

Maine Town & City

The magazine of the Maine Municipal Association

JANUARY 2022

Welcoming New Mainers

Inclusionary practices key to success.



ALSO IN THIS ISSUE

Despite Hail or Pandemic,
Elections Go On

Building Resilient Communities

MMA President's Desire to
Keep Maine Special





Maine Municipal Employees Health Trust

For over 35 years...
the **DIFFERENCE** is **TRUST**.



Exceptional Service
Innovative Programs
Quality Benefits



1-800-852-8300 www.mmeht.org



President

James A. Bennett / Manager
City of Biddeford

Vice President

Elaine Aloes / Chair Selectboard
Town of Solon

Members

Jon Beekman / Selectboard
Town of Fayette

Robert Butler / Selectboard
Town of Waldoboro

David Cyr / Manager
Town of Frenchville

Melissa Doane / Manager
Town of Bradley

Terry Helms / Selectperson
Town of Grand Isle

Diane Hines / Manager
Town of Ludlow & Reed Plantation

Ivan McPike / Councilor
Town of Hampden

Justin Poirier / Manager
Town of Monmouth

Dan Tremble / Councilor
City of Bangor

Immediate Past President

James Gardner, Jr. / Manager
Town of Easton

Executive Director

Catherine M. Conlow

Magazine Staff

Catherine M. Conlow
Kate Dufour
Laura Ellis
Sue Bourdon
Valarie Pomerleau

© 2022 MAINE MUNICIPAL ASSOCIATION.
ALL RIGHTS RESERVED.

MAINE TOWN & CITY (ISSN 2578-4374) is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.

Maine Town & City

JANUARY 2022 | VOLUME 84 | ISSUE 1

FEATURES

A NEW APPROACH TO GOVERNANCE

In an interview with South Portland's newly elected mayor – Deqa Dhalac – she describes what motivated her to run for municipal office and priorities for the coming year. Bringing social change and shaping policies is at the top of the list for the nation's first Somali American mayor. **Page 15**



A DAY IN THE LIFE OF A MUNICIPAL CLERK

Conducting elections is a responsibility that municipal officials take seriously. In the face of dramatic increases in the number of absentee ballots, hailstorms and a public health crisis, municipal officials continue to conduct elections without skipping a beat. **Page 7**



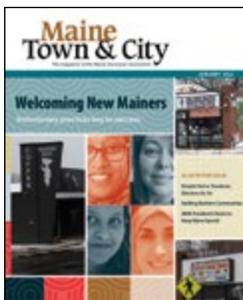
WELCOMING NEW MAINERS

Since 2019 when Portland welcomed 450 asylum seekers, refugees continue to seek shelter in Maine's largest city. In November 2021 alone, 164 new families called the city home. What does it take to host new Mainers? Compassion. **Page 11**



ENERGY AND CLIMATE PLANNING

Just one year after the implementation of Governor Mills' four-year climate action plan, municipal leaders and volunteers from across the state are hard at work building more resilient communities. From Kittery to Presque Isle, plans are being developed to protect Maine's scenic coastline, increase reliance on solar power and ponder the purchase of electric snowmobiles. **Page 21**



ABOUT THE COVER:

A compilation of photos submitted by MMA's Ben Thomas and contributors to this edition of the magazine.

DEPARTMENTS

A Message from MMA President.....	5
Risk Manager.....	17
Training Opportunities.....	28
People	30
News from Around the State	31
Legal Notes	33

Main Street Banking is where **pizza and payroll** meet.



Ready for a relationship
that's all about making
your business stronger?

This is where your funky, stylish,
cutting-edge, throwback, made-right-
here, imported-from-everywhere,
always-the-right-tool-for-the-job,
tasty, tangy, welcoming book-gift-
haberdashery-brewpub-tailor shop
dream gets all the help it needs to
thrive and grow. **It starts at Bangor.com.**

Bangor
Savings Bank

You matter more.®

Member FDIC

MAIN STREET BANKING

BUSINESS & PERSONAL LENDING | CARD PROCESSING SOLUTIONS | BANGOR PAYROLL | CASH MANAGEMENT | BUOY LOCAL



A MESSAGE FROM MMA

BY JAMES A. BENNETT / PRESIDENT

Appreciation for Keeping Maine Special

On behalf of the Association's Executive Committee and the entire MMA team, it is my honor to extend our warmest wishes to you in 2022.

During this opportunity for reflection, I find myself yearning for a time when more people believed in and practiced the golden rule of treating others with respect. An era when harmony was cherished, disparaging others was despised and when most citizens saw public service as a valued and appreciated profession.

Despite the undertones of anti-government rhetoric that surface from time to time, Maine citizens have benefited from the unfaltering dedication of those called to municipal government service. Every minute of every day, local government officials are paying attention to the crucial details, so citizens can tend to their lives.

COVID-19 challenged local leaders to rethink and redesign how to build great communities. It is with immense pride that I think about the amazingly creative ways the City of Biddeford's team and municipal leaders across the state addressed the public health crisis. Everyone who contributed to our collective successes, including staff, elected officials, and volunteers, deserve our gratitude.

Undoubtedly, we will face new challenges in the coming year, some of which will appear insurmountable. However, we will succeed. We always do.

Your dedication and service to community and relentless pursuit of local government excellence renews my passion to do this work and drives the Association's desire to provide the services that support your efforts.

Thank you for everything you have done this past year to make each municipality in Maine special, but more importantly a place where every neighbor is proud to call home.

Here are my wishes for each of you in 2022: that our challenges are manageable, our successes plenty and Maine citizens' appreciation of their local government grows. You can rest assured that whatever the challenges you face – anticipated and unanticipated – MMA's Executive Committee and staff will be here to assist you.

Happy New Year!



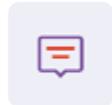
LOCAL GOVERNMENT
begins with **YOU**

Everything you need all in one place

Powerful tools that work together



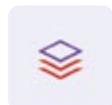
Minutes & Agendas
Organize With Ease



Public Records Request
Requests Made Easy



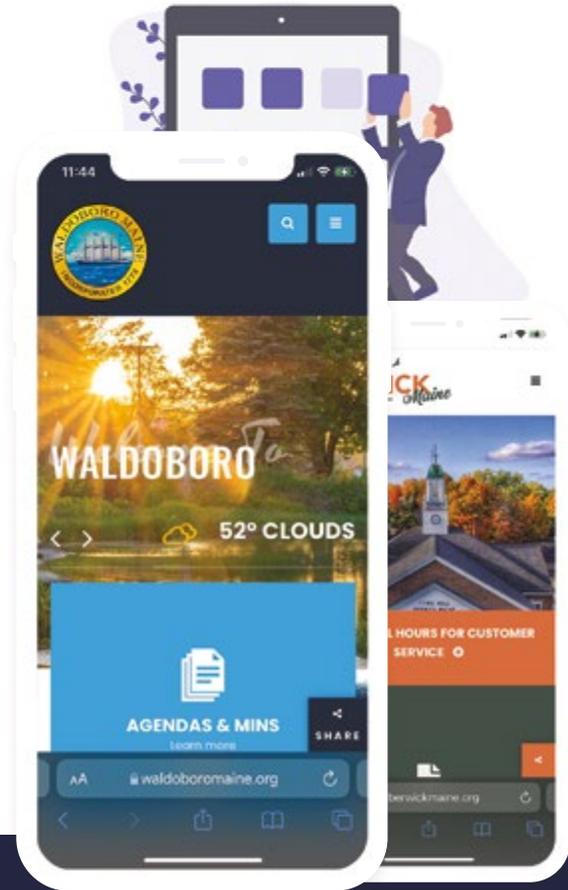
FAQ's App
Handy & Convenient



Document Center
Documents Done Right



E-Notify
Keep Them Notified



We believe in...

Making government beautiful, accessible, and different.

Our goal is to make our client's websites truly beautiful. We have a cabinet full of awards that stand as a testament to our mastery of design. But functionality and navigability are also important components of a beautiful user experience.

As **technology continues** to evolve, governments must adapt and change the way they reach out to the individuals and companies who rely on them.

This is why we continue to enhance our technology, regularly adding new features that enable our clients to most effectively serve their constituents and manage their website content.

Our innovative web design, cutting edge web content management system, and an ingenious suite of web apps go a long way toward allowing our municipal clients to be different by making a difference in people's lives.

revize.

The Government Website Experts

revize.com • (248) 269-9263 • interested@revize.com

Unsung Heroes

Despite hailstorms, a pandemic and the onslaught of campaign mailings, Maine clerks continue to conduct top notch elections.

By Janine Pineo

Back when Maine was a new state, it got a bit of a reputation as a predictor of presidential elections, even gaining a catchphrase: “As Maine goes, so goes the nation.”

Two-hundred years later, Maine is considered to be in the national forefront of election practices with its staunch support of voting rights, such as same-day voter registration, and its first-in-the-nation ranked-choice voting system.

Another sign of the value its residents place on their right to vote is that Maine regularly leads the nation in voter turnout, such as in the 2016 presidential and the 2018 midterms, which featured a governor’s race and hotly contested U.S. Senate seat.

Elections don’t just happen; someone has to register voters, send out absentee ballots, set up the polling stations and, when it’s all said and done, count the ballots. There is also training to hold or attend, budgets to arrange, signatures to certify and state deadlines to meet.

Making up the backbone of all that and more are Maine’s hundreds of municipal clerks.

Maine Town & City spoke with five clerks about elections and how they manage the annual onslaught. With 2022 being a gubernatorial election year, it will be a busy year with expected high voter participation — second only to presidential election years — and coupled with the unpredictable COVID-19 pandemic and the absentee voting option, the use of which skyrocketed during the 2020 presidential election and the ongoing pandemic.

“Election Day is going to come,” said Bucksport Clerk Jacob Gran. “We have to have our stuff ready.”

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



A voter deposits a pen in the basket for sanitation before it is issued to another voter during the July 2020 primary in Sanford. (Photo by Sue Cote)

Sanford

“People don’t understand how much work is involved,” said Sue Cote, Sanford city clerk.

While elections are an inherent part of a clerk’s duties, each year varies. The odd years generally are considered easier because turnout tends to be lower, which means fewer absentee ballots to prepare, receive and then count, along with fewer residents voting in person on the day itself.

The York County city, with its population of about 21,000, holds municipal elections at the same time, a move that saves money and effort but also increases voter participation in local government.

Cote has been Sanford’s clerk since 2011 but has served as a clerk for more than 33 years. She has seen elections evolve in that time, pointing to 2020’s massive absentee vote as pandemic concerns fueled use of that option, which allowed any voter the

chance to vote from home instead of in person.

The final 2020 tally for Sanford was telling: Out of 11,040 votes, 6,595 were cast as absentee, a number that dwarfed any absentee totals in previous elections.

Voter turnout was also high, with 72 percent of the city’s more than 15,300 registered voters participating.

In 2021, voter turnout also was high, Cote said, at 29 percent. While that is a huge drop from the previous year, the usual odd year averages about an 18 percent turnout, she said. She pointed to the referendums, which included the CMP corridor question, and the city’s own multiple contested municipal elections as a likely reason for increased voter scrutiny.

Cote, who works with a deputy clerk and three assistant clerks, has three polling places to oversee every election. It used to be seven, she said, and while she would like it to

MAINE VOTER REGISTRATION APPLICATION

Federally required questions:
 * Are you a citizen of the United States of America? YES NO
 ** If NO, DO NOT complete this application.
 * Are you at least 18 years of age? YES NO
 *** If NO, but you are at least 16 years of age, you may pre-register to vote.

PARTY AFFILIATION
 Democratic
 Green Independent
 Republican
 Other qualifying party
 Unenrolled (no party choice)

LAST NAME FIRST NAME MIDDLE NAME DATE OF BIRTH

CURRENT RESIDENCE ADDRESS (Physical address)
 STREET NAME AND NUMBER, NOT A P.O. BOX

CURRENT MAILING ADDRESS (Complete if different)
 STREET NAME AND NUMBER, OR P.O. BOX, etc.

