflect a managerial boldness. One possible link between the experience-related associations is that the pursuit of capital improvements may have led to the tax increase, the latter being necessary to finance the former.

Comparing a municipality's population and whether it raised its tax rate produced another statistically significant correlation. Towns with populations of less than 2,500 and those with populations of more than 10,000 were more likely to have raised their property tax rate than towns of 2,500-

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10,000 people. Among smaller and larger towns, 52 percent raised their tax rates compared to only 21 percent of mid-sized communities.

Why such a correlation seems to exist would require further study. Residents in Maine's largest communities may be more willing to accept a tax increase. Or, maybe the correlation reflects the fact that denizens of the state's largest communities don't have an opportunity to "veto" a tax increase because they do not operate under a town meeting form of government. Taxpayers in mid-sized communities with a town meeting form of government may resist a tax increase more actively, particularly during a recession, and elected officials in those municipalities may be sensitive to that public pressure. One would expect the same to be true in the state's smallest burghs. However, Maine's smallest towns may operate on such thin budgets that they have little opportunity to reduce expenses; thus, to maintain their service levels, they must raise taxes to offset anticipated revenue losses.

Circumstances dictate courses

How a municipality navigated the 2020 recession hinged largely on its circumstances. Jackman stayed the course of its pre-pandemic budget, reflecting a local sensibility that the coronavirus posed less of a threat to the remote and politically conservative town. Having used much of its fund balance to previously reduce taxes and with too little staffing to accommodate layoffs, Hallowell had few options other than to cut capital projects and reduce road maintenance. Acclimated to years of decline in its chief local industry, Jay long ago charted a path of cutback management that positioned it for an unforeseen recession.

Some approaches directly reflected the philosophies of the chief municipal official. Oakland reduced expenses under the leadership of Bowman, who was insistent that costs be cut. Brunswick's budget is an explicit representation of Eldridge's commitment to structural balance, in which capital investment is preserved and ongoing expenses reduced to match

available revenue. Farmington's adherence to the prior year's budget reflects Town Manager Davis' even, methodical style.

Depending on the length and severity of the pandemic and the recession, municipalities may yet enact innovative strategies not addressed in the academic literature. Regardless, the COVID-19 recession offers ample opportunity for learning more about how municipalities implement cutback management. ■

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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Three midcoast communities collaborate to prevent fires

Fire chiefs in Camden, Rockland and Rockport hope their latest effort is a harbinger of things to come. 'We have to do more together,' one said.

By Janine Pineo

Three coastal communities are coming together for a different sort of mutual aid.

Increasing awareness about fire prevention is the goal of the "Home Safety Initiative" started by Rockland, Camden and Rockport's fire departments in early March, after a string of fires in the state killed four people, including a Camden teen.

Their intent is to help people make their homes as safe as possible from fires by providing assistance in planning exit strategies, examining the home for possible dangers and offering or installing smoke detectors as needed.

Rockport Fire Chief John Peasley said fire departments "all have our own little programs." And, he said, "all departments do a really good job."

But the chiefs felt the time was right to try a different approach, pulling together the three municipalities to build a greater resource than just a single department could do on its own.

"We have to do more and more together," said Chris Farley, Camden fire chief.

Mutual aid is automatic now between the municipalities, Peasley said, with the three departments responding together when a call comes in to any one of them. "Why wouldn't we try to do fire prevention together?" he asked. "We're going to split and conquer together."

The initiative

The departments have created a checklist of what they can do for residents:

- Smoke and carbon monoxide detectors for those who cannot afford them.
- Placement guidance and/or installation of smoke and CO detectors.
- Home safety surveys to assess issues in the residence.
- Help planning exit drills in the home.
- Answers to other questions about home safety concerns.

Rockport's Fire Department web page goes into detail about the safety initiative, describing not only what they can do but also why: "For your Fire Departments, making sure these events do not happen again means helping you make your homes as safe as possible... Our firefighters are ready to come to your home to assist you. We are at our fire stations to meet with you, provide guidance or provide smoke detectors. Our 'Home Safety Initiative' is here for your benefit."

Also available is a downloadable, five-page, home-safety survey that covers a number of safety areas with multiple questions about smoke detectors (For example: Are smoke alarms interconnected so when one sounds, they all sound?) and CO detectors (Is there a carbon monoxide alarm on



Camden firefighters recently install a smoke detector in a residential setting. On the ladder is Matt Heath and assisting is Ed Boylan.

every level of the home?) to electrical (Are extension cords or outlets overloaded?) and heating (Are ashes stored and disposed of properly?).

Getting out the message about the initiative in early March sparked a "mini-flurry" of calls for firefighters to assess a number of homes, Farley said.

"We've had quite a few people sign up," Peasley said.

Farley and Peasley agree that the challenge will be to keep the interest

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

Collaboration Corner is a regular feature in Maine Town & City, highlighting ways that municipalities work together to become more efficient and better serve citizens.

going so that more residents will take advantage of the program as word spreads.

“Social media is the biggest thing for us now,” Peasley said. Before the pandemic and the resulting restrictions, school visits were regular occurrences.

The departments are planning for a post-pandemic event. Peasley said they are thinking of gathering trucks from all three departments and they can distribute smoke detectors. “We’re trying to grow this into an annual event,” he said. “COVID has kind of put us in a pickle.”

COVID-19 has slowed fundraising efforts, too. The departments are seeking donations from businesses and residents after an initial donation from the Camden Rotary Foundation to launch the initiative.

Ringling the alarms

“You don’t have time for anything other than escape.”

Maine State Fire Marshal Joseph Thomas is blunt about how the science of fires has changed in the past 20 years, so much so that it led to changes in the national building code.

The grim reality is that there is less

time to stop a fire from igniting an entire room and then an entire house. How much less time?

Thomas said that it breaks down into two types of lifestyles: legacy or modern. Fifteen to 20 years ago, products in the home were more natural, with products being everything from furniture to building materials. “They burn at a certain level of intensity,” he said.

Manmade products in 2021, he said, often burn considerably faster.

In the legacy lifestyle, Thomas said, the time is 15 to 18 minutes before flashover, which is when something in a building is on fire and it reaches a point where everything in the room combusts.

In a modern setting, that flashover time is three to six minutes.

“That’s very drastic. That’s very significant,” Thomas said.

Then he added that it takes 30 seconds for a smoke detector to react to the smoke. “You don’t have time for anything other than escape.”

Which makes having working smoke detectors in every home even more vital. Additionally, the recom-



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SPECIAL COUNSEL AND STRATEGIC INVESTIGATIONS

For close to 35 years, Attorney Douglas Louison has served a unique role for law enforcement and municipal government in Massachusetts and Maine. He and his firm have defended thousands of complex civil rights and employment actions ranging from deadly and excessive force claims to wrongful detention and convictions as well as wrongful terminations and the review of misconduct by employees. At the same time, he has been counsel in numerous administrative disciplinary proceedings. Similarly, Attorney Louison has negotiated labor disputes and contracts between municipalities and labor unions as well as complex litigation agreements, settlements and consent decrees.

In the event that your department or agency is confronted with an issue or allegation requiring discretion and analysis, Attorney Louison will serve as special counsel and conduct an investigation tailored to the particular scope required, providing finding of facts and conclusions and, if requested, recommended remedies.

For further information, contact Attorney Louison directly at the above email address.

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recommendations for how many detectors and placement of those detectors has changed.

Thomas said the recommendations now are to have a smoke detector inside every sleeping area and outside every sleeping area and one on every level of the home. It is also now recommended to sleep with the door closed because, he said, it does provide significant protection from fire spread, smoke and gases.

Thomas, who has been in the fire marshal's office for 21 years and served 27 years as a firefighter, said that with modern settings there is not even time for a fire department to arrive in most residential fires before flashover occurs. It is due to our modern lifestyle, which consists of products made of petroleum-based plastics through the home and the growing amount of man-made products used in constructing the home, he said. These are more flammable and make that flashover happen much more quickly.

Programs like the one started by Rockland, Camden and Rockport are critical in the perpetual efforts by fire safety officials to raise awareness and protect people, Thomas said. "Heaven knows how much we've tried in different ways."

Less fires, but worse ones

"We see less fires," said Rockport Chief Peasley, when discussing the

substantial shift in flashover during the past couple of decades. However, he added, when they happen, they are two to three times worse.

Thomas said the discoveries from studies and testing into the speed of ignition made by Underwriters Laboratories and the National Institute of Standards and Technology led to the changes in the building code in 2009, which involved input from the fire service and construction industries.

The big change was requiring residential sprinkler systems in new con-

struction. It also allowed lightweight construction, or construction from man-made materials, which would be allowed only if the building was equipped with residential sprinklers.

The installation of sprinkler systems was the answer to the need to have the fire suppressed before the fire department arrives, Thomas said. "There are measures out there now, right in the code books, that would allow this to stop," he said. "It leads to why the building code was changed in 2009."



