

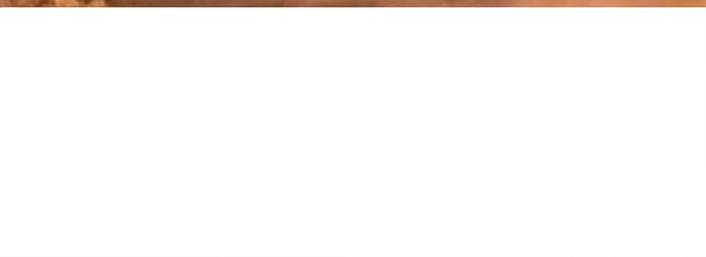
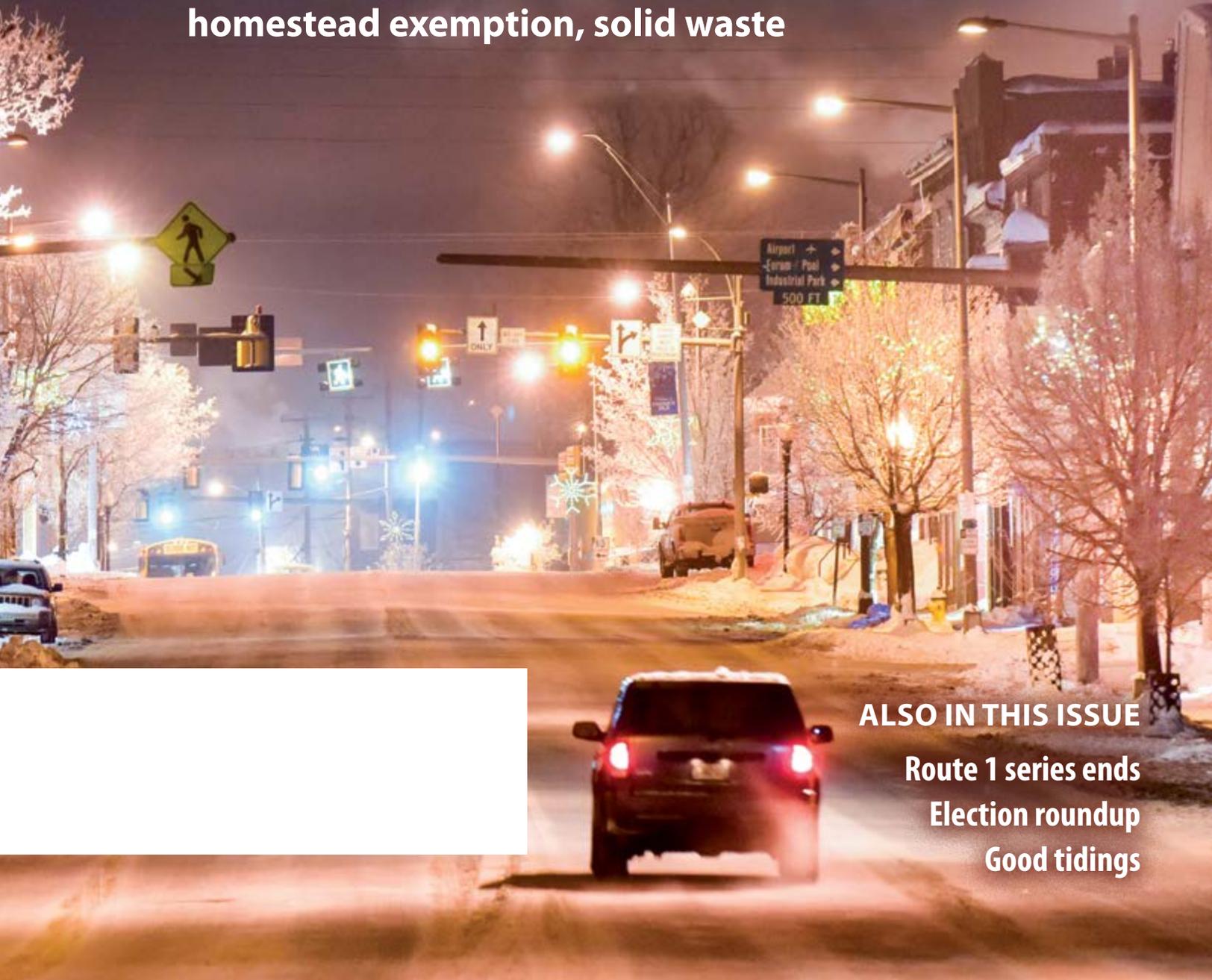
Maine Town & City

The magazine of the Maine Municipal Association

December 2019

Session Preview

Topics in 2020 include marijuana,
homestead exemption, solid waste



ALSO IN THIS ISSUE

Route 1 series ends

Election roundup

Good tidings



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Maine Town & City

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Down by the Sea



Our nine-part series featuring municipalities all along U.S. 1 ends with a look at housing challenges in coastal York County.

Upbeat ending: Executive Director Stephen Gove points out many positive things our members achieved in 2019. [Page 5](#)

Recent time at Harvard was well spent, writes Hallowell City Manager Nate Rudy, as he prepares to think big back home. [Page 18](#)

ABOUT THE COVER: Paul Cyr, renowned Aroostook County photographer, took this shot in downtown Presque Isle. It is used with permission.

2020 Session Preview

Some haze is forecast for the Legislature next year. State & Federal Relations Director Kate Dufour scopes out the top issues. [Page 7](#)

Enforcing Our Laws

MMA Advocate Rebecca Graham reports that while the Legislature makes progress on criminal justice issues, costs continue to bedevil. [Page 10](#)

Election Roundup

Once again, turn here for the most comprehensive roundup of municipal referendum and election results that you'll find anywhere. [Page 20](#)

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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

Ending the year, with good tidings

Let's be positive. There is so much negativity out there. Divisiveness, incivility and rancor. I wish to end 2019 focused on the good work of municipal governments and the good people who serve as elected and appointed municipal officials. Examples of the good abound.

Cities and towns across the state are focused on sustainability. Every week there is a news account of a municipality installing solar panels or converting street lights to energy efficient LED lighting, leading their communities to address climate change and reduce energy costs. Six municipalities in coastal southern Maine are exploring hiring an expert to develop a regional climate action plan. These towns want to get a jump on understanding their carbon footprints, tackle energy savings projects and better respond to issues like water quality, recycling and infrastructure challenges.

By 2025, over a quarter of Maine's population is expected to be age 65 or older. Many municipalities are taking an active role in Aging in Communities initiatives. They are identifying the needs of their older citizens and bringing together resources to support transportation services, health services, housing and social services. Cities and towns across the state are active partners in long-term services and support systems for their elderly residents. As one small town official stated on his community's aging in place efforts: "It's about keeping our seniors engaged in the community and the community engaged in them."

These are just a few examples of the good work – economic development, affordable housing, public safety, and public works – that municipalities engage in every day. I am reminded of the caring response of cities and towns to assist and welcome the wave of immigrants who came to Portland during the past year. And the response from fire departments to help the Town of Farmington with equipment and fire protection coverage when its fire department was devastated by death and injuries responding to what became a massive propane gas explosion. Municipalities helping their sister cities and towns.

The good work of municipal governments is led by good people. Congratulations to the hundreds of newly elected and re-elected municipal officials from throughout the state who were voted into office during town meeting

season and the June and November elections. There is now greater diversity among Maine local elected officials than ever before. We have more women, people of color and younger people serving as mayors, councilors and select board members.

I am also reminded of appointed municipal officials who go above and beyond doing their service jobs. Sharon Brassard, Recreation Director, South Berwick is one of those people. The Maine Municipal Association recognized Sharon at our convention in October as the Ethel N. Kelley Memorial Award recipient for 2019. She is a wonderful example of an appointed municipal official who is dedicated, selfless, creative and positive. One who makes her community a better place. We are fortunate to have many "Sharons" in local government positions.

I'll wrap this column up by sharing a quote from former Alfred Selectman and MMA President John Sylvester. Sadly, John passed away earlier this fall. He was the quintessential small town selectman. John was an optimist who loved good tidings. He wrote these words nearly a decade ago in this magazine when he called on his fellow elected officials to stand up for municipal government and its citizens. "The future is, as always, full of hope and great moments. Although there is much work to be done, we should take pride in knowing our model of local government, so successful for centuries, continues to work for Maine's citizens."