Have you previously been registered to vote if the answer is "yes" provide address of previous registration
 CITY/TOWN COUNTY

COMPLETE BOTH SIDES OF THIS CARD

MAINE VOTER REGISTRATION APPLICATION
 - COMPLETE BOTH SIDES OF THIS CARD -

CHANGE OF NAME (Prior legal name, if applicable)
 LAST FIRST MIDDLE

SIGN AND DATE THIS CARD. I certify that all the information I have provided on this form is true.
 Signature of Applicant on the above Date on the above

VOTER ID: By federal law, NEW Maine voters must provide an applicable ID number as follows:
 1. Your Maine driver's license/Maine State ID; or
 2. The last 4 digits of your Social Security number (ONLY if you don't have a Maine driver's license/Maine State ID); or
 3. Write "none" ONLY if you don't have either 1 or 2.

REGISTRAR'S USE ONLY: Date Received Ward/Precinct
 Source of Registration: In Person By Mail Agency BSMV Voter Registration Driver's Person
 Type of Registration: NEW Maine Voter Registration Form of Proof for ID: for Residency:
 Change of Existing Voter Registration (check boxes below) Form of Proof for Residency:
 Address Change to new municipality Address Change within municipality Party Enrollment Change
 Name Change Other Change
 Duplicate Application (no changes made)

INSTRUCTIONS TO VOTERS: Failure to complete this entire application may prevent registration.
 • Deliver or mail this completed card to your municipal registrar or to the Division of Elections, #101 State House Station, Augusta, ME 04333-0101. This properly completed application must be received by the municipal registrar 21 days or more before an election. **If less than 21 days before an election, you must register in person.**
 • **If you are a NEW Maine voter and mail this card,** you must include a photograph of your Maine driver's license, Maine State ID, or current utility bill, bank statement or government document that shows your name and address.
 • For election information, call 207-624-7650 or visit www.maine.gov/elections (TDD) (T) (V) (120)

be a single location, nothing in the city can meet the specific need. "It's really a parking situation," she said.

Multiple polls mean each location needs poll workers. Cote said there were 10 at each polling place this past year, although there are 16 to 20 necessary per polling station in a presidential election.

The majority of her poll workers are over 60 years old. "A lot of my workers have been at this for a while," Cote said.

But during the 2020 cycle, a number of younger people volunteered, she said, including a nurse who wanted to help if it kept an older person from being there and potentially being exposed to COVID-19.

One thing not welcome during

voting days are surprises, and Cote had a big one on July 14, 2020, the day of the state's primary, which had been moved from June because of pandemic protocols.

Cote said a powerful storm dropped two inches of hail that day, which had the city scrambling to put snowplows on the trucks to clear the roads.

Bucksport

"Probably one of the biggest changes has to be absentee balloting," said Jacob Gran, Bucksport town clerk. He pointed to the 2020 presidential election and said, "It really

opened people's eyes, regarding absentee voting."

Gran has been a clerk "going on five years," with about half of that as a deputy clerk in Winterport and the rest as clerk in Bucksport.

In 2020, the Hancock County town of 5,000 residents had 1,494 people vote absentee, with 1,400 voting in person.

Because of that, Gran said, he had to process absentee ballots early for the first time. The state had extended the amount of time to process absentees a few years ago, but given the expected surge in 2020, it was extended out a week.

Gran described the process for handling absentee ballot requests: The voter requests a ballot, the clerk receives the application, then looks up and verifies the voter. The clerk logs how and when the request was received. Envelopes are stuffed, labels are printed, and when the ballot is mailed, the clerk logs the information in the voter registration system.

Maine Resource Recovery Association
 207-355-3104 - 134C Main Street Newport, ME 04953

From material marketing including propane tank and tire removal to education and outreach, MRRA is your resource for all things recycling in Maine

Cooperative Marketing
 Recycling Education
 Technical Training
 Legislative Advocacy

mrra.net

Wholesale Composters
 Wheeled Carts and Bin Sales
 Technical Assistance
 Workshops & Tours

**Maine Resource Recovery works statewide to help towns & cities
 IMPROVE RECYCLING AND SOLID WASTE MANAGEMENT.**

**PROFESSIONAL
 ENGINEERING
 FOR MAINE**

**DIRIGO
 ENGINEERING**

FAIRFIELD, MAINE 207-453-2401

**Municipal Infrastructure
 Engineers**

To label, stuff and stamp about 800 ballots took three or four hours for five people to complete, Gran said. “I had to have my entire staff here.”

Once the ballot returns, it has to be verified, logged, filed and saved in the vault before it is run through the tabulator once it is legal to begin processing ballots. From September to November, “it was just absentee balloting that got handled,” Gran said. “It’s still a much bigger workload.”

Like Sanford, Bucksport holds its municipal elections in November. And like Sanford, Bucksport has more older residents working the polls, with Gran saying that there is a need to attract younger people. Those residents are more likely to be working, he said, and employers are not willing to give them up for the day.

Election Day is “an important community-building event,” Gran said, and that for the older residents, “it’s a social event.”

“It’s our democracy.”

Madawaska

2021 was the first election Nathalie Morneault served as a town clerk. It found her with a flashlight in hand the day before the vote in November because the power was out for four hours, and the town’s polling place needed to be set up.

“I was in there doing what I could do,” said Morneault, who served as a



Plexiglass screens are visible on the tables for poll workers at Sanford High School, one of the city’s three polling places, during the November 2020 election. (Photo by Mary Blood)

deputy clerk previously. “I was more worried about COVID.”

The Aroostook County town of 3,700 saw a rise in absentee voting in 2020. Morneault said more than 1,000 residents voted absentee that year, with the number dropping to 113 in 2021. In the past, she said, 50 or 60 absentee ballots would be requested.

Another change Morneault noted was an increase in voter participation. The town has 3,079 registered voters, with 1,763 voting in the 2018 gubernatorial and 2,238 in the 2020 presidential.

Even with the increase in absentee voting in 2020, “it was nonstop crowd control all day long,” Morneault said.

For 2021, 28 percent of the voters turned out with 862 voting, she said.

The overall election schedule can be demanding. “If you don’t stay on top of it ... you can see how it gets stressful,” Morneault said.

“Dot your i’s and cross your t’s.”

Portage Lake

Elections are “not my favorite thing,” said Corrine Routhier, Portage Lake town clerk and a Certified Clerk of Maine.

There’s a lot to remember, she said, and there’s a lot that could go wrong. Tensions run high with people coming in to vote.

You never want to screw up an election, she added, because people immediately will think the worst.

That said, Routhier described 2021 as “easy peasy” after seeing a record turnout in 2020 of 79 percent.

The Aroostook County town of 370 averages about 330 registered voters. In 2020, it saw about 75 vote absentee; in 2021, it was 30, still more than the usual 20 the town sees in a presidential year.

“I like that they’re [the voters are] confident enough” that their vote will be counted, Routhier said.

West Bath

“People are a lot more concerned with the process,” said Karly Perry, West Bath town clerk.



Specializing In The UNIQUE NEEDS OF MAINE MUNICIPALITIES

- ✓ 100% financing for Maine municipalities
- ✓ Fixed-rate leasing programs for new or used equipment
- ✓ A streamlined application process — you’ll be up and running in no time
- ✓ Plus, a full suite of cash management products catered to municipalities

That’s the power of local banking. That’s banking you can believe in.

(207) 222-1498 | rproctor@gorhamsavings.bank



Gorham Savings Leasing Group, LLC

Gorham Savings Bank Leasing Group, LLC is an affiliate of Gorham Savings Bank Member FDIC Equal Housing Lender

Like Sanford, Bucksport, Madawaska and Portage Lake, the Sagadahoc County town of 1,900 saw a spike in absentee voting in 2020 that carried over into last year. Perry said the absentee increase prompted the concern, with voters wanting to be sure that their vote was counted.

With 80 percent voter turnout in 2020, 828 ballots were absentee, up over the 400 seen in the 2016 presidential election. Perry said the 2021 absentee count was 232.

Like other municipalities, West Bath has a majority of retirees who work the polls every election, although the town did see an increase in people volunteering in 2020.

One of the difficulties Perry cited was the private party mailings sent to voters with applications for absentee voting. Residents would get multiple applications and think that they had to fill out each one. "It would have my name on it," Perry said.

No one wants to restrict freedoms, she said, but "it's just super confusing. It's unfortunate." ■

ONE THING

The clerks were asked if there was one thing about voting that folks don't understand.

Sue Cote, Sanford city clerk: The way the parties are listed on the voter enrollment card with independent or unenrolled last on the list. People will check Green Independent, not knowing it is a party and not independent, which is identified as unenrolled in Maine.

Jacob Gran, Bucksport town clerk: 2020 saw a lot of misinformation, particularly in handling absentee results. Tabulating machines are not hooked up to the internet. "We spend a lot of

time working on the integrity of our elections."

Nathalie Morneault, Madawaska town clerk: "I know a lot of people don't understand the ranked-choice voting." The language used in referendums often is confusing. Clerks have a guide provided from the state to offer. "They [voters] shouldn't be afraid to ask the election workers questions."

Corrine Routhier, Portage Lake town clerk: People not from Maine are surprised that they can register to vote. And on the day of the vote, they are surprised that you are checked off a list and don't need to show ID.

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

Experienced Lawyers for Established Communities

Drummond Woodsum attorneys Amy Tchao, Leah Rachin, David Kallin, Richard Spencer, Bill Stockmeyer, Aga Dixon and Lisa Whitt guide towns, cities and local governments through a variety of complex issues including:

- Land use planning, zoning and enforcement
- Ordinance drafting
- Coastal and shorefront access
- Bond issues and financing options
- Municipal employment and labor matters
- Litigation and appeals

Learn what the Drummond Woodsum Municipal Practice Group can do for you at:

dwmlaw.com | 800.727.1941

DrummondWoodsum

ATTORNEYS AT LAW

Welcoming & Supporting New Mainers

Municipalities play an important role as a conduit for linking asylum seekers to resources.

By Stephanie Bouchard

As more asylum seekers head to Maine in search of a safe home where they can build a new life for themselves and their families, the state's municipal governments, large and small, are trying to figure out what their role should and can be in trying to help these new Mainers.

Since 2019, when Portland opened the Expo as an emergency shelter to house nearly 450 asylum seekers mostly from Angola and the Democratic Republic of the Congo, Maine, and Portland in particular, has continued to see more individuals and families hoping to settle here.

In the weeks before the holidays, Portland saw more asylum seekers arrive in the city than it saw during the summer of 2019, says Kristen Dow, Portland's director of health and human services.

"People are presenting at the southern border (of the United States) and saying that they want to come directly to Portland, Maine, and the address that they're giving is our family shelter," she says. "And so we have a large number of families coming."

In the month of November, she said, the city had an average of 164 families in shelter (525 individuals). About 90 percent of those in shelter housing were asylum seekers. Because there are more people needing housing (both asylum seekers and a growing number of pre-existing Maine residents who can't get affordable housing) than the city's designated shelters can accommodate, the city is working with neighboring communities and hotels to provide temporary housing to both new and long-time Mainers.

Some pandemic money the state has received from the federal government has been funneled through the state's general assistance fund to pay



Top left: Essey Workie; top right: Kristen Dow; bottom right: Dina Yacoubagha (Submitted photos)

to house asylum seekers (and long-time Mainers who are homeless) at hotels, but Portland is hoping that it will soon be recognized by the Federal Emergency Management Agency (FEMA) as a "Tier 1" community giving assistance to asylum seekers, which would provide additional federal funding.

Portland, specifically, and Maine, are known as being welcoming to asylum seekers, said Dow. Asylum seekers can't work in the U.S. when they first arrive. They must apply for immigrant status and be approved to work first. That process can take months and sometimes even years. Maine is unique among states in that it offers asylum seekers aid through general assistance.