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Thomas said that with lightweight construction when there is a fire, they are seeing more building collapses and firefighters going through floors.

What has happened since the code change, Thomas said, is people have balked at the requirement of sprinklers, claiming cost. Code enforcement officers sometimes tend to make exceptions, he said.



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

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

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

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

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

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

Thomas said the costs aren't prohibitive, comparing them to the expense of a marble countertop. The average for a sprinkler system is \$1.36 to \$1.52 per foot, he said, with overall cost depending on the water source, such as for a well which might require a variable speed water pump.

"We're very accepting of loss of life and property," Thomas said. "It's keenly adjusted to our humanistic approach to what's important."

Chiefs are continuously working to raise awareness, he said, adding they must "reinforce what we can for messaging."

What's next?

Camden Chief Farley sees this collaboration between Rockland, Rockport and his town as the foundation for something bigger for the community.

"If we can get together and show how well we can do fire prevention together..." he began. "Maybe we're finally at that stage."

That "stage" would be looking at how the departments operate, with rising costs and declining numbers of volunteers, and changing what has been the decades-long model for individual municipal departments.

The lack of trained firefighters is a looming issue, Farley said.

Back when he first became chief in 2008, he said, there were about 36 people working with the department. During a recent budget meeting presentation, he informed those present that he had 16 people volunteer to work with the four full-time firefighters serving the town.

A week later, he had lost two more from the roster.

Last year, Farley said, the department even sold one of its trucks to Hope because of the lack of personnel to run it.

Rockland has the most firefighters, with 18 full-time firefighters and 16 volunteers.

Fire Marshal Thomas said this problem is statewide, and also with career firefighters, where there is a lot of push to recruit but not many candidates.

Farley sees this collaboration with the initiative as the moment to prove what could happen. "That's just showing what we can do together," he said. "That's where we need to be going." ■

TOP CAUSES OF RESIDENTIAL FIRES

According to Maine State Fire Marshal Joseph Thomas, the most common causes of residential fires in the state are:

- Heating related
- Cooking
- Utility failure, electrical or mechanical, usually electrical

The fire marshal said that during the past year, the state's daytime fire activity has increased. "Fires are associated with human behaviors," he said, pointing to more people at home during the day because of COVID-19 shutdowns statewide.

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Don't Let This Happen To You

Sprinkler System Maintenance Is a Must

The sprinkler system inspection is an essential part of your safety and building maintenance plan. Inspections, for both wet and dry systems, are required by NFPA Title 25 - Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems 2014. Inspections are required quarterly, with a more in-depth inspection done annually.

Each inspection has its own purpose, but the same overall goals:

- 1) **Extend the life of a sprinkler system; and**
- 2) **Ensure the system is going to work if a fire is detected.**

As with most things, you get what you pay for. Price is important, but make sure the sprinkler company is reputable, licensed, insured and is going to provide you with a quality inspection. The inspection should also include a complete report summarizing the findings and direction to explain any items that require your attention. Make sure you get a corrected report once the items have been repaired. **As the owner, you are responsible for making sure your sprinkler systems are inspected and maintained.** So, having someone accompany the inspector and take notes on any anomalies found is a good step to identifying required repairs in advance of the inspector's report.

It is critical to hire a licensed State of Maine Full Sprinkler Contractor (FSC) that has licensed fire sprinkler inspectors (IFS) in

their employ. **Anyone performing inspections must be licensed through the State Fire Marshal's office. Fire Sprinkler Inspectors work for the FSC and do not work independently of the FSC.** Full Sprinkler Contractors are required to provide the State of Maine a certificate of insurance (COI) with \$1 million liability specific to the installation, testing, and maintenance of water based systems. You should also be asking for the COI when considering which Full Sprinkler Contractor to hire.

Items are inspected at both the quarterly and annual inspection.

- Valves
- Water flow and supervisory alarm devices
- Fire department connections
- Water flow alarm on both wet and dry systems
- Wet and dry gauges
- Pressure-reducing valves
- Relief valves
- Hydraulic system nameplates

Four additional inspections are added annually

- Sprinkler heads, pipes, and fittings
- Check supply of spare sprinkler heads and tools
- Dry-pipe valves
- Water flow test

WHAT HAPPENS DURING A DRY FIRE SPRINKLER SYSTEM INSPECTION?

The main difference between a wet and dry inspection is that a dry system needs to test the dry valve that keeps water out of the dry section(s) until the valve is tripped due to a fire. To test this valve the inspection company will do a "choke trip." A "choke trip" is when the dry valve is tripped, simulating an actual fire, while "choking" **the water to keep it below the valve and not allowed through the suppression system branch lines.**

Dry systems are in areas that freeze, like outside canopies and attics. So the pipes are filled with air and a valve keeps the water below. Every year, that valve is tripped to make sure it functions as designed and to determine the lowest air pressure rating where the valve trips. Every third year, water has to be flowed to the end of the line **and be timed.** A passing time from the valve opening to water pressurizing the furthest end of the dry system is between 60-90 seconds. Most inspection companies will not conduct the full trip test between the last of October through the



Story continued on next page

Sprinkler System Maintenance Is a Must (continued from page 1)

beginning of April, due to the risk of freezing. These are normally done in the spring so the system has the entire summer to dry out.

Dry system inspections also include everything in a wet system inspection.

WHAT HAPPENS DURING THE INTERNAL INSPECTION OF A SPRINKLER SYSTEM?

Over a relatively short period of time, and including new fire sprinkler pipes installed in newer construction, sludge and build-up can occur surprisingly quickly. When obstructions develop, they diminish or even prevent the flow of water through your fire sprinklers. Keeping your fire sprinkler piping up to code by adhering to the five-year internal inspection will mean ensuring that both your property, your employees and your visitors are safe.

An internal sprinkler inspection every five years is also a NFPA 25 requirement to examine the insides of the sprinklers' piping.

The purpose of the inspection is to ensure there is no blockage in the piping that would hinder the effective and free flow of water through the piping when needed in the event of a fire. The inspection will search for and be able to identify a variety of internal obstructions or problems developing within the piping, including:

- MIC (microbiologically influenced corrosion) • Rust
- Other foreign organic or inorganic materials • Slime

The five-year internal sprinkler inspection will include an initial assessment, opening the flushing connection at one of the main



ends, and removing a sprinkler tower from one end of a branch line. If sufficient foreign organic or inorganic material is discovered to be obstructing the pipe or sprinklers, then there will be a more comprehensive obstruction investigation. If necessary, an obstruction investigation will take place at a minimum of four points in the fire sprinkler system. Those point are; System valve, Riser, Cross main, and branch line

If obstructions are found, a complete flushing program will need to be conducted to remove all foreign materials from the piping.

MMA Risk Management Services welcomes its newest member to the **WORKERS' COMPENSATION FUND**

Town of Moose River

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Boiler & Pressure Inspections Program

An Exclusive MMA Property & Casualty Pool Service



To ensure public safety, the State of Maine requires periodic inspections of certain boilers and pressure vessels that are located in municipal buildings, schools and governmental facilities. MMA Risk Management Services partners with Travelers BoilerRe Risk Control to perform these inspection services as an added service for our member's.

To request a Jurisdictional (State Required) Inspection, we request that you call for email:

- **Call this toll-free number 1-800-425-4119**
- **Or email boilinsp@travelers.com**

When you contact Travelers Boiler Re Hotline, the Service Coordinators will route your request to the proper contact to schedule your inspection.

**Please note that the Certificate costs billed by the State of Maine are the responsibility of the boiler/pressure vessel owner.*



Please be prepared to provide the following information:

- Account Name: Maine Municipal Association
- Location: Where the equipment is located, including zip code
- Contact Information: Person inspector should contact to arrange inspection including phone number and email address.
- Equipment: Type of equipment requiring inspection
- Certificate Data: Inspection date and certificate number (i.e. H1234 or PV1234)

For questions or additional information on ordering Boiler & Pressure Vessel Inspections, please contact Crystal Gilks at cgilks@memun.org or Marcus Ballou at mballou@memun.org or call us at 1-800-590-5583.