Wishing you all good tidings for the holiday season and New Year.

Final thanks to "Front Desk Debbie"

For those of you who have called MMA or visited the office over the past 30 years, you have been greeted by receptionist Debbie Monroe. Those greetings have always been warm and friendly. Debbie knows MMA inside and out – her "peeps", as she refers to staff, and our members who have the opportunity to chat with her on the phone or in person as they enter the building. Debbie will retire this month. Her "peeps" thank her for her friendship and support and wish her the best in retirement. We also thank Debbie for being MMA's "best foot forward" all these years. ■

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What's in store for municipal officials? Reply hazy, try again.

By Kate Dufour, Director State & Federal Relations, MMA

It is difficult to say with certainty what municipal leaders can expect from the Legislature during the 2020 session, especially as it pertains to newly introduced “emergency” legislation. Article IV, Section 1 of Maine’s Constitution limits second session legislative activities, in part, to advancing “legislation of an emergency nature.” Whether a newly proposed initiative is necessary to address an emergency is a decision made by the 10 members of the bipartisan Legislative Council (e.g., the elected leaders in the House and Senate).

Some 397 emergency bill requests were submitted for consideration in the second session, with 134 green-lighted by the council and 29 bills tabled pending review of requested supplementary information. In addition, the sponsors of roughly 75 bills that were not initially granted entry into the 2020 session indicated they would appeal those decisions at the council’s Dec. 6 meeting.

Over the next several weeks and months, the specifics on authorized Second Session legislation will come to light when the initiatives are printed. In the meantime, bill titles and brief comments about the proposals are available for public consumption. However, the titles and comments provide varying degrees of information.

For example, the comment that accompanies *An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Laws*, simply states that the bill seeks to “amend the law governing arbitration under certain public employees labor relations laws.” In contrast, the comment for *An Act To Allow Retired Law Enforcement Officers To Serve as School Resource Officers*, states that the “bill would allow school administrative units to employ



as a school resource officer an individual who previously served full-time as a certified law enforcement officer in good standing at a state, municipal, county or federal law enforcement agency and has retired.”

This pre-second session tradition is the equivalent of a holiday’s eve for advocates, political junkies, policy wonks and other interested parties. The anticipation is simultaneously exhilarating and unnerving.

Will municipal leaders receive state of the art economic development tools to help grow their communities and attract new residents? Will the gift be practical: For instance, seeking to amend the recount provisions in municipal election laws? Or, does the package come from that family member – we all have one – who proposes policy changes that shift costs onto the state’s property taxpayers?

Only time will tell.

In the spirit of whetting the legislative appetite, provided as a sidebar to this article is a sampling of the more municipally relevant bill titles that will be advanced to the Legislature for debate. A full list of the bill requests and the actions taken on them is posted on the Revisor of Statutes’ website at: <http://legislature.maine.gov/doc/3410>.

Updates on the progress being made on two municipally relevant study groups focused on county jail funding and justice reform initiatives are provided in a second sidebar.

In addition, the Maine Municipal Association will continue to track several carryover bills that will receive a second review by the Legislature in the next session. Ten of the highest priority carryover bills seek to:

- Require the state to share adult use marijuana-related sales and excise tax revenue with the municipality in which the revenue was generated (LD 335);
- Repeal the provision in state statute requiring residents to live in their homes for one year before being eligible for the homestead exemption (LD 560);
- Convene a working group to assess the costs associated with mandating that law enforcement officers wear body cameras (LD 636);
- Allow certain public employees to strike (LD 900);
- Require state reimbursement rates for ambulance services under the MaineCare program to be at least the average allowable rate under Medicare (LD 915);
- Repeal an exemption to the municipal solid waste disposal surcharge that is provided to municipalities that either own landfills accepting waste or that have en-

tered into a nine-month contract for disposal of solid waste in a landfill facility (LD 988);

- As amended by a majority of the committee, increase the state reimbursement rate to 90% of gross, rather than net, General Assistance costs (LD 1403);
- Increase the weight limits for large trucks on all roads in Maine to 137,000 pounds (LD 1498);
- Create the Maine Power Delivery Authority as a consumer-owned utility, formed to acquire and operate all transmission and distribution systems in the state currently operated by Central Maine Power Company (CMP) and Emera Maine (LD 1646); and
- Remove the local legislative oversight component for publicly owned

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treatment works and the collection systems that feed into them, and instead grant regulatory authority to the Department of Environmental Protection (LD 1779).

More detailed descriptions of these carryover bills are found in an article published in the August/September 2019 edition of MMA's Maine Town & City magazine. It can be read at our website: www.memun.org.

In addition, municipal officials are encouraged to look to the Legislative Bulletin for updates on the breadth of the issues to be discussed and decided throughout the 2020 session. The first edition of the bulletin will be printed in mid-January. Please stay tuned, as we look forward to providing weekly updates from "under the dome." ■

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A sampling of municipally relevant bills up for debate in 2020

What follows is a sampling of the new municipally relevant, Second Session bills that will be debated next year. A full list of the bill requests is posted on the Legislative Council website at <http://legislature.maine.gov/doc/3410>.

Approved Second Session Bills

- *An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations*, sponsored by President Jackson of Aroostook County.
- *An Act To Enhance the Maine Uniform Building and Energy Code*, sponsored by Rep. Caiazza of Scarborough.
- *An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status*, sponsored by Sen. L. Sanborn of Cumberland County.
- *An Act Relating to Property Tax Assessments Based on Comparable Sales and Market Segments*, sponsored by Rep. Tipping of Orono.
- *An Act To Allow Retired Law Enforcement Officers to Serve as School Resource Officers*, sponsored by Sen. Dill of Penobscot County.
- *An Act To Amend the Laws Regarding School Administrative District Reserve Funds*, sponsored by Rep. Cloutier of Lewiston.
- *An Act To Establish First Responder Day as a State Holiday on September 11*, sponsored by Rep. Tuell of East Machias.
- *An Act To Help Retain School Bus Drivers*, sponsored by Sen. Woodsome of York County.
- *An Act To Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas*, sponsored by Sen. Herbig of Waldo County.
- *An Act To Protect Water Quality by Prohibiting Consumer Fireworks in the Shoreland Zone*, sponsored by Rep. Fay of Raymond.
- *Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, sponsored by Rep. Fecteau of Biddeford.
- *An Act Regarding the Definition of "Public Employee,"* sponsored by Rep. Sylvester of Portland.

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Justice Reform: Cost solutions prove elusive

By Rebecca Graham, Advocate, State & Federal Relations, MMA

When thinking about the tools available to law enforcement officials, we often envision the nearly 20 pounds of gear officers must carry around their waists. However, law enforcement-related policies adopted by the members of the Maine State Legislature often carry far more weight. While these policies are adopted with the intention of enhancing public safety, some regulations yield unintended consequences and generate significant costs for the agencies left to implement the policies. This autumn, a number of legislators and impacted parties have been meeting to examine the ever increasing costs associated with incarceration and the growth in inmate populations.

Two studies are currently in play. One targets the perennial conundrum surrounding the funding and management of county jail costs, while the second focuses on prioritizing access to mental health and substance use disorder programs and services as the alternative to incarceration.

Jail funding

Whether county jail operations are appropriately funded is a question being debated by the Legislature's Criminal Justice and Public Safety Committee. At the crux of this study is the statute that limits the amount of property taxes that can be raised to fund county jail expenditures. Under

current law, the property taxes raised are capped at up to 4% of the previous year's county jail expenditures or the growth limitation factor (more commonly referred to as the LD 1 rate), whichever is lower. However, with the property tax cap in place, the state's annual contribution is frequently inadequate to cover revenue shortfalls faced by some counties.

As would be expected, the committee is receiving a fair amount of feedback on how to address the jail funding shortfalls.