When FEMA did a site visit to Portland before the end of 2021, one of the women from the FEMA team said "they (were) not surprised why so many people want to come here because of the humane – quite frankly – way we are treating individuals and are welcoming and the services that we have provided to families when they arrive," says Dow. "They come seeking asylum in a country where there are no resources really available to them. So they're going to go



to communities that are welcoming and where there are resources available to them so that they can be successful in their resettlement."

Supporting immigrants and asylum seekers

Beyond offering financial resources, municipalities can embrace a variety of roles to support immigrants and asylum seekers, says Essey Workie, the director of the Human Services Initiative of the Migration Policy Institute in Washington, D.C., which has studied the role of municipalities in welcoming immigrants.

"I think local municipalities have a responsibility and an opportunity

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

to serve the public, and immigrant groups are a part of that. So I think absolutely they should not hold back or take a backseat, but they should embrace the opportunity to serve," she says.

Embracing the opportunity to serve is not necessarily budget-busting or difficult, she points out. A lot of it is getting organized and communicating.

The first thing municipalities

should do is to get to know the immigrant communities who live in town or who are moving in. "Once they get to know who they are, where they are, who the community leaders are and so forth, the key step is to look at their own policies and procedures and practices and identify and remove any barriers to benefits and services, particularly for health and human service programs," she says. Common barriers include language

and lack of digital access.

While it is easy for municipalities to find themselves overextended, acting as a referral source to community resources can minimize the burden on overstretched municipal staffs, she says. However, municipalities will have to know what sources exist in order to be a referral source, she notes, so identifying community resources and partners is important.

Kristen Dow of Portland agrees. Which organizations or individuals in your community have contacts, services, and tools to help asylum seekers and immigrants acclimate to their new home? Is there someone in your town that can teach immigrants how to cook on an electric stove? How to navigate on snow and ice? Where to get healthcare? How to enroll their kids in school? Is there a network of people in your community that can round up donations of clothing and items for household living? "Knowing what tools exist in your community or around you before families start to present is really important," she says, "so that when they do present, you have that tool, ready to act on it."

888.621.8156

Civil, water, and
wastewater infrastructure
services since 1947.

WRIGHT-PIERCE

Engineering a Better Environment





Combined Treatment and Dispersal

ENVIROSEPTIC

Passive Onsite Wastewater Treatment Systems



Enviro-Septic® is an effective, passive onsite wastewater treatment system for residential, commercial, and community use. Enviro-Septic treats wastewater that leaves the septic tank before it is dispersed to the soil, using natural bacterial processes.

- Treats and disperses wastewater in the same footprint.
- No electricity, replacement media or maintenance required.
- Flexible configurations for sloped or curved sites.

MADE IN
USA



650 Old Greene Rd., Lewiston, ME 04240
(207) 782-1620 • www.septicsofmaine.com



Presby Environmental, Inc.
An Infiltrator Water Technologies Company
www.presbyenvironmental.com

Designating someone on staff or hiring someone specifically to be the point person for immigrants is another way municipalities can support immigrants and asylum seekers, says Melissa Hue, Lewiston's director of diversity, equity, and inclusion.

The federal, state, and local "systems" that are in place, including healthcare, are difficult for many people to navigate, but more so for people who are unfamiliar with these types of infrastructure and who don't speak English, so having a person who can serve as a navigator or a bridge to accessing the resources needed would

be huge, she said. Having someone in such a role, she says, would allow municipalities "to take all the resources and be able to hand them over to that person."

"It's important for (municipalities) to lean into it a little and practice great human qualities and be good to our fellow man," she says. "I think in today's time when we're just inundated with negative media and divisiveness and all this about fear and culture and biases, we forget that the bigger picture is just being good to people. So if all municipalities carry that concept of 'we just want to extend

a hand to our fellow man,' I think that'll make more of a difference than one might think it would."

"Doing nothing is worse than trying to assist and messing up a little bit," agrees Workie. "That is to be expected when there are cultural differences, but if the officials take on a learning approach, a certain level of humility that acknowledges what they don't know and that they want to learn, and that they respect the individual, then any faux pas will be easily forgiven or overlooked."

Another way municipalities can support immigrants and asylum seekers is to bake inclusion into policies, says Dina Yacoubagha, a social worker and a member of the city council in Bangor. "The more policies created in municipalities to address issues of racism, of diversity, of inclusion, the more they work on that, the more welcomed immigrants and refugees will feel," she says.

It is also important for municipalities to consider the economic growth having immigrants can bring to communities. With an overwhelmingly older population, Maine has been struggling with a workforce shortage for years and the pandemic has only worsened that, she notes, but immigrants want to work. "Immigrants work hard," she says. "They want to make money. They want to support their families. They don't want to rely on the support of the government. Probably they would need it initially, but afterwards they work hard."

Municipalities, she says, need to have conversations about "what immigrants bring to town, how can they contribute to the economic growth, to the social growth, to the business community, and enrich the mosaic of cultures in our cities and towns."

Municipalities can have these conversations with each other, she says, and with residents and other crucial leaders in their communities, such as business owners and chambers of commerce, to create awareness of the positive impacts of having immigrants in the community.

While local governments can't necessarily break entrenched beliefs that immigrants and asylum seekers want to live off services and money from the government, she says, they can set the tone and redirect the focus. ■



Helping your employees save today to afford retirement tomorrow!

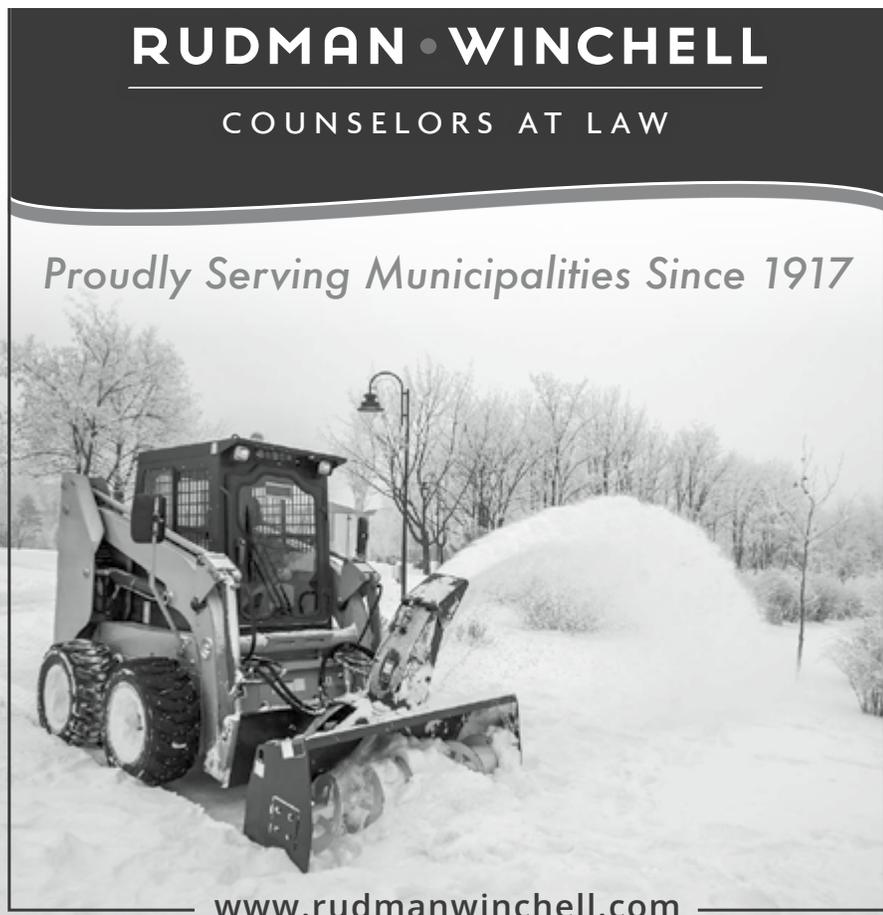
Get Started ✓
 Plan ✓
 Build ✓
 Grow ✓

MAINE START

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

Contact: Gary Emery
 tel: 207-512-3116

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



RUDMAN • WINCHELL

COUNSELORS AT LAW

Proudly Serving Municipalities Since 1917

www.rudmanwinchell.com



LEADING THE WAY



Paving Solutions



Snow Removal



Equipment Rentals



Waste Handling



Generator Rentals



Backup Power

THE ONE SOURCE FOR PROVIDING CONSTRUCTION AND POWER EQUIPMENT TO MAINE'S CITIES, TOWNS, AND COUNTIES

Brewer, ME
79 Robertson Boulevard
(207) 989-1890

Scarborough, ME
16 Pleasant Hill Road
(207) 883-9586



miltoncat.com

Mayor Dhalac: Giving back

Bettering communities drives interest in public service; engagement is necessary to bring social change and shape policies affecting Maine's diverse communities.

By Liz Mockler

On Dec. 6, 2021, the nation, Maine and most importantly the City of South Portland made history when Councilor Deqa Dhalac was elected by her council peers to serve as the city's mayor. Dhalac is the first Somali American in the country to be elected to mayoral office.

The outcome of this election is significant for many reasons.

It underscores the importance of including all voices in the local decision-making process. It helps to ensure that the services provided and funded with property taxes adequately reflect the needs of the community. It celebrates and embraces the change necessary to secure Maine's demographic, social and economic vitality for years to come. Closer to home, it reminds MMA's leadership that changes to the programs and services offered to our members are necessary to better serve municipal officials across the state.

In this interview, Mayor Dhalac describes what motivates her to serve her community, and goals for the coming year.

How does it feel to be the first Somali American in the U.S. to serve as mayor?

It is a very humbling experience. I am so grateful to the people of South Portland for voting for me to be their District 5 councilor. The overwhelming support and positivity from everyone from all over the country means so much to me. The pride that the Somali communities in the U.S. and around the world have shown me is all I could have asked.

What attracted you to public service?

I have always worked for non-profit organizations. What they stand for



Deqa Dhalac

aligns with my values. The idea of giving back and bettering communities is what really attracted me to public service. I worked for the City of Portland's Health and Human Services Department as a refugee and immigrant case manager and as an (outreach worker) for the (city's) Minority Health Program. I also worked for The Center for Grieving Children and serve on many boards of organizations focused on making differences in people's lives here in Maine. There is always a lot more to do if we want to serve the public interest, bring social change on many fronts and shape policies that are affecting our communities.

What is your biggest goal as mayor?

We as the South Portland council have and must continue to:

1. Actively address the climate cri-

sis through implementation of the One Climate Future Plan, both financially and through policymaking.

2. Improve diversity, equity and inclusion in everything we do. It is paramount that we continue to support the efforts of the city's Human Rights Commission and commit to ongoing training for city staff in areas such as bias awareness and cultural competency.
3. Keep housing affordable and available and support initiatives proposed by the South Portland Housing Authority that are focused on building more affordable housing.
4. Support public health and human services by investing the resources necessary to help

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

the homeless population, including negotiating with area hotel/motels (for) affordable rates to extend and set aside extra motel rooms for emergency housing so that no one will be on the streets.

5. Improve our advocacy effectiveness at the regional, state and national levels.
6. Maintain our commitment to fiscal responsibility, specifically

in promoting a state government-owned electric utility, by putting additional funding into transit, and continuing to collaborate with state and regional governments.

You are positive and hopeful for the city and bring a message of unity to your new position. What makes you hopeful? Why is unity important?

As we know, the country is divided when it comes to political

views and many people are getting their information on social media and other media outlets which is, and continues to, create a divisive rhetoric. I think as an elected official I have a huge responsibility to highlight the good work we are doing in our communities. I am so lucky to be surrounded with such a dedicated staff, who continue to work day in and day out for the betterment of our city. That motivates me to be hopeful for the future.

Has your heritage informed your five years of work on the council and, if so, how might it benefit you as mayor?