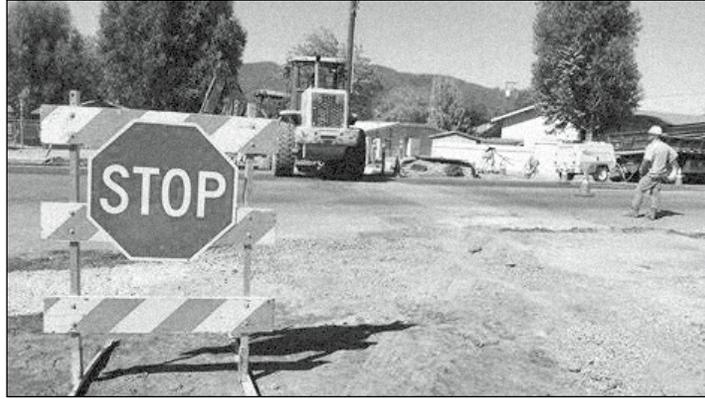
Contractor Management

It is common practice to utilize the services of contractors to perform roadwork, snow plowing, utility installation, new building construction, remodeling of buildings, janitorial services, vehicle maintenance landscaping, lawn mowing services and more. It is a common misperception that if we utilize a contractor we have eliminated all the risk. However, without proper contractor management you may be assuming unintentional liability or workers' compensation exposures. It is critically important to obtain proper documentation prior to allowing the contractor to begin work and to have this documentation readily available and up to date for all contractors.

So how do you adequately protect yourself when using contractors? One way is to transfer the risk contractually.

- **Always hire a contractor using a written contract that clearly specifies the terms of the relationship between the two entities. Your attorney should draft and review the contract prior to it being executed. There are two critical provisions that should be included.**
 - The contractor should agree to assume the liability arising from the contractor's operations. This is typically referred to as a "hold-harmless" or indemnification agreement.
 - Secondly, you should require the contractor to carry specific insurance coverages and limits to be certain that there are adequate resources for the payment of claims.
- **Always obtain a current Certificate of Insurance from the contractors.** The contractor can easily obtain this document from his insurance agent. At a minimum it is recommended that the certificate of insurance shows evidence of General Liability and Workers' Compensation and that your entity is named as Additional Insured. If applicable you should also request proof of Automobile Liability. Builder's

Risk is needed for building construction projects. Many times, the owner is required to purchase builders risk, so it's important to review the contract prior to execution.



tor Status" (WCB 266). These forms are available on the Maine Workers' Compensation Board's website <https://www.maine.gov/wcb/forms/WCB-266.pdf>. If the contractor does not provide this documentation the members' workers compensation exposure is increased and a portion of the payment to the contractor will be added to the member's audited payroll exposure.

Proper contractor management will help to protect you should a claim be presented that involves the contractor. It is essential that adequate resources are available should there be damage to

property or injury to contractor employees or to the public.

You do not want to find yourself in the position of discovering after a loss occurs that the independent contractor engaged does not have appropriate and adequate insurance to protect themselves and the entity for whom they are working. This article is intended to provide some basic information about understanding the liability issues involved when hiring contractors. When the time comes to negotiate a contract and specify insurance requirements for a contractor, it is important to consult with an attorney to be sure that the unique needs and circumstances are protected properly.

- **Require within the written agreement that your entity is named on the contractor's policy as an Additional Insured.** This endorsement on the contractor's policy extends the contractor's insurance protection to the entity for the contractor's operations.
- **Evidence of Workers' Compensation Coverage is critical.** Members of the MMA Workers Compensation Fund who use independent contractors are requested to obtain a certificate of insurance showing evidence of workers' compensation coverage or an approved "Predetermination of Independent Contrac-

Important Update: Deadline Extension

The Workers' Compensation Safety Incentive Program (WCSIP) is available exclusively to all MMA Workers' Compensation Fund Members. If you have not joined this program, now is the time. We encourage you to review this program and see how simple it is to participate. We welcome you to join with the over 100 Members have taken those steps and have received financial savings on their annual Workers' Compensation contribution. To allow the additional time needed to join, we have extended the deadline to start the process, the due dates are:

- The Acknowledgment is now due on or before July 1, 2021.
- The Resolve is due on or before August 1, 2021.
- The Verification for Tier Assignment form will remain due to us on or before September 1, 2021.

The details of the Workers Compensation Safety Incentive Program are located on the MMA website: <https://memun.org/Insurance-Services/Risk-Management-Services/WCSIP>.

Roof Inspection & Maintenance

Quality initial installation of roof coverings, periodic inspection and a good maintenance program will extend the lifespan of a roof and keep repair costs to a minimum. A maintained roof stabilizes property value and may prevent property loss due to leaks. A leaking roof can result in damaged property and equipment, disruption of workflow, electrical and fire hazards and growth of mold or mildew that may cause employee or public health problems. Prolonged leakage may lead to damage that could contribute to or result in structural failure. Maintaining roof systems now will save money later.

How to Inspect a Roof: (Outside)

1. Look for signs of damage such as splits, tears, punctures, missing shingles (torn or blown off). Shingle fragments on the ground are indicators of trouble.
2. Black streaks or visible vegetation are indicators of mold, algae or fungus. This is most commonly found on north facing and/or shaded roofs or areas of high humidity. Over time, this will decompose roofing material and lead to leaks. This can be managed by chemical cleaning and trimming of overhanging trees.
3. Pay attention to roof penetrations - pipes, vents, chimneys, HVAC units, antenna mounts, etc. Inspect for splits, tears, sagging, loose fitting and damaged or missing flashing, fasteners and trim.
4. On flat or built-up roofs and around roof edges, inspect roof drains, scuppers and gutter systems. In addition to being a common cause of leaks, blockages may result in too much standing water on the roof. This can add thousands of pounds of weight to the roof decking causing extra stress to the deck and roof system.
5. Make sure that the trees are trimmed back away from the roof. Wind-blown branches can gouge and scratch roofing materials. Falling branches can damage or puncture roof membrane materials as well as shingles. Falling leaves can clog gutters or roof drains causing water back-ups.

How to Inspect a Roof: (Inside)

6. In addition to inspection of the roof, conditions inside the building can also identify roof problems. This may include water stains on ceilings or walls, sagging or bulging paint, walls or panels, dampness, mold, mildew or musty odor, and wet insulation. Look in the attic for stains or rot on the underside of the roof sheathing, trusses, or other structural components. One or all of these can be indicators of serious problems.

Note: Often, a basic roof inspection can be done from the ground. "On roof" inspections should only be done by persons that are trained and equipped to safely do so.

What if I have a serious roof leak?

- o Reduce liability due to accidents by ceasing operations or isolating the area from employees and the public.
- o Relocate or cover equipment, furnishings, materials or supplies that might be damaged. Make temporary or emergency repairs.
- o If the cause of the leak can be safely identified and corrected, do so.
- o Note the date, time, location circumstances and weather conditions at the time of the leak.
- o Gather file information on the roof's age, construction details, past repairs, photos of leaks and damage, and roof condition, if available.
- o Notify appropriate officials and your insurance representative. Temporary or emergency repairs may be covered by insurance.

FREQUENTLY ASKED QUESTIONS

What are Safety Shorts and How Can I Use Them?

Offered **FREE** to members of Workers' Compensation Fund and Property & Casualty Pool, MMA Risk Management Services offers over 40 safety advisories that can be utilized in your entities safety tool box for quick safety and compliance awareness.

Safety Shorts are provided to assist members in increasing safety awareness among employees. They are designed for supervisors to review a subject with employees prior to performing a certain task, as a "shop talk" at the beginning of the workday, after an accident or "near miss" or as part of a scheduled safety meeting. Safety Shorts may be used as handouts or printed for posting. Feel free to copy and distribute them to employees as you deem appropriate. Safety Shorts are located at:

<https://www.memun.org/Insurance-Services/Risk-Management-Services/Loss-Control/Safety-Shorts>

It is recommended that each time you meet to review a topic with employees, you document the meeting. These records should be kept on file.

Safety Shorts are provided for informational purposes only and provide a general review of some of the more common hazards and precautions. More extensive training may be required to adequately address all aspects of job safety.

For more information on Safety Shorts or other available services offered by MMA Risk Management Services please visit: <https://www.memun.org/Insurance-Services/Risk-Management-Services> or

Call Member Services at 1 (800) 590-5583



The Municipal Risk Manager

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

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'Retired' Dana Reed answers calls for help – and loves it

'I cannot imagine a more interesting job,' the veteran manager says, as he extols the unquestioned natural beauty of the area where he lives and works.

By Liz Mockler

Dana Reed lives in one of the most beautiful and famous towns in Maine, on Mount Desert Island, home to Acadia National Park and two million visitors a year. After serving as Bar Harbor town manager for 27 years, he could see retirement on the horizon.

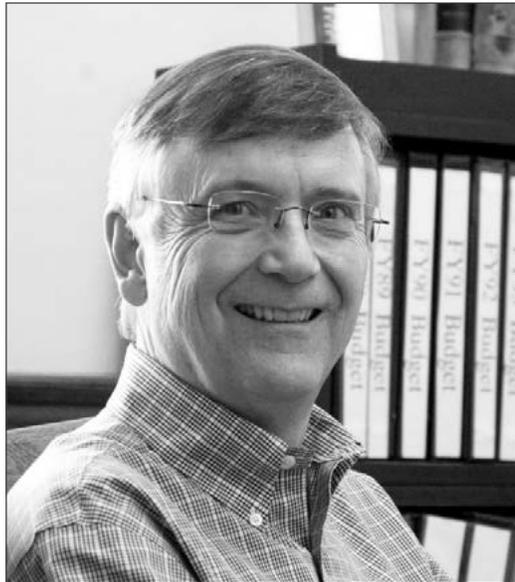
But a love of public service and fate collided to draw him back to municipal government in June 2014, when he agreed to temporarily manage the Town of Tremont until the select board hired a full-time manager. "Temporary" turned into three years. Once the board hired a permanent manager in 2017, Reed retired.