From the municipal perspective, the study of county expenditures is just as important as deciding whether these services should be funded with state general fund revenues or

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through property tax assessments. Under the current process, the state determines the standards for incarceration, the length of sentence an individual must serve, and to what facility that individual is assigned. However, local property taxpayers are responsible for funding a lion's share of the total expenses. On average, property tax assessments account for 80% of all county jail revenue.

County officials, including commissioners and sheriffs, appear to be coalescing around one of two recommendations. One proposal seeks to repeal or increase the cap on property tax assessments. A second draft proposal seeks a one-time adjustment to the cap, coupled with an authority to readjust the cap every four years. Unique to this second approach, however, is the inclusion of a measure that requires the state to provide additional funding to cover the jail costs associated with caring for state-sanctioned inmates.

At the time this article was published, it remained unclear which

proposal, if any, the committee would advance to the full Legislature for consideration. With only two meetings left on the schedule, a decision will need to be made soon. Hopefully, protections currently afforded to the property taxpayers will remain in place.

Justice reform

The Maine Municipal Association is also closely monitoring the efforts of a task force directed to improve

the sentencing, supervision, incarceration and management of prisoners and explore bail reform options. Working with the Council of State Governments (CSG) Justice Center, the task force – which includes county sheriffs, county commissioners, mental health service providers, prosecutors, court officials, legislators and the state Department of Corrections – is using a data-driven approach to develop policy recommendations aimed at reducing corrections spending, then

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reinvesting the savings in strategies proven to decrease recidivism and increase public safety.

As is the case in nearly all of the justice reform studies that have or are taking place across the country, stakeholder input along with the available arrest data has highlighted that individuals facing incarceration are often coping with substance use disorders and mental health issues simultaneously. The data being reviewed by the task force echoes what municipal law

enforcement officers have known for decades: It is less expensive to address the issues that accompany mental health and substance use disorder issues outside of the jail or prison environment.

In the absence of a statewide approach for providing much needed mental health and substance use services, the municipal law enforcement community has stepped up to the plate. Several Maine communities have established crisis team ride-along

programs supplementing traditional policing with targeted “in the field” mental health evaluations conducted by trained health care professionals. These professionals not only have the networks and resources necessary to connect individuals to services, they provide peer support to on-duty officers and allow public safety officials to move on to other calls when possible. Unfortunately, these programs are in jeopardy in many communities. One department recently retired their successful, 24-year-old program because the mental health agency providing the service lost state funding.

While local substance use disorder diversion programs are limited, local in nature and place demands on limit law enforcement resources, the need for these programs is viewed as being so vital that municipal police chiefs have become grant writers, philanthropy managers, and community fundraisers. Through cupcake sales, benefit concerts, and barbeques, municipal law enforcement officers have purchased airline tickets and funded out of state treatment programs for residents seeking help in order to di-



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vert them from incarceration.

While such approaches have kept many individuals away from the justice system, programs based on local philanthropy alone create “ZIP code lotteries” for struggling individuals. While residents in some communities have the means necessary to consistently fund programs like Operation Hope, other communities have had to make tough decisions to abandon these programs because property taxpayers are already stretched beyond their means. Furthermore, little to no state funding is available for these local-level efforts.

While legislators debate if it is better to arrest or summons individuals, it is clear from court statistics that municipal law enforcement officers are overwhelmingly opting to issue a summons (rather than arrest an individual) in situations where they have the discretion to do so. For the most frequent arrest violations – operating under the influence and violations of conditional release – officers have no discretion to refrain from arrest. While some district attorneys refuse to prosecute misdemeanor crimes, law enforcement officials have learned that in some circumstances making an arrest is the only mechanism to trigger the involvement of mental health case worker. Arrest is a tool that is used by some communities to ensure that individuals in crisis gain access to assistance to needed resources.

The disconnect that exists be-

tween current incarceration policy and on the ground municipal policing deserves greater attention. Most of the extended time spent on police calls preventing arrests, as well as successful diversion programs are not captured in the available statewide data. This means it is virtually invisible to the individuals exploring policy improvements.

While the task force continues to work to find a solution to this problem, municipal leaders will stay on course to get this important work

done without additional resources, to the extent possible. This winter, MMA, in collaboration with the Maine Chiefs of Police and municipal leaders, will hold a summit with the Justice Reinvestment team. This will provide an opportunity for everyone to understand these hidden metrics, policing pressures, and community challenges with an eye towards greater support for these locally based and proven efforts. ■



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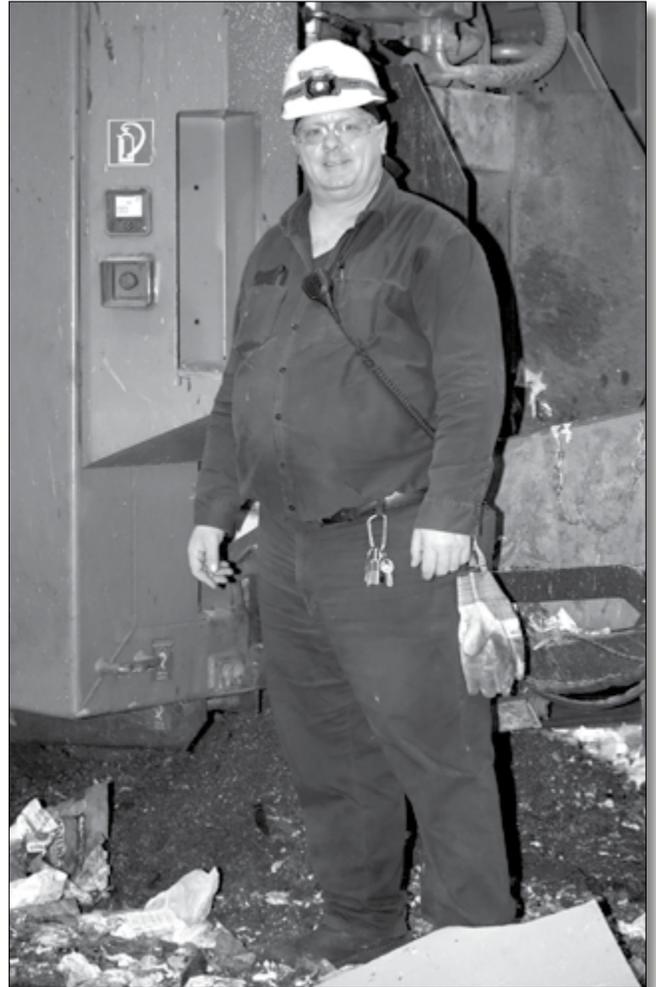
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Dearth of affordable housing hits home in coastal York County

With median housing costs north of \$600,000, towns like Kennebunkport, Ogunquit and York experiment with ways for municipal workers to live locally.

By Susan Cover

When Laurie Smith was hired as town manager in Kennebunkport five years ago, she found herself in bidding wars as she tried to find a home for herself and her children.

“When I began looking for housing, I was doubling the cost of housing from Auburn and when I finally purchased about two years later, it was triple the cost,” she said.

And when she was able to buy, it was in West Kennebunk, not in the town in which she serves as manager, and only after she wrote a personal letter to the seller who wanted the home to go to a family. She had learned firsthand the affordability problem and was ready to figure out how to help the town find solutions for others, including police officers, firefighters and public works employees who need to drive in from other towns to respond to emergencies.

“People who need to be able to respond in an emergency situation are living further and further away,” Smith said recently, during an interview in her Kennebunkport office.

Another problem Smith is working to solve is that only 55 percent of Kennebunkport residents live there year-round, making it hard to have a Planning Board or other government committee that can meet in the winter months. The school population is dropping as well, from 200 to 100 children in the elementary school, she said.

The popular vacation spot in York County – not far from U.S. Route 1 – is just one of the southern Maine towns



Manager Laurie Smith and the Kennebunkport Town Office. (Photo by Susan Cover)

where it’s costly for year-round residents to live. While the median home price in Maine is \$212,500, it jumps to \$303,000 in Cumberland County and \$275,000 in York County, according to the Maine State Housing Authority.

And when you drill down on the numbers in York County, the median home price in Kennebunkport is an eye-popping \$675,125, followed by Ogunquit at \$647,500 and York at \$476,750.