Due to my background, I have a necessary perspective on the conversations that are happening. All community members deserve a seat at the table. I worked with South Portland community members on many resolutions that we brought in front of the council. Examples of these grassroots efforts include the creation of the South Portland Human Rights Commission; the change to Indigenous People's Day; promotion of World Refugees' Day and the recognition of Eid Ul Fitr, a public holiday in India. I think engaging the larger community and city employees is the most beneficial thing any mayor can do – and exactly what I intend to do.

Is there anything you could do to assist in recruiting more minorities and people with different backgrounds to local government?

I believe, more than ever, many BIPOC (Black, Indigenous & People of Color) communities are involved in local government here in Maine, which is a great example for the rest of the country. We have first generation youth who are very eager to engage in civic duty for their communities and we can always promote more youth to be more involved in politics – no matter their ethnicity or background.

Is there anything Maine Municipal Association or other agencies can do to help?

I am sure I will reach out to MMA for advice and support. ■

BROADBAND, SOLVED.

The Municipal Broadband Group at Preti Flaherty combines leading legal minds in municipal, telecommunications, and business law to create one specialized team that can help your community or region plan, fund, and realize its broadband connectivity goals.

Move your project forward today.

Contact: Kristin Collins
Chair, Municipal Broadband Group
kcollins@preti.com | 207.623.5300
45 Memorial Circle, Augusta, ME 04330

Learn more at [Preti.com](https://www.preti.com)

PretiFlaherty
DELIBERATELY DIFFERENT

the Municipal RISK MANAGER

WINTER 2022

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

Announcement: The Ed MacDonald Safety Enhancement Grant is Improved – Grants Increased & Member Match Eliminated

MMA Risk Management Services is excited to announce that the MMA Workers Compensation Board of Trustees voted to further support safety efforts by **increasing the grant award to \$3,000 for each approved grant application during the spring and fall award periods and to remove the membership's previously required matching contribution.** This exciting update will be in effect for the 2022 spring grant period.

The MMA Workers Compensation Fund strives to assist the membership in the reduction or elimination of workplace hazards that all too often result in employee injuries. Based on claims analysis, we have determined that the highest reported claims continue to be **slip, trip, and falls** year after year. Slip, trip and fall hazards occur in virtually every type of workplace. The top hazards causing slip, trip, and fall claims includes indoor walking surface irregularities, weather conditions, inadequate lighting, stairs and handrails, the use of stepstools and ladders, tripping hazards, improper use of floor mats and runners, and contaminants on the floor.

As a result, the MMA Workers Compensation Board of Trustees has requested that we focus our efforts to reduce slip, trip and fall exposures. Therefore, we are reserving 70% of our Spring Safety Enhancement Grant funds to support purchases that will reduce slip, trip, or fall exposures. We encourage our members to do a walk-through of their buildings and grounds, be creative and look for preventive solutions that could reduce slip, trips and falls.

Some examples of prevention solutions include:

- Installing slip resistant floors in high-risk areas (entrance, kitchens)
- Heated walkways and entrances
- Improve lighting in stairwells or parking lots

- Redirect downspouts away from sidewalks
- Fall protection
- Improving signage

Grant applications are located at <https://www.memun.org/Insurance-Services/Risk-Management-Services/Grants-and-Scholarships>. We look forward to receiving your next grant submission. The Spring grant applications are due by April 15th. 

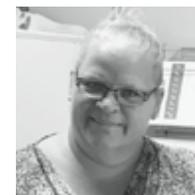


Unemployment Compensation Fund Stays Positive

The Maine Municipal Association Unemployment Compensation (UC) Group Fund was founded in 1978 to assist municipalities and quasi-public entities in meeting their obligations under the Employment Security Act. The program currently has 246 members and offers municipalities an alternative approach to meeting their unemployment obligations. The major components of the UC Fund are the opportunities for cost savings, efficient and effective claims assistance, and the potential for earning dividends through good loss experience.

The advantages of the MMA Unemployment Fund include:

TECHNICAL GUIDANCE: Denise Kolreg MMA Unemployment Coordinator provides assistance with fact findings, appeal hearings, wage reports, requests for separation, wage audits and any other unemployment issues that may arise.



Story continued on page 3



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.

Publisher: Risk Management Services
Editor: Marcus Ballou
Layout Designer: Sue Bourdon

P.O. Box 9109, Augusta, ME 04332 800-590-5583 or (207) 626-5583

OSHA Injury & Illness Recordkeeping

The 300 and 300A Reminder

OSHA Injury & Illness Recordkeeping Forms - 300, 300A, 301

<https://www.osha.gov/recordkeeping/forms>

OSHA forms 300 and 300A Summary are available by using the link above. Instructions are provided with the forms. To summarize, follow these steps to complete the Form 300A:

- Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and
- Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.
- If you are using an equivalent form other than the OSHA 300A summary form, as permitted under §1904.6(b)(4), the summary you use must also include the employee access and employer penalty statements found on the OSHA 300A Summary form.

If you have questions please contact the Loss Control Department at rmslosscontrol@me-mun.org

Employers must post the OSHA 300A Summary of Work-Related Injuries and Illnesses for calendar year 2021 in a conspicuous location or a place employees frequent from February 1, 2022-April 30, 2022, unless you had fewer than 10 employees at all times during calendar year 2021 or your entity is exempt.*

Buildings at Risk

When the temperatures drop and the cost of heat rises, many of us are tempted to turn down the thermostat hoping to conserve energy and save money. The actual results can be quite different and have costly repercussions. Frozen pipes, poorly maintained roof systems and malfunctioning appliances can lead to destroyed floors, walls, furniture, foundations, papers, and other assets located within the buildings. Even more problematic is the fact that pipes have the tendency to freeze at night when the temperatures plummet and buildings are generally unoccupied, allowing more time for damage to occur before it is discovered.



Fortunately, most weather-related losses are preventable. Here are some tips and reminders to help prevent these winter weather losses from occurring at your municipal buildings during the upcoming months:

- Schedule regular Building Freeze Watches to be performed during winter storms and periods of cold weather.
- Service heating systems to ensure that they maintain building temperatures.
- Make sure the building exterior is in good condition with all unnecessary openings closed.
- Insulate water pipes, paying special attention to pipes that are close to exterior walls or in unheated basements/crawl spaces/attics, pipes near windows, in foyers or soffits, and pipes that have frozen in the past.
- Locate, identify and mark water shut-off valves and ensure that your staff knows how to turn off the water.
- Remove heavy snow from roofs if it can be done safely. Special care should be taken with flat roofs, which can be especially susceptible to snow and water collection.
- Do not locate computers or electronics directly below plumbing or roof drains.
- Take special care to weatherize and monitor vacant or unoccupied buildings.

Preventing water damage and protecting your municipal property is always much easier than cleaning up the devastation (and much less expensive). 🏠

Make an Impact – Fall Prevention Safety

When you think of what type of claim is most costly in terms of financial loss, but also in terms of pain, missed work, and lifestyle change—you probably don't think that the simple act of entering or exiting a vehicle is a claims leader.

Believe it or not, MMA Risk Management Services has paid hundreds of thousands of dollars in Workers' Compensation claims due to employees falling while entering and exiting vehicles. The financial loss doesn't begin to account for the pain and suffering of people who must miss work, the lost work hours to the employer and the abrupt change to personal plans or even the end of a career due to injury.

Vehicle safety is important in a variety of jobs. All employees should be alert to these dangers on the ground:

- Mud, ice, and potholes can create slip-and-fall hazards.
- Traffic hazards can endanger police officers and employees in work zones.
- Wet or icy parking lots can create risk for any employee.

Some of these factors are out of the hands of employees. Workers who take the time to use safety procedures when entering and exiting from vehicles and heavy equipment can make a big difference in their own safety.

Always Use 3-Point Contact

The use of 3-point contact is especially important for Public Works, Fire, Rescue, Garbage Collection and Parks and Recreation employees, or anyone who might be using heavy equipment, exiting vehicles frequently and working on unstable ground. Therefore, it is important to train and remind our teams to always use caution and to follow these simple guidelines.

To climb on and off equipment safely, the key is to always maintain three points of contact with the equipment. That means two hands and one foot, or two feet and one hand should be on the equipment at all times.



SAFE PROCEDURES

Follow these procedures to safely get on and off heavy equipment:

1. Check that the machine is equipped with grab rails and steps. (If possible, add stickers to remind workers about safe procedure and mark grab rails and steps.)
2. Scrape mud off shoes before climbing onto the machine. Also, keep steps and grips clear of mud, grease, and other hazards.
3. Face the machine as you step onto the first step. Maintain 3-point contact at all times (two hands and one foot, or two feet and one hand). Use the surfaces the manufacturer designed for mounting and dismounting steps, running boards, traction strips, footholds, and hand grips.
4. Climb into the cab or other areas that have non-slip surfaces.
5. To get off the machine, be sure the machine is first parked and stable. Shut off the machine if necessary.
6. Step out of the cab or off the machine—while facing the machine, use the provided surfaces to climb down, always maintaining 3-point contact. Do not jump from equipment! Jumping is dangerous to bones and joints.
7. Only break 3-point contact with the machine when you reach the ground. 

Unemployment Compensation Fund Stays Positive (cont'd)

DIVIDENDS AND EXCESS BALANCE RETURNS: Dividends and excess balances are returned to members, based on the determination of MMA's consulting actuary, when there is a sufficient balance in each member's account to pay claims for the next year. The MMA Executive Committee oversees the UC Fund and voted at the December 2021 meeting to distribute **\$100,000 in excess funds and \$300,000 in dividends be credited to the identified members.**

MODERATION OF CASH FLOW: Each December members of the UC Fund are notified of their contribution obligation for the next calendar year. The amount of the contribution is fixed for the year and additional payments are not required in the event a large sum is paid out in claims.

SIMPLIFICATION: Communications and reporting to the Department of Labor are simplified. All mail for UC Fund members from the Maine DOL is directed to MMA. In most cases the Fund Coordinator can resolve any issues raised. Members' UC wage reports also come to MMA for uniform reporting each quarter. The UC Fund Coordinator is available to answer unemployment compensation questions. 

MMA Risk Management Services welcomes its newest member to the

PROPERTY & CASUALTY POOL

Municipal Review Committee

We thank our dedicated members for their partnership.

Over \$1.7 Million Saved

The Workers' Compensation Safety Incentive Program is a Huge Success

The Workers Compensation Safety Incentive Program (WCSIP) is available exclusively to MMA Workers' Compensation Fund Members. If you have not joined this program, now is the time to prepare to join in 2023. We encourage you to review this program and see how simple it is to participate. We welcome you to join the **over 100 Workers' Compensation Fund Members that have combined financial savings of \$1,753,806 on their annual Workers Compensation contribution by participation in the Workers Compensation Safety Incentive Program.**

The goals of the WCSIP program are to improve workplace safety and the workers' compensation claims experience of the membership by:

- Reducing the incidence of injury and illness throughout the operations
- Improving overall safety in the work environment
- Maintaining lines of communication with all employees
- Protecting members' assets
- Promoting a self-sustaining safety culture
- Utilizing claim management best practices
- Providing financial incentives which reward our partnership toward safety

Each qualifying member may receive an incentive credit up to 10%. The program is tiered into three levels based on documented performance. The tiers and associated credits are:

- Tier I..... 5%**
- Tier II..... 7.5%**
- Tier III..... 10%**



Participation in the program is on a voluntary basis, but it is time sensitive. We encourage you to review the Workers' Compensation Safety Incentive Program at <https://memun.org/Insurance-Services/Risk-Management-Services/WCSIP>. The Risk Management Services team is dedicated to work with every member to help achieve your safety goals. 

SLIPS, TRIPS & FALLS

Slips, trips, & falls account for 15% of all accidental deaths, second only to motor vehicles as a cause of fatalities.

With our featured course you'll increase awareness of hazards, and learn tips to prevent slips, trips, and falling down.

Take our featured course at MMA Risk Management Services Online Safety Training

For more information please contact the Loss Control Department at (800) 590-5583



Maine Municipal Association
RISK MANAGEMENT SERVICES

FREQUENTLY ASKED QUESTIONS

WHAT IS A RETURN-TO-WORK PROGRAM?