He and his wife had planned to travel, but public service and a national pandemic once again led Reed to temporarily return to municipal government last February, this time as interim manager of the Town of Southwest Harbor.

Reed, 70, has served on two dozen town, regional, state and federal committees over his nearly 50-year career. He wrote two publications for the International City/County Management Association (ICMA) and a third for the Maine Town & City Management Association.

His first report for the ICMA in May 2007 was titled, "Pandemic Flu Preparedness in a Small Town," published in the ICMA magazine under the headline "Preparing for a Pandemic."

Reed's public service career began the fall of 1974, after he graduated from Ohio State University. His foray



Dana Reed

into municipal government began as the director of a 322-acre recreational district in Fremont, Ohio. In 1980, he then worked for six months for the City of Vassar, Michigan, as parks and recreation director, before being promoted to city manager after six months. He remained in Vassar until he landed the Bar Harbor job in October 1986.

In all, Reed's career has spanned 47 years – and still is not finished. Today, he remains the interim Southwest Harbor manager until a full-time replacement can be found.

Mount Desert Island (MDI) is comprised of many "villages" that can confuse visitors, but there are just four municipalities on the island. For example, Martha Stewart says her Maine estate is located in "Seal Harbor," but the village is part of the Town of Mount Desert, the only community Reed has not managed on the island.

Below, Reed takes time to answer some questions about why he keeps working when municipal government could be in the rearview mirror.

Q. What keeps you interested? What keeps you motivated?

A. I cannot imagine a more interesting job than being a town manager. Every day brings something new and exciting. Each town has had something to teach me or shown me a different way of tackling old problems. I also enjoy being a problem-solver. That's really what a town manager's job is all about: Fixing that which is broken (and, hopefully, fixing it better). It's what keeps me motivated: Helping people, serving the public and doing it in a transparent and ethical manner.

Q. Although there is a fourth town on MDI which you have not managed, can you tell us some common traits and traditions all of the towns might share.

A. Liberal social attitudes, yet conservative fiscal attitudes. MDI is a very caring community. We care for and support our neighbors in need. We also appreciate the beauty of our island and of the natural world. Probably not unlike the rest of New England, our voters are very interested in keeping the tax rate low. They are willing to spend money if they are convinced that it is needed, but they are not about to waste it.

Q. Is it easy in some parts of the island to cross a town line and not know it, as though it were one big community?

A. We really are one big community. My family and I have lived on MDI since 1986, almost 35 years now, and while I will never be a native, I've come to know hundreds of people on

Liz Mockler is a freelance writer from Randolph and regular contributor to *Maine Town & City*, lizmockler@hotmail.com.

this island. We share the same high school, churches, service clubs, youth groups and many other organizations. We even have a very active island-wide governmental group – the League of Towns, which I chaired for many years. Each town has its own personality, but we have more in common than we have differences.

Q. The COVID pandemic has all but halted leisure cruise ship and some ferry service. Does that hurt all four towns financially, even though they dock in Bar Harbor?

A. Obviously, Bar Harbor is taking a big financial hit from the loss of cruise ships, but the other three towns, not so much. Cruise ships, and the tour buses that support them, come with their own set of problems, and the other three MDI towns see relatively little benefit from them. Bar Harbor's cruise ship challenges are offset somewhat by the financial benefits, but the other three towns have been largely resistant to their siren song.

Over the years, Southwest Harbor has developed an increasing amount of non-cruise ship tourism, so our lodgings, restaurants and shops have been hurt by the pandemic, but our much larger fishing and boat building businesses continue to do well. Tremont has relatively little tourism business, and also depends on fishing and boat building for employment. Summer residents largely drive Mount

Desert's economy, and I'm sure I've never heard a Northeast Harbor resident wish for more cruise ships.

Q. What do you like best about the island? What makes it so special and popular? Why do you keep saying, "You had me at hello?"

A. You've got to love the scenery! MDI is such a gorgeous place. Whether I'm commuting to work across the island or just making my weekly trip to the dump, I stand in awe of the beauty around us here. And that scenery comes with a multitude of recreational opportunities. I've been very fortunate to live and work here for all these years, and I count my blessings every day.

Q. You apparently love town management. Have you found a big difference in how the three towns budget, setting aside the difference in total spending?

A. All four towns have a budget that must be approved by town meeting, so they all budget very conservatively. I'm proud to have developed a very extensive capital improvement program (CIP) when I worked in Bar Harbor and pleased to see that similar programs have grown in the other MDI towns. A CIP allows the town to look down the road at what will be needed in five or 10 years and save up for that project, rather than relying on expensive bonding, thus saving the taxpayers money and flattening tax rate peaks and valleys.

Q. If you could add one thing to MDI, what would it be?

A. Although all four towns already cooperate on a number of fronts, I'd like to see that collaboration expanded and strengthened. Each town has its strengths and weaknesses and, working together, we can best serve our taxpayers. Isn't that why we all started working in local government in the first place? ■

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.

Maine Resource Recovery Association

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NOTICE

Seeking Nominations for MMA Executive Committee

Nominations

Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview candidates for the Vice President position and selected candidates for the Executive Committee positions during the 3rd meeting in May.

What Is Involved?

The Executive Committee is the Maine Municipal Association’s corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

Who Should Apply?

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- Municipal officers (*mayor and aldermen or councilors of a city, the selectpersons or councilors of a town, and the assessors of a plantation*)

What are the Qualifications?

- The ability to serve a three year-term;
- Basic knowledge and interest in corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards/committees and/or involvement in the Maine Municipal Association.

Timetable

March 16, 2021	1 st Meeting of Nominating Committee – <i>Review of Nominating Committee Process</i>
March 19, 2021	1 st Electronic Mailing to Municipal Officials – <i>Seeking Interested Candidates</i>
April 2021	Notice in <i>Maine Town & City</i> and e-newsletter <i>MMA This Month</i>
Monday, April 26, 2021 12:00 noon	Deadline for Receipt of Statements of Interest
May 12, 2021	2 nd Meeting of Nominating Committee by Conference Call – <i>Review Statements of Interest and preparation for Interviews</i>
Wednesday, May 19, 2021	Final Meeting of Nominating Committee – <i>Interviews and put forth Proposed Slate of Nominations</i>
May 21, 2021	2 nd Mailing to Key Municipal Officials – <i>Proposed Slate of Nominations and information on Petition Process</i>
July 9, 2021 – 4:30 p.m.	Deadline for Receipt of Nominations by Petition Forms
July 20, 2021	3 rd Mailing to Key Municipal Officials – <i>MMA Voting Ballot for Election of VP and Executive Committee</i>
August 20, 2021 – 12:00 noon	Deadline for Receipt of MMA Voting Ballots
August 21, 2021	MMA Election Day – <i>MMA President oversees counting of MMA Voting Ballots</i>

For Further Information:

Please visit the MMA Website at www.memun.org for **additional** information on the MMA Nominating Committee process, timetable, overview of Executive Committee responsibilities and access to the Statement of Interest Forms. Please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions.



Maine Municipal Association

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www.memun.org

STATEMENT OF INTEREST FORM
SERVICE ON THE MMA EXECUTIVE COMMITTEE

Deadline for Receipt — 12:00 p.m. on Monday, April 26, 2021

Name of Candidate: _____

Municipal Position: _____ Years in Position: _____

Municipality: _____ County: _____

Preferred Mailing Address: _____

Work or Office Phone _____ Home Phone: _____

Mobile/Cell Phone _____ E-Mail: _____

Previous involvement with the Maine Municipal Association — Please provide info on your past involvement on MMA Governance Boards, Legislative Policy Committee, Ad Hoc Committees, Convention and Workshop Speakers/Panelists, etc. (provide dates of service, if available):

Other information not included on your Resume — other activities of interest, awards, etc.

What attributes do you believe you will Bring to the Maine Municipal Association?

The MMA Executive Committee has an Attendance Policy that requires a member to miss no more than three meetings per year. Based on this, do you believe the time commitment meets your availability? YES / NO

Please provide a Municipal Reference that we may contact:

Name Municipal Position Telephone #

Please include your cover letter, updated Resume and up to five letter(s) of support.

I attest that the information contained above and in the attachments is true and accurate to be best of my knowledge.