To help bring affordable workforce housing to Kennebunkport, the town did a study in 2016, which drew push-back from residents, Smith said.

“We had people saying, ‘Who are you bringing in here? Why is this a problem? Why do those people have to live here? Why can’t those people live somewhere else?’ ” she recalled.

Addressing the issue

That reaction made it clear that while town officials recognized the

problem, residents did not. After another study and more communication with the public, Smith said one solution was to create a Housing Committee. Six months later, the committee recommended the creation of the Heritage Housing Trust, a nonprofit with a goal of creating 25 new affordable homes by 2025.

Thirty minutes south in York, the town continues to grapple with many of the same issues.

“We’re not even close to solving the problem,” said Town Manager Stephen Burns. “We have a very large number of seasonal employees. There’s a large number of migrant workers in town. You’re seeing businesses buy houses and they have a household full of unrelated people who live there, which is fine. But we don’t really address it in a manner that’s very effective.”

To get started, Kennebunkport provided \$15,000 for legal fees and a tax acquired property to the housing trust,

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

which is now seeking Planning Board approval for a five- to six-unit housing development, said Kennebunkport Select Board member Patrick Briggs, who also serves as a member of the Heritage Housing Trust.

MEDIAN HOME PRICES (2018)

Statewide: \$212,500

York County: \$275,000

Kennebunkport: \$675,125

Ogunquit: \$647,500

York: \$476,750

Kittery: \$379,000

Kennebunk: \$373,250

Source: Maine State Housing Authority 2018 Housing Facts and Affordability Index

As they were organizing the trust, they looked around for examples of successful nonprofits and found one on Mount Desert Island and another on Martha's Vineyard. The end result, after nine months, was the creation of a nonprofit with two distinct tax designations to accommodate both private and public donations.

The trust hopes to begin accepting applications from families in December or January. Briggs said they plan to build modular homes on the land donated by the town, but the trust will continue to own the land on which the homes are built. The three-bedroom, two-bathroom homes will have access to public water, but will require private septic systems.

The homes will be priced between \$230,000 and \$300,000 and applicants must be approved by Camden National Bank for a loan, said Sue Ellen Stavrand, who is also a Housing Trust board member. The trust hopes to tap into a state program that will provide \$22,500 per home to help cover infrastructure costs. In addition to fundraisers to cover other costs, the trust will use bank money from the homebuyers

to build the homes, she said.

Protecting crucial services

"The idea is to keep the spirit of this town that attracted people here in the first place," Briggs said. "The wealthy people come here and they think it's quaint. If you don't have the infrastructure to keep going as a town, all this other stuff fades away."

Stavrand said the average age of Kennebunkport firefighters is 55-60 years old. Many municipal workers can't afford to live in town. Instead, they drive in from Alfred, where the median home price is \$255,000 and Sanford (\$176,611), sometimes traveling 45 minutes.

"If there's an emergency after hours here in town, good luck waiting until they get back in their car and travel here," she said.

The hope is to provide the affordable housing options to young families, who once they have a home, will benefit from the low tax rate of \$9.45 per \$1,000 of valuation, have access to good schools and recreational opportunities such as beaches. If all goes as planned, the first homes will be move-



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Jonathan A. Pottle

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

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Scene from the local harbor. (Photo by Susan Cover)

in ready before school starts next year.

Because the trust owns the land, there will be restrictions on how the properties can be used, she said. For example, they must be occupied year-round, cannot be rented as vacation properties and when they are re-sold, they will be required to remain affordable.

“What we’re building here is a stock within the community that’s always going to be for the families we’re wanting to attract,” she said. “It does not disappear after we have sold that first home.”

York’s response

Burns, the York town manager, said although the tipping point for affordable housing in his town can be traced back 30 years, the issue came to a head about 10 years ago when he served as community development director.

“If you bought 30 years ago it was still reasonably affordable,” Burns said. “It jumped in the 1990s and now it has just gotten worse.”

At that time, members of the Select Board could not agree on a path

forward, so they referred the matter to the Planning Board. Burns conducted a community survey letting residents know they had options when it came to what types of affordable housing would be allowed in town.

With an impressive 55 percent response rate, residents let Burns and others know what they considered good options. Part of the solution was to allow unlimited density residential units above commercial buildings in three areas of town, something that has worked well, he said.

Then in November of this year, voters approved a ballot question that expands the areas in town where affordable housing can be built and allowed homes to be built on smaller lots, said Select Board member Mike Estes, who owns a local oil company and struggles to find employees.

Many of his workers drive 45 minutes to get to work, which makes it hard to provide the kind of 24-hour, on-call service that’s a necessary part of his company, he said.

“At night, we can’t service our customers anywhere near the way we used

to,” he said.

He said the ordinance changes approved by voters should help bring down housing costs and attract more families who will be the next generation of coaches and volunteers who will help diversify the town’s population.

Burns said the town itself struggles to find seasonal help to mow lawns, serve as lifeguards and work as summer police officers. The tight labor market and lack of affordable housing combine to compound the problem. When it comes to full-time town workers, the problem exists as well.

While Burns’ contract requires him to live in the town, many other town employees commute from Sanford and Wells, he said. A single professional would struggle to find an affordable home in town, he said.

“We’re in the upper half of the salary range just to compete,” Burns said.

York employs about 100 year-round employees and 200 seasonal and temporary jobs. With a \$22 million municipal budget, the tax rate is \$11.15 per thousand of valuation. The tax base grew by \$190 million last year, with one-third of that coming from new construction, he said.

When it comes to building new affordable housing, Burns said it’s difficult to get residents to go along with major change. About 75 percent of people who live in York were not born in Maine, he said.

“People who talk about the way it used to be, it’s when they moved here,” he said. “It’s that ‘I know what it was like when I moved here, I liked it. I don’t want that to change.’” ■

ABOUT THIS SERIES

Since last March, Maine Town & City writer Susan Cover has taken us on a journey along U.S. Route 1, a series that started in Aroostook County and ends with this installment in York County. We highlighted communities and municipally related issues situated along Route 1. The series is intended to show the “connectedness” of municipal government in Maine, how current events and examples of public service often transcend precise locations. We hope you enjoyed the project.

Eric Conrad, Editor



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From Hallowell to Harvard and back: A manager's perspective

With a comprehensive plan discussion near, the author reports how he recently was challenged in Cambridge to set his community's goals high.

By Nate Rudy, Manager, City of Hallowell

I attended a three-week Harvard Kennedy School Senior Executive Education Program for State and Local Government officials last July, through the generous support of the Brooks Foundation and by the grace and goodwill of Hallowell's Mayor and City Council. I was asked recently what I learned, how it benefitted me, and how will it benefit the citizens of Hallowell.

I was pleased to have met and worked with professors at Harvard including David King, Marty Linky, Kesely Hong, Dan Fenn, Aisha Moodie-Mills, Richard Parker, and the Chinese civil rights advocate Jianli Yang. We discussed how trust in government has dramatically declined in the last decade at the federal and state levels, and how those changes affect municipalities. We questioned what we can do at the local level to adapt to what we can't control, and how to respond where change is possible.

Our professors encouraged us to explore the boundaries of our governmental roles and to think of leadership as an act of embodying community values that can change our world when we work with other engaged stakeholders. In fact, every person – regardless of our job title or position – has a great opportunity to make change in our

communities and for ourselves if we refuse to believe that certain problems are unsolvable. I came away from Harvard believing that the *worst* decision we can make in an urgent matter is to avoid making *any* decision because we are afraid of making the *wrong* decision.

As Hallowell prepares to rewrite its Comprehensive Plan, I find that the world has changed even since I worked on the City of Gardiner plan back in 2014, and I sense an evolving awareness of the many roles local government must play to serve the community. We are talking more openly and mindfully about sustainability, socioeconomic diversity, livability factors for people of all ages and mobility, and access to affordable, market-rate housing for households of different needs and incomes. We are naming issues, concerns and fears that we used to sense and feel but now are more willing to see (or less able to ignore). We now address them as threats to the



Nate Rudy (Submitted Photo)

fabric of our communities.