It is possible to help injured employees return to work sooner and reduce workers' compensation lost-time accident costs by establishing a return-to-work program.

THE BEST RETURN-TO-WORK PROGRAMS SHARE TWO CHARACTERISTICS:

- An emphasis on the importance of communications.
- Working with your team of staff to identify alternative productive work that can be performed by a recovering employee.

If an employee is physically unable to perform former duties, a commonsense solution is to return the employee to alternative work that is physically less demanding but essential to your entity.

BENEFITS OF A RETURN-TO-WORK PROGRAM

Employee morale and cost savings are a great motivator for a Return-to-Work Program. This is achieved by:

- Reassuring the injured employee that they are valued by the organization,
- Reducing turnover by an employee returning to work. You don't have to hire and train replacement workers,
- Increasing Productivity: Production increases when employees are back on the job, and
- By shortening the amount of time injured employees are away from work, a return-to-work program can reduce costs which can improve your experience modifier, and in turn lower your entity's contributions.

By the management of exposures, implementation of safety programs, training, the consistent use of an occupational medical provider and a commitment to a Return-to-Work Program you can control workers' compensation costs. 

Energy and Climate Planning

Communities across the state are at varying stages of the process, however it takes more than government action; residents, businesses and nonprofits must play a role.

Betty Adams

Regional cooperation, citizen involvement and long-term thinking are the keys to planning for energy and climate resiliency.

Communities in northern Maine face challenges from floods, drought, drifting snow and soil erosion; communities in southern Maine view sea level rise and coastal flooding among their main focuses.

Now they are engaged in the process of how to deal with those challenges and others through updates to comprehensive plans, ordinance changes, long-range planning and grant opportunities. And, as with most things, some communities are farther along that continuum.

On Dec. 1, Gov. Janet Mills announced two initiatives “to empower Maine communities to better protect themselves and their residents from the impacts of climate change.” Her speech that day marked the one-year anniversary of the state’s four-year climate plan, *Maine Won’t Wait*. According to a posting on the governor’s official website, one initiative is the Community Resilience Partnership, described as “a \$4.75 million program through the Governor’s Office of Policy Innovation and the Future that will provide grants and technical assistance to municipal and tribal governments to start or enhance their local climate action plans, and undertake community projects to curb carbon emissions, transition to clean energy, and become more resilient to the effects of climate change.”

The other is the Maine Infrastructure Adaptation Fund, “a \$20 million program through the Maine Department of Transportation that will provide grants to municipalities, tribal governments, and others to improve



Galen Weibley

stormwater management, drinking water, and wastewater infrastructure from flooding, rising sea levels, and extreme weather.” That is to start later this year.

Paul Schumacher, executive director of the Southern Maine Planning and Development Commission (SMPDC), noted that Kennebunk, Kennebunkport, Kittery, Ogunquit, Wells and York, have done a lot of work on sea level rise and climate change adaptation.

“We started with those six towns and now with the new opportunities and funding are hoping to expand that program to a region-wide effort,” he said.

A meeting to focus on greenhouse gas emissions hosted by the commission in late December attracted people from nine municipalities. “We have a number of towns with professional staff and managers, but two-thirds of our towns don’t have the time or the human capital to get together on climate change planning at this point,” Schumacher said, noting

that some communities were further along in planning for climate change and resilience.

“There’s a lot of interest in working together and sort of trying to maximize resources and efficiencies,” he said.

A 2020 Sustainability and Coastal Resilience Assessment conducted by SMPDC identified strategies to plan for climate change and resilience in those six York County communities.

“A lot of the impact of climate change is not just on the municipality and municipal infrastructure, it’s also people’s homes and land and our economy,” said Karina Graeter, sustainability coordinator with the commission. She recommends that municipalities take climate change into consideration when updating comprehensive plans, regulations and ordinances.

“Kittery is a good example of why that works,” Graeter said. “They put a coastal resilience chapter into their comprehensive plan update they did in 2015, and since then they’ve used that as basis and motivation for all the great work they’ve done so far in addressing climate change.”

Cameron Wake serves as chair of Kittery’s Climate Adaptation Committee. A resident of the town since 1989, he is also a research professor at the Institute for the Study of Earth, Oceans and Space, and the Department of Earth Sciences at the University of New Hampshire (UNH) and the Josephine A. Lamprey Professor in Climate and Sustainability at the UNH Sustainability Institute.

He noted that the committee, along with Efficiency Maine, hosted a meeting last March with a goal “to make Kittery more resilient in the face of risks associated with warming temperatures and rising seas as well as try to make Kittery more energy efficient and a low carbon community.”

The state’s climate plan glossary

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

defines resilience as “[t]he ability of a community, business, or the natural environment to prepare for, withstand, respond to, and recover from a hazardous event.”

Wake said the committee will be looking into both initiatives announced by Mills in December but will be moving immediately on the town’s climate action plan.

Wake summarized the town’s efforts so far, noting it has installed two Level 2 charging stations, leased two electric-powered vehicles, and started composting food scraps at the town’s transfer station.

“It sort of shows the residents’ interest,” he said, “We started with one bin and now have four 67-gallon bins.”

The committee has several outreach efforts. “We’re also engaging the public through a series of displays on energy efficiency and climate adaptation at the Kittery Community Center,” he said.

And with the assistance of students from UNH, the town now has a greenhouse gas inventory of all

MAPPING KITTERY'S VULNERABILITY TO FLOODING

Kittery's 30 miles of coastline make it a great place to live and work, but also makes it vulnerable to coastal flooding, especially from large coastal storms. The maps depicted here provide a representation of how vulnerable Kittery is to flooding from coastal storms and sea-level rise, now and in the future. Acknowledging this vulnerability is the first step in building a community more resilient to coastal flooding.

Tide gauge measurements in Portland ME show that relative sea level has risen about 8 inches since 1912. There is extensive scientific evidence that indicates anthropogenic climate change (aka global warming) driven by carbon pollution from human activities will cause sea levels to rise for centuries. (1) The rate of sea-level rise depends on how much carbon pollution is emitted in the future from human activities.

The maps of the entire Town of Kittery and the Gate 2 entrance to the Portsmouth Naval Shipyard presented here portray two different sea-level scenarios that result from the combined impacts of sea-level rise and storm surge:

- The 3.9 foot scenario above high astronomical tide (HAT) provides a reasonable estimate of flooding associated with a current 100 year storm.
- The 6.1 foot scenario above high astronomical tide (HAT) provides a reasonable estimate of flooding associated with a 100-year storm in 2050.

HOW VULNERABLE ARE YOU TO COASTAL FLOODING TODAY OR BY 2050?



Find your residence, workplace or school on the maps, and add a push-pin to the map to identify that location and find out.

municipal properties as well as the entire community, identifying areas most vulnerable to coastal flooding, Wake said.

He noted that three bridges over Spruce Creek (carrying Interstate 95, U.S. Route 1 and Route 103) are particularly vulnerable to coastal storms.

“We talked to MaineDOT and the Turnpike Authority and know they’re well aware,” Wake said. “They were good conversations. They said, ‘We’re aware and we’re planning to do construction projects that will make those bridges more resilient.’”

Wake emphasized the importance

Maine lawyers working with Maine municipalities.



With over 65 years experience, it’s no wonder that municipalities, counties and school districts across Maine depend on the knowledge of Jensen Baird.

We are your trusted source in providing solutions to a broad range of issues.

With prompt, practical and cost-effective guidance, our lawyers are regularly recognized as among *The Best Lawyers in America*.

At Jensen Baird,
our commitment is to you.



JENSEN BAIRD

ATTORNEYS AT LAW

Portland/Kennebunk • 207-775-7271 • 1-800-756-1166 • jensenbaird.com

SEA-LEVEL RISE

A recent scientific study on coastal flood risk (2) indicates that:

By 2050, Kittery is likely (67% probability) to experience sea-level rise of 0.5 to 1.3 feet. There is a 1-in-100 chance that sea-level rise will exceed 2.0 feet by 2050.

By 2100, Kittery is likely to experience sea-level rise of 1.0 to 3.8 feet. There is a 1-in-100 chance that sea-level rise will exceed 5.3 feet.

There is a much larger range in the estimates of sea-level rise after 2050 due to uncertainties in the rate at which the Antarctic ice sheet disintegrates.

STORM SURGE

Storm surge is the abnormal rise of water generated by a storm. (3)

Recent scientific estimates of the height of storm surge associated with the 100-year storm at the mouth of the Piscataqua River range from about 4.0 to 5.3 feet. (2)

The height of the storm surge will be greatest on the open coast and will be reduced as the surge moves up the river.

Detailed modeling indicates that the height of the storm surge associated with a 100-year storm is reduced by 50% at the Little Bay Bridge. (2)

Maps prepared by the Kittery Climate Adaptation Committee.

The Committee is charged by the Town Council "to seek options to make Kittery more resilient in the face of risks associated with warming temperatures and rising seas". For more information on the Committee, visit www.kitteryme.gov/climatecomm.

Actual maps represent the work of Alexandra Duprey,

2020 UNH Sustainability Fellow for Kittery and Tufts University's Urban and Environmental Policy and Planning Program Graduate.

Additional flood maps of Kittery are available in Alexandra Duprey's 2020 report - A Town in High Water:

Coastal Hazard Planning Practices for Kittery, Maine, which is available on the Kittery Climate Adaptation Committee web site.

FOOTNOTES

1. Intergovernmental Panel on Climate Change (2019) <https://www.ipcc.ch/srcc/>
a. U.S. Fourth National Climate Assessment (2017) <https://science2017.globalchange.gov>
2. New Hampshire Coastal Flood Risk Summary (2019) <https://scholars.unh.edu/ehsc/210/>
3. NOAA Storm Surge Overview <https://www.nhc.noaa.gov/surge/>

of getting residents fully involved in working toward reducing greenhouse gas emissions and addressing climate change. "It is not something local government can do alone," he said. "Government has an important role. Individuals and families have a role to play, businesses and nonprofits have a role. The goal when doing a climate action plan is to get the community involved."

He says that as a climate scientist he wants to say: "All right, people, it's not just about next year, we need systematic change."

About 300 miles north of Kittery, the City of Presque Isle has a number

of energy and climate planning and resiliency programs underway.

Galen Weibley, the city's director of economic and community development, said the city has signed onto a net energy billing program for the Industrial Park solar facility which is on city-owned land. The savings for entering the Net Metering Program is expected to be \$701,574 spread over 20 years, according to figures provided by the city.

Then there's the lease for a solar project that is expected to bring in \$22,246 per year.

"We're reutilizing old brownfield sites right on an airport runway,"

Weibley said. "The FAA really enjoys this project. Its adaptive, creative use, and the rental income from the solar site will be used to support the city's airport and industrial park.

He also noted that the city has streamlined its permitting process for solar sites.

"A lot of our zones allow solar projects as permitted use," Weibley said. "We have four projects pending to be hooked up with Versant Power. They are in the queue with the PUC (Public Utilities Commission) as grandfathered projects." If approved, they intend to start breaking ground in 2022, he said.

This past spring, the city and the Northern Maine Development Commission hosted an Electric Vehicles Symposium via Zoom, which Weibley said was "to continue this important conversation together as a community."

In an article previewing the event, Weibley wrote: "The symposium will be the very first step in a multi-pronged approach to address climate resiliency planning efforts as outlined in the Governor's Office of Policy Innovation and the Future report to encourage climate resilience pilot projects across Maine."

Weibley said it was aimed at educating residents and business owners in northern Maine about electric vehicle technology and ended up as an international symposium that attracted attendees from the Quebec

**WORKING WITH BUSINESSES
& COMMUNITIES** to serve
their engineering, environmental
& surveying needs

100% EMPLOYEE OWNED.

HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY CES, INC.

ME, MA, FL | HALEYWARD.COM | 207.989.4824

Attache's Office. "People from Quebec have to go through Maine if they want to go to other states in New England," Weibley noted.