Signed: _____

Date: _____

Return to: MMA Nominating Committee c/o Executive Office
Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

FAX: (207) 626-3358
E-mail: tchavarie@memun.org

By popular demand: Falmouth's communications strategy

After hearing that citizens wanted to know more about town government, Falmouth leaders stepped up with a formal, multi-platform communications plan.

By Stephanie Bouchard

Amy Kuhn's first year on Falmouth's town council was punctuated, she said, by "community dissatisfaction." It was 2016, and Falmouth was experiencing an explosion of development activity – residential and commercial. What was exposed, she said, was "some disconnect between what the town was working on versus what some residents wanted the town to be working on."

The "heartache" of that experience spurred the town council in a direction that hadn't been on the table that year: the creation of a communications strategy.

At the time, the town office was using "Facebook light" – web subscriber notifications and town-wide postcard mailings – to communicate with its residents and business owners, said Nathan Poore, the town manager. They thought it was sufficient, but as they started to realize how much misinformation was circulating, they decided that how they communicated would have to change.

Recognizing that changes needed to happen didn't translate into immediate action, though. They had the day-to-day to deal with as well as the planning for a big 300th birthday bash in 2018, so it wasn't until 2019 that the town made significant strides on the communications issue.

Along with holding a series of workshops on the topic, the town hired Erin Cadigan, a trained historian who had been the town's birthday celebration coordinator, as its new education and outreach coordinator. Her first task was to do an assessment of the town's

internal and external communications and a review of other municipal governments' communications operations to see what they were doing, what was working and what wasn't.

They also created a survey that was available to residents online and through a mailing. The survey asked residents questions such as: whether they were getting enough information from the town and how they were getting that information; what their preferred method of getting town communications was; what sorts of things they wanted the town to communicate with them about; and, their ideas for how the town should communicate with residents.

From the responses, the town was able to narrow down some good targets to pursue. They also learned what residents weren't interested in. The town had floated some ideas such as having coffee with members of the town council or holding monthly open houses or doing a podcast and those held no interest for the respondents.

"Nobody wanted to listen to a podcast about road construction or reevaluation," Cadigan said.

Digital plus old-fashioned print

What they really wanted was a newsletter. People were "dying for a newsletter," said Cadigan. "They really, really liked the idea of a newsletter." So, that fall, a newsletter was the first step of the town's developing communications strategy to be launched.

"The survey results did identify a continuing desire for some things in print and not digital," said Poore. "And so, that's why we've continued to do a couple of town-wide mailings a year."

The print newsletters are usually mailed twice a year with the tax bills,

but a digital newsletter that residents must subscribe to (for free) is published every other week, usually timed to the Friday before a Monday council meeting. The digital newsletters are archived on the town's website so they can be accessed at any time.

The newsletters focus on things that are important for residents to know, but also on less municipal business-type stuff. For example, the town produced a series of stories about the history of its fire and emergency services department as that department was transitioning from a mostly part-time department to a more full-time one. It also published a deep look at how residents' wastewater systems work.

The town also committed to communicating with its residents, and the larger community outside of town limits, by buying space in the northern edition of *The Forecaster*, a weekly newspaper. The space purchased in the *Forecaster* allows the town to convey information such as public notices, but also lets the town officials impart information residents can use, such as how to manage brown tail moths on their properties. Since the town pays for 52 weeks of ad space, residents can count on information from the town being there every week.

"The idea is to sort of train people to know where to go," said Cadigan. "It's there all the time. It looks the same. It's sort of a go-to place. That's one of our goals – to develop these go-to places."

Providing go-to places for information is just one of the many communications goals the town has identified. To make sure they were getting everything done and to provide action steps that could be followed even into the future, it was important for the town's

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

staff and council members to put those goals into a formal communications strategy, she said.

“We wanted the communications policy so that we could make sure we were making law and policy that reflected the will of the people, and memorializing it into a plan seemed like a good idea for a couple reasons,” added Amy Kuhn, now the chair of the town council. “One is so that we can hold ourselves accountable and the public

could hold us accountable. The other reason was to make sure that it outlived turnover on the staff and on the council so that we were really making some systemic long-term improvements, not just sort of a Band-Aid in the context of a particular issue in the community.”

Pillars of the plan

The strategic plan includes guiding principles, an examination of potential challenges and how to overcome them,

goals and action steps, specific tactics and tools, which include, in addition to its website, print and digital newsletters and the ad space in the Forecaster:

- Videos that live on the town website and on YouTube
- Public meetings
- Posters and flyers, banners and other signage
- Special events
- An automated phone system
- Email and e-alerts
- Social media
- Residents who act as volunteer town ambassadors of sorts, by, in part, leveraging their own social media accounts to pass on information

Resident feedback to the town’s communication efforts has been positive and, when the pandemic started last year, town leadership was particularly grateful to have the strategy already in place.

“It just gave us a lot more touches in the community and that turned out to be absolutely critical when COVID arrived, because we had these really well laid-out channels,” said Kuhn. “We didn’t have to reinvent the wheel every

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time there was a new guidance from the governor. We had the ability just to get that information out quickly and efficiently.”

Besides putting out official information related to the pandemic, the town used its communication assets to support businesses. They gave residents a central place to go to find out which businesses were open and when, which restaurants were offering take-out and delivery and which pharmacies were doing pick up or delivery, said Cadigan.

“So that’s another, I guess, bonus of our communication network – getting information out regarding our business owners and trying to support them,” she said.

Amy Meader, a Falmouth resident and owner of Rivalries, a sports pub and restaurant with locations in Portland and Falmouth, has been pleased with the efforts the town has made to support businesses in town, especially during the pandemic.

For example, the town’s director of long range planning and economic development, Theo Holtwijk, has sent emails to the business owners in town

that provide information about grant programs and other resources rather than the businesses having to seek out that information.

“I like his communication method because it’s like a personal reach-out

to a business,” Meader said. “I’m a big believer that when you build rapport and trust with people in the town, your communication strategies will effectively reach more people.” ■

WHY A COMMUNICATIONS STRATEGY?

Falmouth’s formal communications plan is ambitious and takes funding, but for larger towns and cities, it’s a necessity, said Nathan Poore, the town’s manager.

“For the medium-sized towns (and) larger towns, I don’t know how they’re going to survive in the future without having a strategic communications plan,” he said. “(If) they don’t have one now, I think they’re going to have one in the future.” Even small towns should make some effort at regular, effective communication, he said. Here are some tips for doing that:

- Survey residents about how they want to communicate and what information they want from you. Over-communication is just as bad as not doing enough.
- Create a budget for hiring a specific communications staffer and paying for specific communications assets. Not all communications tools will be expensive. Newspaper ads are pricey, but even email communication solution Constant Contact has a free level of service that provides some basics.
- Dedicate regular time to managing your social media accounts and your website if you have one. If you can hire a communications person, social media engagement will be part of that person’s work, but if you can’t afford to hire a specific communications staffer, maybe someone on your staff who has an interest can take that on, or you can designate the task to an intern.



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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MANAGEMENT VIRTUAL CONFERENCE JUNE.17.2021



Sponsored by the Maine Municipal Association
In Cooperation with the Maine Local Government Human Resources Association

AGENDA

9:00 AM: LOGON

9:10 am: Welcome by Stephen W. Gove, Executive Director, Maine Municipal Association

9:15 – 10:30 AM: KEYNOTE ADDRESS

Best Practices for Inclusive Hiring

If we want to hire the best talent, we need to make sure our hiring processes are truly welcoming and inclusive to everyone. What are the barriers...that perhaps we didn't even realize were barriers...that prevent our hiring processes from attracting the most highly qualified candidates? Join Maine Intercultural and an HR professional specializing in diverse talent acquisition as they lead participants through an exploration of inclusive recruiting, applications, and interview questions.

Presenters: Liz Greason, Co-Founder, Maine Intercultural Communication Consultants; Humza Khan, DE&I Partner, Inclusion Maine

MTCMA Certification – 1.25 points Leadership, Human Resources and Ethics categories

10:30 – 10:45 AM:
BREAK/ SPONSOR BREAKOUT MINI SESSION

10:45 – 11:45 AM: CONCURRENT SESSIONS

Why I Joined Municipal Government

Perhaps it was to get a good job, close to home. Or, a spirit of giving back to a community, to know that one is serving a higher purpose. Maybe they just found their prospective co-workers too darn fun not to work with! Listen to these three impressive panelists describe what led them to choose municipal government for their career paths, how their experiences have been to date and what they recommend

that municipal employers consider changing, going forward.