We see the social and human costs of doing nothing, rather than focusing solely on the economic costs of offering programs and services for people who choose to age in place, often in silence and shame, and sometimes in fear and hunger. We are attempting to picture our communities as places where everyone feels welcome, and developing a vocabulary and shared understanding for how “placemaking” – housing, transportation, design of open spaces and built environments, opportunities for social inclusion, and representation in local government – can help shape our vision for new infrastructure, business and real estate investments. It's true to say that local governments are corporations (we are, in fact, incorporated). Thus, we have to make wise investments to both cultivate the opportunities we seek for our citizens and realize a return on the investment of tax payers. It must also be true that we should look carefully at the increasing annual operating

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cost of local government and our long-term infrastructure, vehicle replacement and maintenance needs.

We have to balance those needs with revenues, understanding that raising local property taxes can shape our neighborhoods and business centers as much as repaving the main street in our downtown can have in attracting visitors and new businesses. I worry that this balance is increasingly difficult to achieve, since we struggle to maintain the miles of local and state roads we have paved since World War II. We need to invest in utilities and infrastructure that we sometimes take for granted, yet still offer the services and amenities that citizens expect, while somehow keeping the mil rate low enough to be affordable. It's going to take a wholesale change in how we evaluate municipal property and services as assets and liabilities, and we need to be ready and willing to take on that challenge.

'A full contact sport'

The clarion calls for civility in state and local government, shadowed at times by gridlocking themes of national politics, underscore just how fractured and polarized our opinions have become, and remind us that perhaps nobody should have to ask for respect and moderation in the chambers of elected officials. But, here we are: Politics, and local government admin-

istration, is a full contact sport.

Marty Linksy challenged us to take action on issues that we say matter to us, rather than waiting for someone else to do it. He asked our class, "Is there anything you care enough about that much" that you would sacrifice something for it? But, when I think about the power of leadership in action, I find myself asking: What differentiates good leadership from that which ultimately does harm? For me, principled leadership comes from what you put at the center of the conversation. If one leads with the community's needs, goals, and values at the center, the individual leader is less important and the work becomes something that others can embrace and foster over time. This puts responsibility back in all of our hands.

Jianli Yang spoke passionately of his many years in solitary confinement for dissidence against the Chinese government, and his willingness to go back to jail or even die for democracy in China. Perhaps unlike private citizens like Mr. Yang, government officials are often conservative in how we approach challenging issues. But these teachers asked us to use the education, trust, experience, and authority vested in us to engage with problems that might seem unsolvable, and to trust our judgement and the advice of our colleagues to work on solutions.

My time in Cambridge was a pro-

found, intense, once-in-a-lifetime experience. Now that it is over, I am left with two Harvard Crimson hats and a t-shirt, the age-old questions about representative government that the program explored, and the constant reminder that we all have the opportunity to lead (and the expectation that we will). As well, I am reminded of our responsibility to exercise leadership in the service of something greater than us.

I am proud of the more than \$4 million in projects that we have completed in the three years that I have been fortunate to serve in Hallowell, including new infrastructure, major improvements on Water Street, a U.S. EPA Brownfields assessment program that is bringing formerly stagnant properties back to productive use, and a new fire station.

More than that, I am excited for more change to come as we work to address "unsolvable" challenges including a community-focused future for the Hubbard Free Library, new business and real estate developments that will increase Hallowell's tax base, an updated comprehensive plan for the city, and our determination to establish sustainable capital improvement and operating budgets that ensure the quality of service delivery that our citizens value.

As a nation we want and need visionary leadership to make these changes happen. I feel fortunate to know people from great places in Maine who care enough to face the challenge of declining revenues and increasing costs in local government, to provide transparency in our decision making activities and to turn these challenges into opportunities for change that keeps our communities healthy, engaged and well-represented. ■



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Many cities, towns record low turnout for high-priced projects

Statewide, turnout was less than 18%, disappointing election officials somewhat, who expected a higher number. Some hot-button topics were decided, however.

By Liz Mockler

Most registered voters stayed home on Nov. 5, despite two state referendum questions and a slew of local questions and elections in many of Maine's cities and large towns.

Secretary of State Matthew Dunlap, who spent part of Election Day in Gorham, where he was invited by election officials, lamented the low turnout. Dunlap said he got reports statewide that turnout was "drip, drip, drip." He had predicted a 25% turnout in communities with controversial questions and races. He thought turnout in the smaller municipalities would range from 10% to 20%.

But few community results reviewed by the Maine Municipal Association met the predicted turnout. Even in the City of Bangor, where 11 candidates competed for four seats and women became the majority on the council for the first time in city history, attracted an 18% voter turnout, according to City Clerk Lisa Goodwin. There are 23,180 registered Bangor voters.

Mainers approved two state referendum questions. One allows the state to borrow \$105 million for an infrastructure program. The vote was 140,977 to 44,543. Question 2 also passed, by a vote of 139,118 to 45,000, to allow people who are physically unable to sign their names to citizen petitions to accept other means to sign.

According to Julie Flynn, deputy secretary of state, 189,093 votes were cast statewide from a total of voting age Mainers of 1,071,112, for a 17.65% turnout.

Among the highlights from municipal voting, several mayoral races showed high interest but produced mixed voting results.

Portland Mayor **Ethan Strimling** lost his bid for re-election. **Kathleen Snyder** is now mayor of Maine's largest city. Snyder, 49, is a nonprofit executive who won every city voting district and ended with 62 percent of the vote. She has served two terms on the school board prior to running the Foundation for Portland Public Schools. She will give up her job to take the full-time mayor's position.

Incumbent Auburn Mayor **Jason Levesque** received nearly 60% of the vote to hold off a challenger to win another term. Across the river, former Lewiston council President **Mark Cayer** defeated two challengers to win, replacing **Shane Bouchard** who resigned last March. Cayer will replace **Kristen Cloutier**, who has served since Bouchard's departure.

Westbrook Mayor **Michael Sanphy** was defeated by **Michael Foley**, who won in a four-way race with 28% of the vote. In a close race in Saco, Councilor

William Doyle defeated **Marston Lovell** to win the mayor's seat. The vote was 1,695 to 1,485.

In Biddeford, **Alan Casavant** received 2,234 votes to win another term. The election was tight, with his competitor receiving 2,127 votes. Casavant has served as mayor since 2011; he has served as a councilor from 1976 to 1992.

In Belfast, Councilor **Eric Sanders** ran unopposed, receiving 1,221 votes, to replace **Samantha Paradis**.

In other cities, mayors are more ceremonial and are elected by their council peers. Two examples are Brewer and South Portland.

Greener pastures

The low turnout in most communities did not stop voters from deciding big issues, ranging from several large bond requests to school sales to ordinance changes.

In Starks, near Norridgewock and Madison, a "hempstock festival" was dealt a hard blow by voters last month when they passed a mass-gathering ordinance that will allow only 250 people

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to attend the festival over six hours, down from the maximum of 750. Organizers need a permit from the planning board to hold the event and must pay for police protection, according to First Selectman Paul Frederic.

The festival has been held for 30 years in the town of about 600 residents. The vote was close at 70 to 65.

After the planning board conducted a citizen survey regarding the love/hate festival, the select board asked voters for an ordinance change to mitigate the many drawbacks of the festival to the town.

“They worked hard on this,” Frederic said of the planners’ board. Frederic said despite the close vote, community residents have been upset over the festival for a long time.

“It’s caused a stress fracture in the community over the decades,” he said.

The ordinance change now requires the festival to pay off-duty police officers to patrol the crowd, for which there was no control in the past. In addition to noise, residents have complained for years about “wanderers” who use their properties and leave behind a mess – including litter, bottles, drug paraphernalia and human waste.

Festival goers, totaling 10,000 to 12,000 a year, have overwhelmed the tiny town that doesn’t have a single store. People parking in fields, as well as on private property, has caused cha-

grin, Frederic said.

Frederic said state troopers have erected roadblocks to check drivers for alcohol consumption as they leave the festival. Officers check for people out on court warrants and arrest people for disorderly conduct.

“Hempstock” has promoted legal use of marijuana since 1991, pushing until both medicinal and recreational pot was approved by the Legislature. It took two years for lawmakers to draft rules for recreational use, but now that rules have been adopted, many more city and towns are making decisions about whether to allow marijuana sales and commercial growing.