Attendees also came from Caribou, Castle Hill, Chapman, Fort Fairfield, Fort Kent, Frenchville, and Mapleton as well as Presque Isle.

Presenters included industry folks, people from nonprofit organizations, Efficiency Maine representatives, and a local automobile dealership representative who offered an industry perspective.

"A lot of residents ears' perked up when they heard of electric snowmobiles," Weibley said. "That was kind of

interesting. There's a lot of snow in northern Maine and something fun for them to do as well." However, he added, "Local snowmobile dealers can't get their hands on one for people to test drive. There's a lot of chatter around that." In March 2021, BRP (Bombardier Recreational Products), which is headquartered in Quebec, announced a five-year plan to "offer electric models in each of its product lines by the end of 2026," including snowmobiles.

While folks in Presque Isle might see few electric vehicles traveling around the city now, the Riverside Farmers' Market boasts a Level 2

charger donated by a resident who has a Tesla.

"He moved up from southern Maine and wanted folks to start having that conversation about converting to electric vehicles," Weibley said, adding that the donor told him there were a lot of misconceptions that cold climates are not good for electric vehicles.

The city is monitoring the charger through 2022 to assess its usage.

Weibley, who has held his post for two years, said his interest in opportunities relating to electric vehicles was piqued while he was living in York County, Pennsylvania.

"York County is very close to Maryland, and a lot of Maryland residents moved there and registered their electric vehicles and commuted every day down to Baltimore," he said. "I saw a lot of gas stations (along Interstates 83 and 95) having Tesla EV chargers, and the food establishments had a captive audience sitting there for 45 minutes. I definitely can see this for northern Maine, and they'll need chargers."

And in terms of climate resilience, the city is awaiting estimates on its en-

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS

- Wastewater Process Engineering
- Treatment Facility Upgrades
- Sewer Infrastructure Design
- Stormwater Management
- Operations Assistance & Training
- Municipal & Civil Engineering

P.O. Box 679
290 Main Street
Winterport, Maine 04496

Telephone: (207) 223-2232
Fax: (207) 223-5448

100% Fiber
100% Local



Own your broadband future with a municipal network.

Trust Sertex to be your expert FTTX partner.

- Revenue generating essential infrastructure
- Universal Gigabit+ speed service for every home and business
- Future-proof 30+ year lifespan
- Open access networks allow competition
- Public-Private Partnership simplifies operations



Proudly serving communities in ME, MA, CT, RI, and NY

www.sertexbroadband.com • 860-317-1006

sertex

BROADBAND SOLUTIONS

ergy savings now that it has renovated the first floor of City Hall, removing window air conditioners and installing heat pumps and new energy efficient windows and new lights. Similar work on the second floor is next.

“It’s a really pretty building,” Weibley said.

The city also has estimated energy savings of \$26,000 per year as a result of converting to LED street lighting.

Jay Kamm, senior planner with the Northern Maine Development Commission, noted that the region was one of three chosen for a pilot project in resiliency planning. In that project, the commission, subcontracting with the Nature Conservancy, helped Caribou, Fort Fairfield and Washburn arrive at a list of top priorities.

They included communications improvements, power outage reduction, water and wastewater management, transportation and fencing improvements, including living fencing (tree planting and soil conservation).

“By necessity those municipalities with public water and sewer really are doing resilience planning because

of increased stormwater and more intense summer storms,” Kamm said. “We tended to have a longer spring thaw in the past. Now we lose almost all our winter snow in a very short amount of time.”

He also said the three communities received a small grant to create wind breaks that would mitigate two problems: soil erosion during the summer and whiteout conditions in winter.

TOWN MANAGERS KEEP OUR HOMETOWNS RUNNING SMOOTHLY



With many years of municipal experience and a client satisfaction rating over 97%, our dedicated government banking team has the solutions, strategies, and customized service you can depend on to help your town run smoothly.




Jason Simcock

As former town managers ourselves, we understand your needs. Let us work for you.
governmentbanking@androskogginbank.com
1-833-776-0012

John Simko



**Androskoggin
Bank**

A Banking Force For Good | 
Member FDIC

**Over the last 30 years,
no other
waste management
solution has come close to**

RECYCLING

**for financial benefit to Maine’s towns,
meeting the needs
of Mainers,
and diverting more than
A BILLION POUNDS
from landfills.**

**Thank you for recycling,
Maine!**

ecomaine



STREETS

BUILDINGS

SCHOOLS

New England, in its **best light**



Your partner for community-wide lighting upgrades

Comprehensive audits

Built in New Hampshire

Installation management

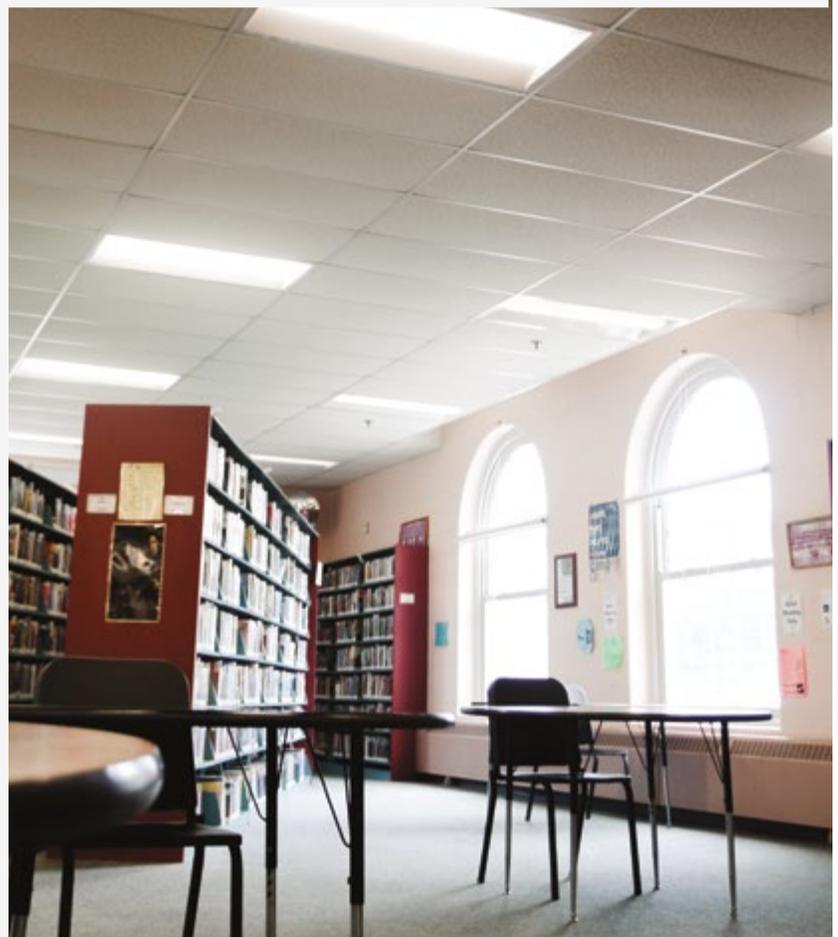
Efficiency Maine
qualified partner

Utility billing adjustment

Safe disposal & recycling



affinityLED.com



“One town expends 25-30 percent of the winter budget on non-storm items, just on the wind blowing snow back on the road,” Kamm said, adding that the problem affects “pretty

much anywhere in Aroostook County on roads that go north-south. The road crews can’t keep up at times.”

Kamm said he expects the three communities in the pilot project to

apply for funds through the \$4.75 million Community Resilience Partnership program announced by Mills on Dec. 1, 2021. “We have always said that Aroostook, from a resilience standpoint, never had the pots of money that other communities had,” he said. That program was set to begin in January 2022.

He added that Fort Kent has a couple of electric vehicle charging stations, including one at the hospital and one at the town office, and that Danforth (Washington County), also has one.

“More communities are asking about charging stations and more businesses too,” Kamm said. “We’re starting to see more and more interest from motel/hotels, convenience stores and restaurants.”

In addition, he said, “Our region is looking at biofuels and those kinds of things. Solar is going through the roof here. Everywhere from Houlton north has it or has it proposed.” ■

ELECTIONS
ELECTIONS
ELECTIONS

Has your town had its election?
 Did you let MMA know so we can update our database?
 No election, but you have changes: let us know!



Contact Val or Kimberly:
 PersonifyRequests@memun.org ■ 1-800-452-8786 or 207-623-8428

1-800-532-6654
tdbank.com



America’s Most Convenient Bank®

Member FDIC TD Bank, N.A. | Equal Housing Lender

Celebrating 45 years of integrity & experience that your **community** can count on



HEB
Engineers
 CIVIL • STRUCTURAL • SURVEY
 HEBENGINEERS.COM

An employee-owned company
 in Bridgton, ME & North Conway, NH

SOLUTIONS
SOLUTIONS
SOLUTIONS
SOLUTIONS
SOLUTIONS



civil & environmental engineering
www.underwoodengineers.com

TRAINING OPPORTUNITIES

Maine Municipal Association & Affiliates/At-A-Glance 2022 Training Calendar/6-Month Preview

DATE	DAY	COURSE NAME	LOCATION	SPONSORED BY
JANUARY				
1/26	Wed.	Elected Officials Workshop	Zoom Webinar	MMA
1/27	Thurs.	HR in the Age of COVID: Emerging Workforce Issues (NEW!)	Zoom Webinar	MMA
FEBRUARY				
2/8	Tues.	The Legislative Process A-Z (NEW!)	Zoom Meeting	MMA
2/10	Thurs.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/15	Tues.	MWDA GA Basics	Zoom Webinar	MWDA
2/16-17	Wed.-Thurs.	MTCCA Title 30A - Town Meeting & Local Election Law	Zoom Webinar	MTCCA
2/17	Thurs.	MEGFOA Winter Training Webinar	Zoom Webinar	MEGFOA
2/24	Thurs.	Tackling Environmental Challenges in Your Community: A Closer Look at Browntail Moth, Emerald Ash Borer and Vernal Pool Conservation (NEW!)	Zoom Webinar	MMA
MARCH				
3/2	Wed.	ARPA: What's Next for Municipalities? (NEW!)	Zoom Webinar	MMA
3/10	Thurs.	Crisis Communications: How to Deal with the Media (NEW!)	Zoom Webinar	MMA
3/10	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Hotel	MBOIA
3/15	Tues.	MWDA Advanced GA	Zoom Webinar	MWDA
3/16-17	Wed.-Thurs.	MTCCA Records Management	Zoom Webinar	MTCCA
3/23	Wed.	MFCA Annual Membership Meeting	Newry - Sunday River Ski Resort	MFCA
3/24-25	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River Ski Resort	MFCA
3/25	Fri.	MTCMA 42nd Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/29	Tues.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/31	Thurs.	MMTCTA Preparing for an Audit Workshop	Augusta - Maine Municipal Association	MMTCTA

Special Notice: In light of the ongoing public health pandemic, some in-person events, facilities and/or locations may be subject to change. Please be sure to check the MMA website for regular updates. As we resume in-person trainings, MMA and our Affiliate Groups will strictly adhere to all CDC and State of Maine guidelines and requirements regarding COVID-19, which may include appropriate social distancing, masking, food service/preparation precautions, among others. If you have any questions, please feel free to contact training@memun.org.

Online registration is easy!