Panelists: Galen Weibley, Economic & Community Development Director, City of Presque Isle; Emily Scully, City Clerk, City of South Portland; Kara George, Town Manager, Town of Thomaston

Moderated by: Alicia Gaudet, Manager, Educational Services, Maine Municipal Association

MTCMA Certification – 1 point Leadership and Human Resources categories

Avoiding Discrimination Claims

Find out what you, as employers, need to know about discrimination, retaliation and Whistleblower laws. Sarah Newell and Ryan Dumais from Eaton Peabody will provide you with an overview of federal and state protections and exceptions. They will also cover the protected classes included in the law for purposes of sex discrimination, race discrimination and the creation of hostile work environments. And most importantly for any employer, they will cover the top -five strategies for avoiding lawsuits.

Presenters: Sarah Newell and Ryan Dumais, Attorneys, Eaton Peabody

MTCMA Certification – 1 point Legal, Human Resources and Ethics categories

11:45 – 12:15 PM:
BREAK/ SPONSOR BREAKOUT MINI SESSION

12:15 – 1:15 PM: CONCURRENT SESSIONS

Managing Conflict in the Virtual Environment

Humans are naturally hardwired to respond with our fight-or-flight instincts when engaged in conflict. However, in many instances, conflict and challenging conversations offer us an opportunity to develop new skills. In this program, participants will cultivate the courage and develop the skills necessary to work through difficult situations efficiently and effectively. This session will explore best practices for having difficult conversations, especially in the virtual

environment; prepare for typical reactions when engaged in conflict; provide tools and models to keep conversations positive and on track; recognize conflict as an opportunity to improve relationships and collaborate; and build trust and respect with others, both in and outside the workplace.

Presenter: Amy Harkins, HR Consultant, KMA Human Resources Consulting

MTCMA Certification – 1 point Leadership and Human Resources categories

Payroll Tips for 2021

Ed Spencer of Payroll Management, Inc. will delve into everything you need to know to process a municipal payroll today. From W4s to 1099s, online payroll, employee handbooks and background checks, this session will address all of your pressing payroll questions.

Presenter: Edward Spencer, Senior Account Manager, Payroll Management, Inc.

MTCMA Certification – 1 point Finance/Budget and Human Resources categories

1:15 – 1:30 P.M.

BREAK/ SPONSOR BREAKOUT MINI SESSION

1:30 – 2:30 pm: **CONCURRENT SESSIONS**

EAP and You (30-minute session)

Life is not always easy. But when the going gets tough, there are resources available to help. This session will give an overview of the Anthem Employee Assistance Program and the benefits that area available to both HR personnel and employees. Participants will learn how the confidential EAP works and how to best utilize the wide variety of resources that are available free of charge. Please note: The Anthem EAP is only available to employer groups that offer a health plan through the Maine Municipal Employees Health Trust.

Presenter: Anne Charles, Health Promotion Manager, Maine Municipal Employees Health Trust

MTCMA Certification – .5 point Leadership and Human Resources categories

Rated Groups Claims Reporting (30-minute session)

Do you work for a large employer (51 or more covered employees) that participates in the Maine Municipal Employees Health Trust health plan? Are you interested in learning how your group's claims experience affects your premium adjustments each year? At the Trust, we feel that it is important for individually rated employers to understand how their health premiums are calculated, and what factors are driving their claims costs. For this reason, we have developed personalized reports for our larger participating employers that provide detailed information on each group's overall claims costs, trends, and medical cost drivers. Attend this presentation and learn what these reports can show you – and how you can help to improve your group's health claims experience.

Presenter: Anne Wright, Project Coordinator, Maine Municipal Employees Health Trust

MTCMA Certification – .5 point Finance/Budget and Human Resources categories

Mediation in Employment Matters

Mediation can be useful for resolving a host of employment disputes, including allegations of employment discrimination, workplace harassment, wage and overtime disputes, and termination issues. This session will cover the mechanics of mediation and special considerations for public sector entities.

Presenters: Rebekah Smith, Esq., Seven Tree Solutions, LLC; Maria Fox, Attorney, Mittel Asen, LLC

MTCMA Certification – 1 point Legal and Human Resources categories

2:30 – 2:45 PM:

BREAK/ SPONSOR BREAKOUT MINI SESSION

2:45 – 3:45 PM: **CONCURRENT SESSIONS**

Saving Money by Working Safe

This session, led by MMA's Loss Control team, will review the Maine Bureau of Labor's compliance directives and will provide guidance for public sector employers on required safety programs. Hazard-focused programs can assist employers in identifying employee safety training which, in turn, will reduce workers' compensation claims and employer costs.

Presenter: Robert Thomas, Loss Control Manager, MMA Risk Management Services

MTCMA Certification – 1 point Finance/Budget and Human Resources category

2:45 – 4:30 PM:

HR in the Age of COVID

The year 2020 introduced a whole suite of HR challenges for municipalities – and we're not out of the woods yet. In this session, municipal attorneys and labor/employment law experts Ann Freeman and Matt Tarasevich will shed light on the impacts of COVID-19 on personnel law.

Presenters: Ann Freeman and Matt Tarasevich, Attorneys, Bernstein Shur

MTCMA Certification – 1.75 points Legal and Human Resources category



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memun.org/Municipal-HR-and-Management-Conference/Registration

PEOPLE



Curtis Rushton

Curtis "Curt" Rushton recently retired after serving as Topsfield selectman from 1998 until 2020. He was a founder of the Topsfield Volunteer Fire Department and served as a firefighter until being named

chief in 1987. He performed many roles over the years, including road commissioner and General Assistance director. Topsfield is a town of 200 residents in Washington County.

Wiscasset's new ambulance service director, **Erin Bean**, said last month she wants to "lead from the front" by continuing to drive an ambulance and respond to 911 calls. Bean, who lives in Bremen, joined the service in 2019 as deputy director. She served as interim director from July 2020 until former Director **Dennis Simmons** was hired as Wiscasset town manager this winter. She was officially named director on Feb. 2. Bean has been an EMT for 21 years. After graduating from Brunswick High School, Bean tried her hand at cosmetology and decided that was not a job for her. She then followed in her parents' path: Her mother was an emergency room nurse at the Brunswick hospital, while her father was a paramedic and firefighter for the town.

The Town of Oxford welcomed a new manager last month, **Adam Garland**, who resigned as Richmond manager in search of new challenges. He started his Richmond service in 2006 as a town patrol officer. In 2010, he was promoted to sergeant, a job he kept until 2014, when he accepted the town administrator's position in West Bath. He was studying to earn a degree in management in human resources when the Richmond job opened. Garland lives in Brunswick with his wife and two daughters.

On March 22, the Richmond select board named **Laurisa Loon** as interim manager. Loon has worked for the town for 14 years, serving as assessor, General Assistance director, and assistant to the select board and manager, among other duties.

After June 30, Castine library patrons will no longer see **Anne Romans**, a long-time and popular fixture as librarian, who



Anne Romans

will retire at the end of the fiscal year after 23 years working for the Witherle Memorial Library. In 2005, Witherle changed the library services after joining the Minerva Consortium, a library system that connects

60 libraries across New England, allowing book sharing and expanding services to the public. Romans oversaw a number of capital improvements projects to the library over the years, including putting good use to a \$6 million donation from the estate of Deborah Pulliam. The money financed construction of a new addition, renovation of the basement and creation of a children's room. Romans, 79, thought she would retire "to see what the rest of life is like," she told the Castine Patriot.

Gouldsboro is on the lookout for its fourth town manager since 2018, after **Andrea Sirois** told the select board in March she will not seek to renew her contract when it expires on June 30. It will complete one year on the job for Sirois. A Nevada native, Sirois wants to find work closer to her family and friends, who live in Louisiana, Alaska, Washington, D.C., among other locales. The town asked the Maine Municipal Association to conduct the search for a new manager. Sirois had replaced **Sherri Dowling Tracey**, formerly Cox, who served 18 months and resigned in August 2019. **Bryan Kaenrath** served as manager from 2015 to 2018.

The Alna Select Board asked **Amy Stockford** to return to her past town clerk position until the board can find a replacement for **Sheila McCarty**, who resigned Feb. 22 after serving since last September. Even after leaving the clerk's position, Stockford has worked as the town's treasurer for more than five years and, according to officials, will continue that job. Her town clerk duties will be pared so she only needs to work a few hours a week while other town office staff handle most day-to-day work. Making the announcement about Stockford's return to help in the interim was First Selectwoman **Melissa Spinney**, who worked as town clerk from 2009 to 2016.

Dina Yacoubagha was elected chairwoman of the City of Bangor's first Ra-



Dina Yacoubagha

cial Equity, Inclusion and Human Rights Committee. The city followed the school board in creating the panel to advise officials on new personnel policies and hiring. Yacoubagha is a native of Syria and last

November placed fourth in an eight-way race for three city council seats. A social worker, Yacoubagha will lead the panel in reviewing and provide feedback on city polices. The committee will begin its work with a review of the police department policy on body cameras, which the council approved last year.



Robbin Cogger

During its state-wide virtual awards ceremony, **Robbin Cogger**, York Parks and Recreation Department director, was given the 2021 William V. Haskell Distinguished Professional of the Year

Award. The honor recognizes someone who has shown outstanding performance, civic engagement and innovative programming, among other accomplishments.