Lots of projects, money

Voters in many communities endorsed plans to borrow money for infrastructure projects.

Bangor voters approved a request for \$6 million to renovate and modernize city hall, constructed in 1914. The building has not undergone any significant improvements since the 1970s, officials said. The vote was not close: 2,352 to 1,547.

Among the improvements will be to make getting inside the building easier for people with disabilities, as well as a total replacement of the heating and ventilation system.

Gorham voters agreed to bond \$4 million to buy 141 acres and use the property to create an industrial park.

Lisbon voters agreed to borrow \$6 million for a wastewater plant and water line replacement project and \$1.5 million to totally rebuild Pinewoods Road.

“There is a gravel pit at the end of the road,” said Town Manager Diane Barnes. Engineers are still working on the project design, including to ensure the road can accommodate the gravel pit dump trucks that frequent the road.

Barnes said she hopes the town will be ready this spring to apply for funding from the Maine Municipal Bond Bank.

Monmouth residents voted to sell a shuttered elementary school to a developer at the end of the school year. The developer is expected to transform the school to a nursing home or assisted living facility. It is unclear whether any of the project will generate revenue for the town. The vote was overwhelming, with 588 supportive and 57 opposed.

Students will be consolidated into one school in the fall.

Scarborough voters endorsed borrowing \$3.2 million for the town’s land trust, but rejected a request for \$1.2 million to replace the turf field at the high school. Of the total approved, \$2.5 million will finance the Scarborough Land Acquisition reserve fund.

The land trust’s bank account held just \$270 after a conservation project to buy land for walking trails and access to Scarborough Marsh. The vote was 2,688 to 1,950.

While voters did not want to spend money on an athletic field, they did approve spending \$660,000 to replace a 31-year-old pumper fire truck. The vote was 2,497 to 2,096.

In **Standish**, residents hope to save a bundle by replacing high-pressure sodium streetlights to LED, with smart control. The cost was pegged at \$150,000; the town expects the new lights will save taxpayers \$575,000 over the next two decades.

Woolwich residents voted as anticipated to oppose support for the Central Maine Power Co. 145-mile transmission line that would meander through Maine from the border of Franklin County, through Somerset County and ending in Lewiston. The power would be sold to the New England electrical grid in Massachusetts. The vote was 585 to 176.



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Voters also passed a second referendum calling for the select board to rescind its written support for the project. The vote was 611 to 158.

In **Bath**, residents voted 937 to 197 to amend the city charter to extend the amount of time the city council can approve contracts. The move will allow the council to explore environmentally friendly options for powering city facilities, which can call for contracts lasting up to 25 years.

One of the biggest projects approved on Nov. 5 was a request for \$71.6 million to pay for a new **South Portland** consolidated middle school and related traffic improvements. The vote was 80% in favor to 20% opposed. The project comes in two phases.

The support for each phase was strong, despite taxpayers knowing

they would have to pick up the tab for \$10 million toward the school and \$2.3 million for the road and sidewalk improvements. The new school will replace two elementary schools. Both of the aging schools have health, safety and structural problems.

High time

After years of debate and then another year for the Legislature to establish rules and guidelines, town officials are beginning to make decisions about whether they want marijuana stores and sales in their towns.

Rangeley voters rejected any sale of recreational marijuana. It was the second vote on the proposed ordinance in five months. The Marijuana Business Regulation Ordinance was initiated by a citizen petition.

In **Chelsea**, voters approved safeguards against marijuana use. They approved changes to the town's Medical Marijuana Retail Store Ordinance by a vote of 148 to 90.

The ordinance does not limit the number of medical marijuana stores, but will require a \$1,000 annual licensing fee for any facility that wants to continue operating. The town has not voted to allow recreational marijuana use.

Camden voters, meanwhile, approved a warrant article that outlines what is necessary to obtain a license for a marijuana business. An application to operate a marijuana cultivation facility will require a special exception by the zoning board following a public hearing and other requirements. The vote was 694 to 217. ■

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Municipal races attract impressive number of candidates

By Liz Mockler

Following are among the municipal election results from Nov. 5 voting, including most all of Maine's cities. In many races, there were more candidates than usual.

Unopposed incumbents are not included in this listing. With few exceptions, the names of challengers, unless they served previously, also are not named. However, former councilors and select board members are included whether or not they won. The results are based on newspaper accounts, interviews with city clerks and independent research.

The results are listed in alphabetical order by municipality.

Auburn: Incumbent Mayor **Jason Levesque** defeated a challenger by a margin of 2-1 to win a second, two-year term as mayor. Levesque received 2,222 votes, while his challenger collected 1,521. Also, voters returned **Belinda Gerry** for another at-large council term. She received the second-highest votes at 1,306. There were six candidates seeking two at-large seats. **Katie Boss** received the most votes with 1,963 to outdo incumbent Councilor **David Young**, who garnered 1,295 votes, and three other contenders.

In all, the Auburn council will feature four new members. Joining Boss as new members was **Holly Lasagna**, who defeated former councilor and school committee member **Michael**

Farrell by a vote of 471 to 189 for the Ward 1 seat. Newcomer **Tim MacLeod** defeated longtime incumbent **Robert "Bob" Hayes** by a vote of 436 to 317 to represent Ward 2. In the race for Ward 3, newcomer **Stephen Milks** bested former Councilor **Dan Herriker** by a vote of 436 to 317 to replace **Andrew Titus**, who did not seek re-election. In Ward 4 voting, Planning Board member **Brian Carrier** defeated Conservation Committee member **Rhyanna Larose** by a vote of 282 to 236 to replace outgoing Councilor **Alfreda Fournier**. Councilor Leroy Walker, who holds the final council seat, ran unopposed and received 615 votes.

Bangor: In historical voting, residents choose four candidates among the 11 running for city council, the largest field in more than three decades. In making their decisions, voters gave women their first majority on the nine-member council in the city's history. Incumbent **Daniel Tremble** garnered the most votes with 2,083; two councilors did not seek re-election, **Gibran Graham** and **Cary Weston**. Former Councilor **David Nealley's** seat also was open after he moved to Florida last summer. The three new councilors are **Angela Okafor**, who won with 1,881 votes, followed by **Richard Fortier** with 1,725 votes and **Susan Hawes** with 1,650 votes. Of the nine council members, six are now

women. The winners were sworn in a week after the election. All seats are for three-year terms.

Belfast: **Eric Sanders** received 1,221 votes in his uncontested bid to replace former Mayor Samantha Paradis. Both Sanders and longtime Councilor **Mike Hurley**, who received 1,130 votes, said they hoped to restore the council to quieter days. Newcomer **Brenda Bonnaville** received 961 votes, holding off a challenger who garnered 543 votes to take Sanders' Ward 3 seat.

Biddeford: Incumbent Mayor **Alan Casavant** held off a challenger for another term by a vote of 2,234 to 2,127.

Brewer: Two first-time city council candidates defeated another newcomer to win three-year terms. **Michele LaBree Daniels** received 703 votes and **Soubanh Phanthay** garnered 598 votes to replace Councilor **Kevin O'Connell** and former Mayor **Beverly Uhlenhake**, both of who decided not to seek re-election. A third candidate received 484 votes.

Brunswick: Newcomer **Toby McGrath** overwhelmingly defeated a challenger by a vote of 279 to 56. McGrath will replace outgoing Councilor **Jane Millett**.

Cape Elizabeth: Two councilors held off a challenger to win re-election. **Caitlin Jordan** received 863 votes to win a fourth term, while **Penelope Jordan** collected 1,109 votes to win a second term. A newcomer received 801 votes.

Caribou: In a five-way race for two council seats, incumbent **Joan Theriault** received the most votes with 504, followed by newcomer **Doug Morrell** with 501 votes. Incumbent **David Martin** was defeated, along with two other

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

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challengers, placing fourth in the race with 472 votes. The city clerk noted that there were just 44 votes separating the first-place winner and the fifth candidate. "I've never seen an election like this," said City Clerk Jayne Farrin, noting that each candidate received nearly 20 percent of the vote.