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

Who to contact:

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

MMA Educational Events & Affiliate Training Staff:

Alicia Stokes Gaudet, Manager, Educational Servicesx2304
 Cynthia Fortier, Training & Affiliate Groups Office Coordinator.....x2297
 Melissa White, Affiliate Liaisonx2299

APRIL

4/1	Fri.	MACA Annual Business Meeting & Training Day	Zoom Webinar	MACA
4/5-6	Tues.-Wed.	MTCCA New Clerks Workshop	Zoom Webinar	MTCCA
4/5	Tues.	Elected Officials Workshop	Zoom Webinar	MMA
4/7	Thurs.	MMTCTA Tax Liens Workshop	Augusta - Maine Municipal Association	MMTCTA
4/14	Thurs.	Basic Municipal Budgeting	Augusta - Maine Municipal Association	MMA
4/20	Wed.	MBOIA Plumbing Training	Topsham - Topsham Library	MBOIA
4/21	Thurs.	MMTCTA Basic Excise Tax Workshop	Augusta - Maine Municipal Association	MMTCTA
4/22	Fri.	MAAO Northern Maine Spring Training	Caribou - Northern Maine Development Commission	MAAO
4/25-26	Mon.-Tues.	MWDA Spring Seminar	Bangor - Hilton Garden Inn	MWDA
4/26-27	Tues.-Wed.	MCAPWA Supervisory Leadership in Public Works Program Part 1	Augusta - City Center Plaza	MCAPWA
4/28	Thurs.	Personnel Practices	Bangor - Hilton Garden Inn	MMA

MAY

5/3	Tues.	Developing Solutions on Hotly Contested Issues (NEW!)	Portland - Clarion Hotel	MMA
5/3-4	Tues.-Wed.	MTCCA Athenian Dialogue (Book Topic TBA)	Zoom Meeting	MTCCA
5/10	Tues.	Planning Board/Boards of Appeal	Bangor - Cross Insurance Center	MMA
5/12	Thurs.	MMTCTA Annual Conference	Bangor - Hilton Garden Inn	MMTCTA
5/16, 17 & 18 Works	TBD	Mon.-Wed. MCAPWA Program - Part II	MCAPWA Supervisory Leadership in Public	
5/23-24	Mon.-Tues.	MBOIA Code Conference	Sebasco Harbor Resort	MBOIA

JUNE

6/2	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fair grounds	MCAPWA
6/9	Thurs.	New Managers Workshop	Augusta - Maine Municipal Association	MMA
6/14	Tues.	MMTCTA Cash Management Workshop	Augusta - Maine Municipal Association	MMTCTA
6/16	Thurs.	Municipal Human Resources & Management Conference	Waterville - Thomas College	MMA
6/21	Tues.	MTCCA Licensing Workshop	Augusta - Maine Municipal Association	MTCCA

KEY TO GROUPS/WORKSHOP SPONSOR

MMA	MAINE MUNICIPAL ASSOCIATION	MEGFOA	MAINE GOVERNMENT FINANCE OFFICERS ASSOCIATION
MACA	MAINE ANIMAL CONTROL ASSOCIATION	MLGHRA	MAINE LOCAL GOVERNMENT HUMAN RESOURCES ASSOCIATION
MAAO	MAINE ASSOCIATION OF ASSESSING OFFICERS	MMTCTA	MAINE MUNICIPAL TAX COLLECTORS' & TREASURERS' ASSOCIATION
MBOIA	MAINE BUILDING OFFICIALS & INSPECTORS ASSOCIATION	MTCCA	MAINE TOWN & CITY CLERKS' ASSOCIATION
MCAPWA	MAINE CHAPTER OF AMERICAN PUBLIC WORKS ASSOCIATION	MTCMA	MAINE TOWN, CITY AND COUNTY MANAGEMENT ASSOCIATION
MFCA	MAINE FIRE CHIEFS' ASSOCIATION	MWDA	MAINE WELFARE DIRECTORS ASSOCIATION

PEOPLE

Interim Ellsworth City Clerk **Toni Dyer** has been appointed to serve as the community's clerk. Before coming to Ellsworth, Dyer worked as town clerk for Hancock for six years. She is a U.S. Army veteran who was deployed to Baghdad for 18 months during the Iraq war. She succeeds **Heidi Grindle**, who left municipal service in November to work in the private sector after serving the city since 1996.



Kevin Gerrish

Lieutenant **Kevin Gerrish** has been promoted to South Portland deputy police chief, replacing **Amy Berry**. Berry served as deputy for 20 years and retired in August after 44 years with the de-

partment. Gerrish was hired as a patrolman in 2001 and has been promoted to sergeant and then lieutenant during his tenure. He holds a bachelor's and master's degree in criminal justice from Husson University and has trained with the FBI, the International Association of Chiefs of Police and the city's police leadership academy. Gerrish has led several efforts, including commanding the Southern Maine Regional Crisis Negotiator Team, the candidate recruitment team, overseeing patrol functions, and has supervised, trained and evaluated officers. The city is in the hiring process for a chief to replace **Tim Sheehan**, who resigned in April. **James DiGianvittorio**, former Middleton, Mass. police chief, is serving as interim chief.



Mark Holmquist

Retired State Trooper **Mark Holmquist** is the Town of Scarborough's new police chief, replacing **Robbie Moulton**, who retired in July after 44 years with the department – the last

22 as chief. Holmquist retired as a lieutenant in command of Troop A in Alfred, where he worked as a trooper for 24 years, including as a leadership instructor and commander of the major crimes unit. He served 25 years in the U.S. Army

and Maine Army National Guard, retiring as a first sergeant in the National Guard Reserves. He earned a master's degree in human resources management from Southern New Hampshire University.

Portland City Clerk **Katherine Jones** announced last month that she will retire on July 1, ending her 13 years of service to Maine's largest city. Jones worked as the Portland elections administrator from 2009 until she was appointed clerk in 2011. In recognition of her dedica-



Katherine Jones

tion and professionalism, Jones was named the 2021 Clerk of the Year by her peers during the annual meeting of the Maine Town and City Clerks' Association (MTCCA), of which she once served as its president. Previously, Jones worked as the assistant and then deputy clerk for the City of Westbrook from 2004 to 2009. In addition to her coveted 2021 award, Jones also received the 2012 Rookie of the Year award from MTCCA and the Lorraine M. Fleury award in 2016 for outstanding contributions to the election process. Jones has served six years on the Federal Election Assistance Commission for the U.S. Standards Board. When she assumed the Portland clerk's job in 2011, she implemented the first Ranked Choice Voting method in the state.



Rich Kindelan

Rich Kindelan has been promoted to Scarborough fire chief, succeeding **Michael Thurlow**, who retired in January. Kindelan, the former deputy fire chief, has 28 years of experience in fire and emergency services. His career began in 1988, when he volunteered to fight fires in Connecticut. After graduating from high school, Kindelan enlisted in the U.S. Air Force. In 1991, he became a certified fire protection specialist. He has worked as a firefighter in communities across Maine, including Brunswick, Gardiner, Old Orchard Beach and Yarmouth. Kindelan has more than 10 years' experi-

ence in supervisory roles and is a member of the Scarborough Fire Department management team. Kindelan graduated from the Department of Defense Fire Rescue Academy at the Chanute Air Force Base in Illinois and went on to serve on active duty during the first Gulf War. He also studied fire science through the Community College of the Air Force and paramedicine at Kennebec Valley Community College in 2005.



Darla Pickett

Former Skowhegan Selectwoman **Darla Pickett** died in a car accident on Dec. 14. She was 76. She served on the select board from 2014 to 2018 after retiring as a crime reporter for the Morning Sentinel in 2008 after 24 years of service. Pickett continued to write for the newspapers' special sections covering municipal news and other beats besides crime and courts. She also reported for the Bangor Daily News and as a reporter/editor for the weekly Somerset Reporter. Town leaders praised her work as selectwoman, as well as for her years of providing accurate and fair coverage of select board meetings.



Jim Richards

Retired Belfast Fire Chief **Jim Richards** ended his 53-year career with the city in September at the age of 90. Richards joined the department in 1968 and was named chief six years later. Two days after being sworn in, an inferno ripped through the village and leveled seven businesses. During last month's retirement party, Richards praised his team of firefighters and first responders for their work and dedication. **Patrick Richards**, a grandson, was named the new fire chief in September. He had served as deputy chief for six months and as a firefighter and EMT for 21 years. Patrick Richards also has worked for six years as a firefighter and EMT for the City of Bangor.

NEWS FROM AROUND THE STATE

STATEWIDE

A long cold spell this winter may cause “rolling blackouts” throughout New England after regional power suppliers voiced concerns over the unstable situation caused by problems with the natural gas supply. The New England Power Grid is often close to its limit during the winter months. It is fueled, in large part, by burning natural gas to convert to electricity. The worldwide COVID-19 pandemic has disrupted, clogged or delayed supply chains, adding to the grid concerns. Severe weather, combined with high natural gas prices and pipeline limits, could require officials to shut down power in certain areas for a specific time, restore the power and then shut it down in another area – hence “rolling blackouts.”

STATEWIDE

The deer harvested in 2021 was the biggest haul in 50 years. State officials say a bountiful deer population and lots of hunters were key to the season’s success. Another factor was a record-number of any-deer permits at 153,910. According to the Department of Inland Fisheries and Wildlife, 38,889 deer were bagged, the most since 41,080 were tagged in 1968. Last year’s yield was also the eighth highest since records were first maintained in 1919.

AUGUSTA

The COVID-19 pandemic has created trouble for state officials who predict future state revenues. The state projects a 10 percent increase in revenues for the current two-year budget cycle that started on July 1, or an additional \$822 million. However, the picture gets cloudy for a number of key reasons: the unpredictability of the pandemic, now entering its third year; additional federal relief that is not a certainty in Congress; lingering supply chain issues; inflation; stock market swings and dips; and lack of enough labor to fill millions of jobs

nationwide. Legislators were warned that beyond 2022, predictions would be “volatile and susceptible to significant to downside risk.”

BREMEN

The small Lincoln County town of 800 will have 100 percent broadband coverage thanks to a \$120,000 grant from the state’s ConnectME program. Tidewater Telecom, based in Nobleboro, applied for the grant on behalf of the town. When polled, 290 households, or 400 residents, were interested in being connected to the web of fiber optic high-speed internet. The ConnectME program is funded by a .25 percent fee on all communications, video and internet services in the state, and a 10 percent surcharge on all landline numbers. The family-owned Tidewater paid the remaining bill of \$480,435 to complete the project. Presently, the company plans to replicate the Bremen project in the towns of Hope, Appleton and Bristol, and looks for long-term projects when making new investments.

BRUNSWICK/TOPSHAM

The long-time compromised bridge that connects Topsham and Brunswick has been closed to commercial use. The Frank J. Wood Bridge, built in 1921, was inspected most recently last September. Workers found significant cracks, severe section loss, rust and corrosion. The weight limit for the span is 10 tons, or 20,000 pounds. In addition to large trucks and buses, vehicles using more than two axles also are prohibited from crossing. State officials said motorists were not obeying the current weight limits, further compromising the bridge, so cameras and other equipment, such as license plate readers, will monitor traffic. The town of Topsham already has diverted its firetrucks to the Route 1 bypass. Over-limit vehicles will need to take the bypass until the bridge can be replaced.

FAIRFIELD

The Maine Department of Inland Fisheries & Wildlife has issued a “do-not-eat advisory” after finding high levels of “forever chemicals” in deer hunted in the Fairfield area. The problem is not new, but neither has it been resolved. The area affected by the advisory includes Fairfield, parts of Waterville, Norridgewock, Skowhegan, Oakland and Smithfield. The state department’s efforts are ongoing in the Fairfield area because “forever chemicals” do not break down in either the environment or the body. High levels of the chemicals were found in the livers and meat of deer harvested in the area. Since much of a deer’s meat is frozen for winter, hunters and their families are on notice not to eat their harvest.

VINALHAVEN

The federal government in October closed to fishing 1,000 square miles of ocean off the Maine coast for four months, a move some lobster fishermen fear will significantly drop their catch totals for the season. The closure, a consequence of climate change, will end this month. In Vinalhaven, the news was devastating. The water levels in the Gulf of Maine continue to inch upward, forcing Maine communities to actively plan for future changes. Vinalhaven, an island 15 miles offshore, is home to 1,200 people. Residents and environmentalists say the surf around the island grows more intense by the year.

WATERVILLE

Acting on a tip and after a three-week investigation, in mid-December Waterville police made the largest-ever discovery of illegal narcotics last month when they found fentanyl and cocaine with an estimated street value of \$780,000. This seizure comes on the heels of a November 23 bust in which fentanyl and cocaine with a street value of \$100,000 was also made.