Amelia Meier

Amelia Meier, coordinator of the Saco Parks and Recreation's Community Outreach program and the city's wellness coordinator, received the Dr. Bill Eckart Young Professional Award for outstanding work, including forging partnerships and developing innovative programs.



Kevin Bailey

Kevin Bailey, parks maintenance foreman for Windham parks and recreation, received the 2021 Outstanding Parks Professional Award for multiple projects, including trail construction and facility management, among other attributes.

BAR HARBOR

The Frenchman Bay Conservancy bought 1,400 acres of land in the Town of Hancock as part of its Frenchman Bay Community Forest Project. The land trust can now develop plans for trails and public space. The new “community forest” encompasses 4,500 total acres. The New England Forestry Foundation bought 3,100 acres to conserve for the project after raising \$900,000 in donations and fundraising events. Meanwhile, Northeast Trust donated \$100,000 to the fundraising campaign to establish a “forever-wild” easement. In winter, the future trail system will accommodate snowshoeing and cross-country skiing. It will welcome walkers, bikers and hikers during the remaining seasons.

CARIBOU

The city council in March voted to establish the city as a “Second Amendment sanctuary city” to indicate the city is opposed to any unconstitutional restrictions on keeping and bearing guns. While Fort Fairfield, Van Buren and Paris have passed similar declarations by unanimous agreement, the Caribou council voted 4-3 in favor. “Sanctuary City” is also a term that has been used in protecting low-risk immigrants from arrest and deportation by “aggressive” federal agents. In Maine, gun rights are among the most treasured rights. Other towns and cities are considering similar gun policies. Also last month, Ellsworth councilors defeated a similar designation.

FORT FAIRFIELD

Aroostook County Sheriff Shawn Gillen proposed increasing his officers’ staff after some towns shuttered their police departments in favor of county coverage. Police officers in the county are down by 21 – many of whom want actual county jobs. Gillen predicted that the problem would continue – municipal officers moving to county employment – if “qualified immunity” for municipal officers is eliminated by state law. Qualified immunity is intended to hold police accountable, but also to protect them from harassment, distraction and liability while on the job. Maine’s smallest police departments are most at risk, Gillen said. For example, Fort Fairfield employs two full-time officers, two working part-time and two more training at the state’s criminal justice

NEW ON THE WEB www.memun.org

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

COVID-19 vaccine update: The Mills Administration issued detailed checklists about holding town meetings and many summer-type events. Also, COVID-19 vaccination eligibility was expanded to all Mainers 16 and older.

MMA wants members to serve on our Executive Committee in 2022. The Executive Committee is the association’s corporate board of directors, and has overall governance and fiduciary responsibility for MMA, including its annual operating budget. The deadline to apply is April 26.

Electric vehicles were the topic at a forum of international government and business leaders that highlighted Maine’s progress – and progress in the Province of Quebec – in developing networks of public chargers and establishing new programs to promote greater use of electric, plug-in cars.

academy. Gillen predicted more small departments will close, pivoting police work to the county sheriff.

GUILFORD

The world’s largest maker of swabs essential to Covid-19 testing will build a manufacturing facility in Tennessee to keep up with demand. Puritan Medical Products operates three plants in Maine. A home and projected open date for the fourth plant, and the first outside of Maine, have not been determined. Puritan is the only company in the world, save for one in northern Italy, that can produce nasopharyngeal swabs critical to Covid-19 testing. The Maine company has been family-owned for more than 100 years. It expanded for the first time last July with \$75.5 million in federal Covid-19 funding and a second award of \$51.2 million, which was used to build a plant in Pittsfield. The firm was awarded Inc., magazine’s 2020 Company of the Year. Puritan employed just under 100 workers prior to the pandemic. It now employs many more – 200 at the new Pittsfield plant.

HAMPDEN

Town officials now have authority to compel property owners to bring their houses up to health and safety codes when they are bad enough to be considered dangerous and inhabitable. Town leaders and residents grappled with the issue for 18 months. In March, the town council approved new habitability standards and agreed to include them in the town’s zoning regulations. The new rules require owners to address bathrooms that do not function, gaping holes in

roofs and windows and infestations of insects and critters, among other problems. The code enforcement officer told the council the new requirements will allow him to issue warnings and set a specific deadline for making the repairs. The CEO will continue first to ask the homeowners voluntarily to do the work, he said. Until the council settled the matter, the town could not direct homeowners to address deficiencies.

SACO

A group of six southern Maine municipalities created a consortium to seek proposals from solar power developers in hopes of benefiting from the new Net Energy Billing Tariff Rate Program. Passed by the Legislature in 2019, the law establishes a billing system for commercial and industrial customers, and municipalities, so they can benefit from solar power even if they don’t have enough green space to install solar power panels on public land. If the regional effort is successful, the cities and towns in the group expect lower electricity costs, reduced municipal employees’ time, a smaller “carbon footprint” and competitive contracts, among other gains. The Southern Maine Solar Collaborative (SMSC) includes the municipalities of: Fryeburg, Kennebunk, Kittery, Ogunquit, Old Orchard Beach and Waterboro. Proposals were due by April 21. Officials hope the proposals will help them evaluate and understand what solar firms can offer them, and decide both the best deal and what will work best for the individual communities. The Saco-based Southern Maine Planning and Development Commission is facilitating the effort.

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.memun.org) for updates and details. Thank you.

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

APRIL 28

Understanding Short-Term Rentals

Town and city leaders wrestle with how – and whether – to regulate short-term rentals. But do you really get how that industry works? Do you understand the finances that drive people to choose places on Airbnb and VRBO rather than traditional hotels? During this one-hour webinar, instructed by Dr. Daniel Innis, a professor at the University of New Hampshire and formerly at the University of Maine, attendees will learn what makes short-term rentals work.

The virtual workshop will run from 3 p.m. to 4 p.m. 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.

ZOOM EVENT

MAY 27

The Middle Class Housing Crunch

It's been well-reported that housing prices in Maine are soaring, and working-class Maine families can find it difficult to own, or even rent, homes. Listen to nationally known "zoning whisperer" Eric

Kronberg assess the situation – which is happening in areas across the U.S. – and offer basic tools for municipalities to use in addressing this trend.

While pre-registration is required, this is a free, virtual event for MMA members, running from 3 p.m. to 4 p.m. Cost for non-members is \$50.

ZOOM EVENT

JUNE 3

New Managers

This interactive webinar is designed to meet the needs of new city and town managers, administrators and administrative assistants to select boards. It will also acquaint people with the services offered by the Maine Municipal Association and Maine Town, City & County Management Association.

Various presenters will participate, including MMA Executive Director Stephen Gove and Rhonda Irish, president of MTC-MA and manager in the Town of Wilton. The virtual webinar is complimentary for new managers, administrators and assistants. The cost is \$35 for other MMA members who wish to attend and \$70 for non-members. It begins at 9 a.m. and will end at 1 p.m.

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

Use the following link:

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



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Augusta, ME 04330
207-623-8428
www.memun.org

LEGAL NOTES

Municipal Home Rule Power: Statutory Preemptions (1 of 2)

(This is the first of two installments on this topic; the second will appear here in next month's issue.)

Municipalities in Maine have broad "home rule" power to enact any lawful ordinance the Legislature could authorize them to enact unless they have been preempted, either expressly or by clear implication, from doing so (see 30-A M.R.S. § 3001). Here is the first installment of an alphabetical list of all the subjects we know of that municipalities are preempted from regulating by ordinance, either in whole or in part or by state or federal law. Because statutory preemptions are numerous and often obscure, the only thing we can be certain of is that this list, although as comprehensive as we can make it, is also incomplete.

Air pollution. Ordinances regulating air pollution may not be less stringent than state law (see 38 M.R.S. § 597).

Amateur ("ham") radio antennas. Ordinances regulating the location, height or screening of amateur radio antennas on the basis of health, safety or aesthetic considerations are subject to certain requirements and restrictions (see 30-A M.R.S. § 3012).

ATVs, watercraft, snowmobiles. Municipalities may not regulate the registration or operation of ATVs, watercraft or snowmobiles except for ATVs on municipal property and municipal rights-of-way and easements (see 12 M.R.S. § 13201).

Building and energy codes. Municipalities that have more than 4,000 residents must enforce the Maine Uniform Building and Energy Code (MUBEC), adoption is not necessary; municipalities that have up to 4,000 residents may adopt and enforce MUBEC or the Maine Uniform Building Code or the Maine Uniform Energy Code but may not adopt or enforce any other building code (see 10 M.R.S. § 9724).

Cable television franchises. Ordinances regulating the municipal franchising of cable television systems are subject to certain requirements and restrictions (see 30-A M.R.S. § 3008).