Ellsworth: Incumbent City Councilor **Marc Blanchette** was re-elected in a five-way race for three council seats. Blanchette received 618 votes, while newcomers **Robert Miller** and **Michelle Kaplan** won with 803 votes and 703 votes, respectively. Candidate **Gene Lyons**, who won 598 votes, asked for a recount against Blanchette. Lyons picked up two votes in the recount for a total of 600 votes. Blanchette's vote total of 618 did not change. Miller will replace **Gary Fortier**, who has served the city in various capacities for 50 years. Fortier was first elected to the council in 1992, took a break from 2001 until running and winning again in 2004. He has served ever since. Fortier began his public service career as a teenager as a volunteer firefighter. Kaplan, meanwhile, will replace **Dawn Ihle Hudson**, who did not seek another term.

Gorham: Voters re-elected two town councilors but replaced an incumbent. In the six-way race for three seats, incumbent **Benjamin Hartwell** collected far more votes than any of the other candidates with 1,379. **Janet Kuech** received 847 to take **Paul Smith's** seat, while Tyler Gowen garnered 834 votes, Smith received 789 votes, and Richard David Jr. received 719. However, the town council voted 4-3 not to seat Kuech because she works for the town's school department. The vote followed a long closed-door meeting with the town attorney. Kuech has hired an attorney and put the council on notice that she may sue over its decision.

Gardiner: In the only contested race for city council, **Amy Rees**, appointed to fill the District 2 council seat in January, defeated a challenger by a vote of 111 to 39 to serve three years. Rees was among three candidates who applied to the council to fill Mayor **Patricia Hart's** seat when she was elected to lead the council last year, halfway through her council term. Rees has served as president of the city-backed Gardiner Main Street Board of Directors, as well as vice pres-

ident of the Gardiner Board of Trade.

Hallowell: **George Lapointe**, incumbent councilor-at-large, defeated a challenger by a vote of 440 to 216 for another term. **Diana Scully** received 160 votes to replace Councilor **Kara Walker**, who did not seek re-election.

Naples: Newcomer **Caleb Humphrey** won a three-way race to fill the final two years of former Selectman **Rich Cebra's** term. Humphrey collected 333 votes to win the seat, followed by his challengers with 232 and 180 votes. Cebra resigned in July without giving a reason.

Portland: Voters elected **Kate Snyder** as their new mayor, after giving the first two elected mayors just one term each. Snyder defeated **Ethan Strimling**; Snyder also defeated incumbent Councilor **Spencer Thibodeau**, who had joined the mayoral race. In 2011, after a century, voters agreed to elect their mayor instead of leaving the job to the council as an appointed position. **Michael Brennan**, elected mayor in 2011, was defeated by Strimling after one, four-year term. Brennan returned to the State House after losing his re-election bid, while Strimling, who served in the State Senate for six years, said after his loss it was too soon to know in what direction he was headed. The mayor's election was by ranked-choice voting, meaning one of the candidates needed 50 percent plus one vote to win outright. Not long after the polls closed, both Strimling and Thibodeau conceded, giving Snyder all but 7% of the vote, which went to a fourth candidate. In the only other council race, **Tae Chong** handily defeated three opponents to win the District 3 seat. Chong collected 1,790 votes. Among his opponents was former councilor and (appointed) mayor **Edward Suslovic**, who received 1,050 votes. The two other candidates garnered 857 and 256 votes. Chong replaces Thibodeau, who ran for mayor.

Saco: City Councilor **William Doyle** defeated Mayor **Marston Lovell** by a vote of 1,695 to 1,485. Doyle served two terms before running for mayor. Former Councilor **Marshall Archer** received 341 votes to win re-election for Ward 1. In Ward 2, newcomer **James Purdy** collected 320 votes to replace **Roger Gay**, who did not seek re-election. In Ward 3, incumbent **Joseph Gunn** ran unopposed and received 290 votes. **Lynn Copeland** defeated a

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

challenger by a vote of 427 to 299 to win another term in Ward 4. Incumbent **Alan Minthorn** received 393 votes in an unopposed Ward 5 contest. In Ward 6, incumbent **Michael Smart** sought to withdraw his name, but the request was too late to remove his name from the ballot. He received 47 votes. **Jodi MacPhail** won 200 votes to replace Smart.

Scarborough: Newcomers **Betsy Gleysteen** and **Kenneth Johnson** defeated incumbent Councilor **William "Bill" Donovan** in a four-way race for two seats. Gleysteen garnered 2,910 votes, while Johnson collected 2,172. **Robert "Will" Rowan**, who hoped to recapture the seat he lost last year after serving two terms, garnered 1,972 votes. Donovan received 1,948 votes. **Katy Foley** did not seek re-election.

South Portland: Incumbent Councilor **Susan Henderson** collected the most votes in a five-way race to fill two at-large seats. Newcomer **Kate Bruzgo** received 1,502 votes to replace longtime Councilor **Maxine Beecher**, who did not seek re-

election after serving all but one year since 2003.

Waterville: The contest for the Ward 2 city council seat was won by newcomer **Flavia Oliveira**, who defeated incumbent Councilor **Philippe Emile Tchekane Bofia** and **John Robertson**, a firefighter and paramedic. Oliveira received 151 votes, Bofia collected 93 votes and Robertson received 16 votes. In Ward 5, **Richard Andrew Foss** defeated incumbent **Jay Coelho** by a vote of 214 to 148. Another newcomer, **Claude Francke**, held off a challenger by a vote of 126 to 84 to win the Ward 6 seat formerly held by **Winifred Tate**, who resigned in August.

Voters also endorsed creating a charter commission to either revise the existing charter or draft a new one. The vote was 1,150 to 623 and voters elected candidates to the new panel. Among those elected were **Hilary Koch**, who defeated Mayor **Nick Isgro** for the Ward 4 seat on the committee by a vote of 289 to 147. Bofia, defeated for another council term, was elected to the charter panel by collecting 102 votes. Two other candidates received 95 and 41 votes.

Westbrook: Voters elected a new mayor and filled three city council seats. Former at-large Councilor **Michael Foley** defeated incumbent Mayor **Michael Sanphy** and two other candidates, raking in 1,156 votes to

Sanphy's 1,061. Foley is a landlord and part-time 911 dispatcher. Foley said after the election he plans to nominate another mayoral candidate, **Michael Shaughnessy**, to fill the vacancy he will leave on the council. Shaughnessy received 522 votes; the final mayoral contender received 1,002 votes. Also, newcomer **Claude Rwaganje** won in a three-way race for the city's second at-large seat with 1,557 votes. His two challengers collected 1,337 and 647 votes. Rwaganje replaces **Ann Peoples**, who did not seek re-election and died Nov. 12 at age 72. Ward 1 Councilor **David Morse** held off one challenger to win re-election, after serving out the term of former Councilor **Brenden Rielly**, who resigned in August. Morse received 400 votes, while his challenger garnered 352 votes. In the final contested race, newcomer **Elliot Storey** defeated Ward 5 incumbent **Larry McWilliams** by a vote of 452 to 390.

Windham: **Nick Kalogerakis**, a member of the planning board, defeated incumbent **Donna Chapman** by a vote of 951 to 749 to serve his first term on the town council in the south district. A third candidate received 204 votes. Meanwhile, incumbent Councilor **Robert "Bob" Muir** was defeated by **David Douglass**, by a vote of 930 to 759 for the at-large seat. A third contender dropped out of the race. ■



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PEOPLE



Mary Howe

Newly named Bath City Clerk **Mary Howe** resigned last month after sustaining serious injuries while fleeing from a fox. Howe said her recovery would take three to six months, adding she did not

think it would be fair to the city to keep her job while she focused on recovering. She encountered the fox when she opened her door, heading for the store. It was staring at her from the bottom of the outdoor steps with a face full of porcupine quills. As she moved to get away, she stumbled on a rock and fell, suffering a broken leg, which required surgery, and an injury to a hip, that would also require surgery. Howe's husband responded to her calls for help, finally shooting the animal to death. Neither Howe nor her husband were not scratched or bitten, so they nor the fox were tested for rabies. Howe had worked as assistant city clerk before being named permanent clerk in July after training under longtime clerk **Mary White** for six months before White retired. Howe worked as Freeport deputy clerk from 2008 to 2017; Woolwich for a few months in 2017; and then was named Bath deputy clerk in January 2018. She had been excited and happy to get the Bath job, cutting her commute and allowing more time for family.