Correction: When reporting election results in December’s issue of the Maine Town & City, we incorrectly reported that newcomer Daniel Reed was elected to one of three open seats on the Millinocket Town Council, when in fact there were just two open seats on the council and only the incumbents, Michael Madore and Steve Golieb were elected.

FOLLOW US!



www.memun.org



www.facebook.com/MaineMunicipal



[@Maine_Municipal](https://twitter.com/Maine_Municipal)

2022 HOLIDAY SCHEDULE

The Department of Administrative and Financial Services released the 2022 holiday schedule for Maine state employees. State statutes do not require municipal buildings to close on these days, nor are employees entitled to paid time off. To the extent a municipality follows the State's or an amended schedule, a holiday that falls on a Saturday is observed on the preceding Friday, while a holiday that falls on a Sunday is observed the following Monday. MMA will be closed on the listed holidays.

HOLIDAYS	DAY/DATE TO BE OBSERVED
New Year's Day	Friday – December 31, 2021
Martin Luther King, Jr. Day	Monday – January 17, 2022
Washington's Birthday/Presidents' Day	Monday – February 21, 2022
Patriots Day	Monday – April 18, 2022
Memorial Day	Monday – May 30, 2022
Juneteenth	Monday – June 20, 2022
Independence Day	Monday – July 4, 2022
Labor Day	Monday – September 5, 2022
Indigenous Peoples' Day/Columbus Day	Monday – October 10, 2022
Veterans' Day	Friday – November 11, 2022
Thanksgiving Day	Thursday – November 24, 2022
Thanksgiving Friday	Friday – November 25, 2022
Christmas Day	Monday – December 26, 2022

NEW ON THE WEB

LEGAL UPDATE: ELECTRIC SERVICE OPTIONS

In light of recent questions from municipal officials, MMA's Legal Services Department has issued an update briefly summarizing some of the electric service options available to municipalities. We also provide some guidance and resources for municipal officials who might be considering a new electric service provider or sourcing through a solar arrangement.

WWW.MEMUN.ORG

HOW OMICRON IS CHANGING WHAT WE KNOW ABOUT COVID-19

After nearly two years of living with coronavirus, experts say we have to relearn ways to track its progress and measure its severity.

MAINE BOSH TO ADOPT OSHA VACCINATION MANDATE

On January 18, the Board of Occupational Safety & Health (BOSH) will hold a special meeting via Zoom to consider adoption of a work rule replicating the new OSHA Vaccination and Testing Emergency Temporary Standard (ETS).

LEGAL NOTES

COVID & 2022 Town Meetings

As we approach the second anniversary and the start of the third year of the COVID-19 pandemic, we're beginning to get questions again about safety protocols for town meetings, so let's briefly review the current state of the law.

First, all of the Governor's executive orders regarding the pandemic have been repealed. Since May 24, 2021, there have been no gathering limits or physical-distancing or face-covering requirements applicable to town meetings and elections. Also, the Maine DECD's (Department of Economic and Community Development's) COVID-19 "checklist" of requirements for town meetings was retired and replaced by detailed advisory guidance for businesses and community organizations generally. This guidance can be found here: <https://www.maine.gov/decd/general-guidance>.

So, traditional "open" town meetings may now be held in the same manner as they were before the pandemic – there are no COVID-related requirements or restrictions, although DECD recommendations remain (see above). Municipal officials may encourage compliance with these recommendations, but since the right to vote is constitutionally protected, we do not recommend that voters be turned away if they refuse to comply.

There has also been no change in the law requiring that voters be physically present in order to speak or vote at a traditional open town meeting (see 30-A M.R.S. § 2524). No remote participation or absentee voting or proxy voting is permitted at a traditional open town meeting.

But as an alternative to an open town meeting, any town that elects its officers by secret ballot pursuant to 30-A M.R.S. § 2528 may also vote on all other items of business, including the budget, by secret ballot referendum election. This option is already available to the municipal officers (select board members or councilors) by virtue of 30-A M.R.S. § 2528(5); it does not require any advance authorization or special consent from the voters.

The advantage of a secret ballot election of course is that it offers voters the opportunity to vote by absentee ballot (although voting cannot be limited to absentee voting; the polls must also be open

MUNICIPAL CALENDAR

ON OR BEFORE JANUARY 31 — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year are to be furnished each employee (36 M.R.S. § 5251).

FEBRUARY 21 — Presidents' Day, the third Monday in February, is a legal holiday (4 M.R.S. § 1051).

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

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

for in-person voting). A secret ballot election does, however, require more careful planning and a much longer lead time (at least 60 days), among other things. For full details on how to plan for and conduct a secret ballot election, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org.

For more advice about town meetings and elections in this ongoing era of COVID-19, see our current guidance here: https://memun.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=13953&language=en-US&PortalId=0&TabId=204 (By R.P.F.)

Delinquent Taxpayer List

(Reprinted from the January 2013 *Maine Townsman* Legal Notes)

Question: Are we required to list the names of delinquent taxpayers in our annual report?

Answer: Yes, you are. Maine law has long required a municipality's annual report to include "a list of all delinquent taxpayers and the amount due from each" as of the close of the last fiscal year (see 30-A M.R.S. § 2801(2)). This is part of a detailed statement of municipal assets and liabilities, which is also required in the annual report. Delinquent taxes are equivalent to accounts receivable or, in other words, assets.

The annual report can cause confusion and complaint in some cases. For example, if the report is published well after the fiscal year has ended, some

taxpayers who were delinquent at the close of the fiscal year may in fact be current by the time the report is published. Nevertheless, the report must list them as delinquent because that was their status as of the close of the fiscal year.

In other cases, property may have been sold after April 1, and the seller may have paid his prorated share of taxes, but the buyer may not have paid hers. Still, since the seller, not the buyer, was the assessed owner as of April 1, the report must list the seller as delinquent.

Some municipalities explain these anomalies with an asterisk after the taxpayer's name and a note at the end of the list, but while this practice may be helpful, it is a courtesy only and is not required by law.

Incidentally, a "delinquent" taxpayer, at least for purposes of the annual report, means anyone who has not paid in full by the date on which interest begins to accrue and who remains delinquent in any amount, including interest, as of the close of the last fiscal year.

For other information that must (or must not) be included in the annual report, see "What Should/Shouldn't Be in the Annual Report," *Maine Townsman*, Legal Notes, December 2010.

For more on annual reports, including when annual reports must be available and which agencies to send a copy to, see Chapter 4 of our *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

LEGAL NOTES

Petition for a Moratorium

Question: We've received a voter petition for a moratorium on a certain type of land use, but the petition includes no warrant article and no ordinance. Are we legally bound to call a town meeting for this?

Answer: No, you're not. In the first place, a town meeting petition must include a "particular article," that is, the actual wording of the warrant article the petitioners want a town meeting to vote on (see 30-A M.R.S. §§ 2522, 2528(5)). Without the precise language of the proposed warrant article, a petition for a town meeting vote is not binding on the municipal officers (select board members or councilors) even if the petition complies in all other respects with the legal requirements for voter petitions.

In addition, a moratorium must be in the form of a detailed ordinance in order to be legally effective, and it must initially be adopted by the municipal legislative body (town meeting or town or city council). Even if a town meeting petition includes a precise warrant article to adopt a moratorium, if it fails to include an accompanying ordinance, it is still not legally binding. An article simply declaring "a moratorium" on some type of development, without factual findings, definitions, and administrative details, is legally insufficient.

Note that even if a petition for a moratorium fails for either or both of the reasons discussed above, the municipal officers are free, on their own initiative, to prepare a warrant article and a moratorium ordinance and to call a town meet-

ing to vote on it. The fact that they are not legally obliged to draft a warrant article or an ordinance on the petitioners' behalf does not preclude the municipal officers from doing so on their own behalf.

For more on moratorium ordinances, including statutory requirements, legal options, and sample ordinances, see MMA's "Information Packet" on the subject, available free to members at www.memun.org.

Because moratoriums are often controversial and contested, we strongly recommend that competent legal counsel be retained from the outset to draft an ordinance and advise officials on how best to proceed.

For a full and detailed discussion of the legal requirements for voter petitions as well as sample petition and verification forms, see Chapter 5 of MMA's *Town Meeting & Elections Manual*, also available free to members at www.memun.org. (By R.P.F.)

New MMA Staff Attorney

Garrett Corbin, a Bangor native, has joined the MMA Legal Services crew. Garrett holds a law degree from the University of Maine School of Law and a masters degree in public policy from the University of Southern Maine's Muskie School of Public Service.

Garrett is no stranger to Maine's municipalities or MMA. He served for over seven years as a legislative advocate with MMA's State and Federal Relations Department before a two-year stint as legislative liaison for the Maine Public Utilities Commission. We're delighted to welcome Garrett back aboard with MMA – this time as our newest staff attorney. (By R.P.F.)

Nursing Mothers at Work

A quick reminder to all employers, including municipal employers: Since 2009 Maine law has required employers to provide lactation breaks for nursing mothers for up to three years following childbirth (see 26 M.R.S. § 604).

Specifically, employers must provide adequate unpaid break time or permit employees to use paid break time or meal time each day to express breast milk. Employers must also make reasonable efforts to provide a clean room or other location, other than a bathroom, for do-

ing so in private. Lactating employees are entitled to lactation breaks regardless of length of service or exempt/nonexempt status. There is no limit on the number or duration of breaks employees may use. The law prohibits employers from discriminating in any way against employees who choose to express breast milk in the workplace. There has been a similar federal law since 2010 (see 29 U.S.C. § 207(r)).

The Maine CDC maintains a webpage with links to many resources to assist employers in complying with this law, including a sample workplace policy and related educational materials: <https://www.maine.gov/dhhs/mecdc/population-health/hmp/panp/workplaces-and-breastfeeding-support.html>. Also, the Maine Department of Labor provides a poster employers can use to inform employees about the law: <https://www.maine.gov/labor/docs/2020/posters/nursingmother.pdf> (By S.F.P.)

Reminder: New CDL Training Requirements Eff. Feb. 7, 2022

As we first announced in the June 2021 *Maine Town & City* Legal Notes, new federal commercial driver's license (CDL) training requirements take effect Feb. 7, 2022 for most entry-level commercial motor vehicle operators.

The new requirements apply to any first-time applicant who applies on or after Feb. 7, 2022 for a commercial learner's permit, or a Class A or Class B CDL, or an upgrade of a Class B to a Class A CDL, or a school bus (S), passenger (P), or hazardous materials (H) endorsement.

New school bus drivers, public works vehicle drivers, and ordinarily employed snowplow drivers are subject to the new requirements, but firefighters and emergency snowplow drivers in small towns remain exempt.

For more details on the new CDL training requirements, including links to federal and state resources and contact information for questions, see this MMA Legal Services update: <https://www.memun.org/Articles/Article-View/ArticleId/18495/Entry-Level-CDL-Driver-Training-Regulations-Go-into-Effect-February-7-2022#.YdXDitMo6zc> (By R.P.F.) ■

PROFESSIONAL DIRECTORY



A. E. HODSDON
ENGINEERS
10 Common Street
Waterville, ME 04901

www.aehodsdon.com
207-873-5164

MAINE MUNICIPAL BOND BANK

2022 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						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

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

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

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

Wednesday, February 9th - Application Deadline

Wednesday, March 16th - Application Approval (Board Meeting)

Monday, April 4th - Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 6th - Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 18th - Maine Municipal Bond Bank Pricing

Monday, May 9th - Final documents due from bond counsel

Wednesday, May 18th - Pre-closing

Thursday, May 19th - Closing - Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2022 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.



When you need a

legal team to help push your

project **forward.**



Philip Saucier



Shana Cook Mueller



Amanda Methot

BERNSTEIN SHUR



As money flows to municipalities from the **American Rescue Plan Act (ARPA)**, our team has comprehensive expertise to help you determine **eligible projects** and comply with federal **reporting requirements**.