Condominiums. Land use ordinances may not prohibit the condominium form of ownership (see 33 M.R.S. § 1601-106).

Consumer fireworks sales. Ordinances requiring a permit for consumer fireworks

MUNICIPAL CALENDAR

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)).

MAY — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May or at a special meeting at other times they determine (30-A M.R.S. § 3812).

MAY 1 — Any holder of life insurance, gift or stored-value property presumed abandoned under 33 M.R.S. § 2091 must file a report covering the 12 months preceding July 1 of the last year to the Administrator of Abandoned Property in the State Treasurer's Office by May 1. (33 M.R.S. § 2093). See State Treasurer website for forms.

ON OR BEFORE MAY 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).

MAY 31 — Memorial Day, the last Monday in May, (or May 30 if designated federally), is a legal holiday (4 M.R.S. § 1051). Municipal officers shall direct the decoration of veterans' graves. (30-A M.R.S. § 2901).

sales are subject to certain requirements and restrictions (see 8 M.R.S. § 223-A(2)).

Criminal offenses, penalties. Ordinances may not designate a violation as a criminal offense or impose criminal penalties unless authorized by and enacted under a criminal statute (see 17-A M.R.S. § 3).

Dogs, breed-specific, agricultural working. Municipalities may not enact breed-specific ordinances or enforce barking dog ordinances against agricultural working dogs (see 7 M.R.S. § 3950).

Employment practices, earned paid leave. Municipalities may not regulate employee earned paid leave (see 26 M.R.S. § 637(9)).

Engine brakes ("Jake Brakes"). Municipalities may not adopt or enforce noise standards applicable to motor carriers engaged in interstate commerce unless they are identical to federal standards (see 42 U.S.C. § 4917(c)(1)).

Farm operations, agricultural composting. A farm operation or agricultural composting operation located in an area where agricultural activities are permitted may not be considered an ordinance violation if it conforms to the State's best management practices (see 7 M.R.S. § 154).

Firearms, sale, ownership, use, possession,

carrying, etc. Municipalities may not regulate any matter pertaining to firearms, components, ammunition or supplies except for the discharge of firearms (see 25 M.R.S. § 2011).

Firearms, discharge. Ordinances regulating or prohibiting the discharge of firearms are subject to certain requirements and restrictions (see 30-A M.R.S. § 3007(5)).

Food sovereignty. Ordinances exempting direct producer-to-consumer transactions involving food or food products at the site of production are subject to certain exceptions (see 7 M.R.S. § 284).

General assistance. Municipalities must, under the State's supervision, enact and administer general assistance ordinances that are consistent with the State's general assistance program (see 22 M.R.S. § 4305).

Gravel ("borrow") pits. Ordinances regulating the siting, construction or operation of borrow pits not within the State's jurisdiction must, at a minimum, include the requirements of state law (see 30-A M.R.S. § 3105(2)).

Hazardous waste. Ordinances regulating hazardous waste generation, storage or disposal may not be less stringent than state law (see 38 M.R.S. § 1319-P), but ordi-

LEGAL NOTES

nances governing commercial hazardous waste facilities may not be more stringent than or duplicative of state law (see 38 M.R.S. § 1319-R(2)).

Hunting, trapping, fishing. Municipalities may not regulate hunting, trapping or fishing or the possession or use of any associated equipment permitted by the State (see 12 M.R.S. § 13210).

Impounded waterbodies, water levels, minimum flows. Ordinances regulating water level regimes and minimum flow requirements on impounded bodies of water and dams are subject to certain requirements and restrictions (see 30-A M.R.S. § 4455).

Land use, airport zoning. Airport zoning ordinances are subject to certain requirements and restrictions (see 6 M.R.S. §§ 241-245).

Land use, application fees. Application fees for municipal land use permits may not exceed the municipality's reasonable costs of administration and enforcement (see 30-A M.R.S. § 4355).

Land use, community living arrangements. A communal housing facility for eight or fewer persons with disabilities is deemed a single-family use for purposes of zoning (see 30-A M.R.S. § 4357-A).

Land use, contract and conditional rezoning. A rezoning with conditions or restrictions not applicable to similarly zoned properties is subject to certain requirements and restrictions (see 30-A M.R.S. § 4352(8)).

Land use, general zoning, maps, comprehensive plans. General zoning ordinances, zoning maps and comprehensive plans are subject to certain requirements and restrictions (see 30-A M.R.S. § 4352).

Land use, impact fees. Ordinances requiring off-site improvements or the

payment of impact fees for municipal infrastructure necessitated by new development are subject to certain requirements and restrictions (see 30-A M.R.S. § 4354).

Land use, manufactured housing, mobile home parks. Ordinances regulating manufactured housing and mobile home parks are subject to certain requirements and restrictions (see 30-A M.R.S. § 4358).

Land use, moratoriums. Ordinances imposing a moratorium on the processing or issuance of land use permits are subject to certain requirements and restrictions (see 30-A M.R.S. § 4356).

Land use, permit nullification. Municipalities may not nullify a land use permit after 45 days following final approval by the subsequent enactment, amendment or repeal of an ordinance (see 30-A M.R.S. § 3007(6)).

Land use, rate of growth. Ordinances limiting the number of residential building or development permits issued over a designated time frame are subject to certain requirements and restrictions (see 30-A M.R.S. § 4360).

Land use, renewable ocean energy projects, offshore wind energy demonstration projects. Municipalities may not enact or enforce any ordinance that prohibits the siting of renewable ocean energy projects, including associated facilities, within the municipality (see 30-A M.R.S. § 4361(2)); ordinances regulating offshore wind energy demonstration projects may not be stricter than state law (see 38 M.R.S. § 480-HH(14)).

Land use, shoreland zoning. Municipalities must, under the State's supervision, adopt and enforce shoreland zoning ordinances that meet the State's minimum mandatory guidelines (see 38 M.R.S. § 438-A).

Land use, subdivisions. Ordinances regulating subdivisions may not have a definition of "subdivision" that conflicts with state law and must include at least the regulations and review criteria in state law (see 30-A M.R.S. §§ 4401(4)(H-2), 4403(2), 4404).

Land use, violations, penalties. The civil penalties for violations of land use and related ordinances are mandated by state law (see 30-A M.R.S. § 4452(3); *Town of Orono v. LaPointe*, 698 A.2d 1059 (Me. 1997)).

Land use, zoning variances, appeals, appeals boards. Zoning variances, zoning

appeals and zoning boards of appeals are subject to certain requirements and restrictions (see 30-A M.R.S. § 4353).

Liquor licensing, sales, entertainment districts. Municipalities may not directly regulate the licensing or sale of liquor (see *Driggin v. Town of Wells*, 509 A.2d 1171 (Me. 1985); *Ullis v. Inhabitants of Town of Boothbay Harbor*, 459 A.2d 153 (Me. 1983)); ordinances establishing entertainment districts for common consumption must meet certain requirements (see 28-A M.R.S. § 221). (By R.P.F.)

Local Government Records Disposition Rules Reminder

For some reason we've received a flurry of inquiries recently about retention requirements for local government records, so let's reiterate what we wrote just a couple years ago (see "Local Government Records Disposition Rules Revised," *Maine Town & City*, Legal Notes, June 2018).

The Maine State Archives' Rules for Disposition of Local Government Records have been revised. The new May 2018 edition reorganizes the rules to make them more logical and user-friendly. They also have a new title: Local Government Record Retention Schedules. The new schedules are linked here: <http://www.maine.gov/sos/arc/records/local/localschedules.html>.

Like the old rules, the new schedules specify, by agency and category of record, which records must be retained, for how long and in what medium, and which may be destroyed, when and how. Any violation of these schedules, including unauthorized or premature destruction of records, is a Class E crime (see 5 M.R.S. § 97). It's also a crime to sell or transfer government records unless specifically authorized by law (see 5 M.R.S. § 95-A).

For more on the retention of local government records, including advice, resources and contact information, go to the Maine State Archives' Local Government Records Management webpage at <http://www.maine.gov/sos/arc/records/local/index.html>.

For specific questions about your records management practices or records that may not be explicitly addressed in the retention schedules, you can contact the Maine State Archives staff by phone at (207) 287-5790 or by email at maine.archives@maine.gov. (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						

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.

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			

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.

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	

Monday, May 10th

Final documents due from bond counsel.

Wednesday, May 19th

Pre-Closing.

Thursday, May 20th

Closing - Bond Proceeds Available (1:00 PM)

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					

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.



When you need a

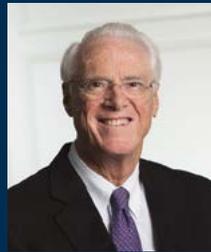
legal team

that feels like

your own team.



Zack Brandwein



Lee Bragg



Mary Costigan



Kevin Decker



Eben Albert



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Shana Cook Mueller



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