Former Belfast Police Chief **Allen Weaver Sr.** died Nov. 26 at a Portland hospital at the age of 66. After serving in the U.S. Air Force, he joined the Belfast Police Department as a rookie in 1981. He served as a detective and sergeant before being promoted to chief. He then worked for more than 10 years for the Maine Drug Enforcement Agency.

Amelia Magjik resigned as a Rockland City Councilor, effective Oct. 31. Elected in 2017, Magjik did not run for another term because she plans on moving out of state to be closer to family. A professional wellness coach, Magjik has roots on the West Coast and wanted to be near the ocean when she settled on Rockland.

Former state Rep. **Bryan Kaenrath** was unanimously chosen by the Saco City Council as the new city administrator, effective Jan. 1. He replaces **Kevin Sutherland**, who resigned earlier this year. Kaenrath served four terms in the Maine House and most recently worked as town administrator of North Hampton, N.H. Prior to North Hampton, he worked as town manager of Gouldsboro for three years. The city conducted a nationwide search and Kaenrath was among the 31 people who applied. He is a native of New Jersey who graduated from the University of Maine in 2006 with a degree in political science.



Richard LaHaye

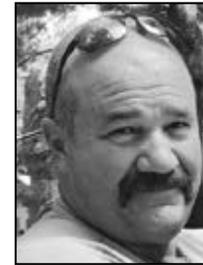
Former Searsport Police Chief **Richard LaHaye Jr.** died on Nov. 21 from an aggressive form of brain cancer, just months after he resigned in July citing medical reasons. LaHaye, just shy of his 67th birthday, was in Phoenix, Ariz., when he died, where he was receiving ongoing care. While still Searsport police chief, LaHaye underwent multiple surgeries and participated in clinical trials in an effort to beat the odds. He was diagnosed in May 2018. LaHaye served as Searsport police chief for nearly 12 years. He began his career in law enforcement in 1976 as a marine patrol officer for the Maine Department of Marine Services, assigned to the Belfast/Searsport region. He was promoted to sergeant in 1988 and then to lieutenant in 1991, working from the headquarters in Augusta. He served as a liaison between the state and municipal agencies and was responsible for officer training. Among his many duties over his career, he served as a school resource officer for two schools which, according to his obituary, he considered his most impactful work. A reception was held for the chief on Aug. 2.

Westbrook Police Chief **Janine Roberts** received the 33rd Humanitarian Award in October from Spurwink Services, a non-profit organization that focuses on mental and behavioral health. Roberts was recognized as an advocate for children, as well as a community builder.

Specifically, Roberts was praised for her treatment of troubled children, providing programs and other community policing policies. Roberts is a former lieutenant with the Portland Police Department and has served as Westbrook chief since 2014. She is a graduate of the FBI National Academy. In accepting the award, Roberts said everyone who has helped partnered with her to build successful programs and projects deserves the credit.



Janine Roberts



Donald Neumann

York Water District Superintendent **Donald Neumann** was honored in October for 40 years of uninterrupted service to the town. Neumann began his career as a laborer for the district at age 18. He worked through the ranks and reached the top in 2005. Over his career, he was pivotal in building a modern, high-quality treatment and distribution system. He has advocated for water main replacement and flushing programs while holding down the cost to taxpayers.

If your municipality submits a news item for the Maine Town & City, consider sending a corresponding photo to:

Eric Conrad
econrad@memun.org

Sue Bourdon
sbourdon@memun.org

BANGOR

The Queen City suffered an economic blow when officials learned in November that after 18 years, The American Folk Festival would dissolve at year's end. They cited lack of fundraising and volunteers. The festival board of directors said the decision was difficult and driven by finances. The three-day event, which featured nearly every genre of music, also has attracted fewer performers and fans in recent years. The festival brought in \$1 million in revenue in 2009; by 2017, the money had fallen 40 percent, to \$625,000. At its peak, the festival offered 24 separate groups. Festival officials said the free festival, while accepting donations during the event, raises the money through fundraising.

FORT FAIRFIELD

Town council voted in November to establish a full-time fire and emergency services department, approving two new ambulances as a start. Start-up costs for the new service, which includes the new ambulances, is estimated at just under \$305,000. The overall annual budget for the department is estimated at \$821,000. Councilors and residents were able to view a prototype of the ambulances before the council vote. Estimated annual revenue generated by the service is pegged at \$169,556. However, the town is considering offering the service to other small surrounding Aroostook County towns, with the knowledge that the cost is too high for small communities to establish their own fire and EMS services. Fire Chief Vince Baldwin told the council the next steps are to finalize the loan and hire employees. Baldwin hopes the new service will be functional by next March or April.

GREATER KENNEBUNK

Officials from six towns in York County announced in November they are banding together to hire an expert to develop a climate action plan. A newly created position to coordinate the Regional Sustainability and Coastal Resiliency Program will be funded by the six towns of Kennebunk, Kennebunkport, Kittery, Ogunquit, Wells and York. All the communities stretch along the southern coast of Maine. The new person will oversee data collection so the towns can understand their "carbon footprint," devise green energy projects and establish ways to respond to

NEW ON THE WEB www.memun.org

Highlights of what's been added and updated at www.memun.org since the last edition of Maine Town & City.

Legal Marijuana. Maine Municipal Association's Rebecca McMahon, an attorney with our Legal Services Department, produced an easy-to-follow, 13-minute video about the current state of legalized marijuana in Maine. (Members area password required.)

LD 1 Worksheet, Information. MMA's State & Federal Relations staff and the Maine Department of Administrative and Financial Services have updated worksheets and information used by municipalities in their LD 1 calculations.

Newly Elected Officials. MMA produced a new, five-minute, animated video offering advice and tips for recently elected, local officials. Portland City Councilor Jill Duson is the narrator.

issues such as water quality, infrastructure challenges and recycling. The technical definition of "carbon footprint" is the amount of carbon dioxide and other carbon compounds emitted due to the use of fossil fuels by people, communities and groups. The new staffer will be funded for two years to help the towns set climate change priorities for the next five to 10 years. The new collaborative's effort lines up with Gov. Janet Mills' stated goals from a recent United Nations Climate Action Summit in September. Mills' goal is for Maine to be carbon neutral by 2045.

MILLINOCKET

The town's police department followed the lead of Scarborough last month (see the next item) in welcoming a new member to their ranks: a community therapy dog. Millinocket's pooch was nine months old when sworn in by the town council on Nov. 25. Little Miss Sadie Sue is a Golden Doodle who will provide comfort not only to officers, dispatchers and other first responders, but also to community members who come into the police station because of a traumatic event.

SCARBOROUGH

In early November, Scarborough police welcomed Marlea Grace, a mixed breed St. Bernard/adult poodle and a mini-poodle, known as a Saintberdoodle. Research has shown how therapy dogs can comfort hospital, nursing home and hospice patients, sick or disabled children or veterans struggling with post-traumatic stress syndrome. In Scarborough, the chief was visiting the construction site of the town's new public safety building and noticed how the contractor's dog, Digger, seemed to help raise workers' spirits.

Scarborough police named Marlea (pronounced Marley) with the movie "Marley and Me" in mind. The movie tells the story of a frenetic family whose dog seemed to bring everyone comfort. Marlea got her first assignment two hours after arriving at the station: an elderly woman, the victim of a financial crime, was distraught and sobbing. Officers noticed a change in the woman's mood as soon as she cuddled with Marlea. As tears raced to her chin, she told police: "This is exactly what I needed."

SOUTH PORTLAND

The state Department of Environmental Protection assured residents in November that testing at the site of a cluster of 200 fuel tanks showed no cause for concern and that they would be tracking emissions with monitors. The concern stems from city officials and residents finding out last spring that one of the fuel companies had violated the Clean Air Act for several years. DEP installed five monitor stations, beginning in June and ending last month. DEP and the Maine Center for Disease Control are monitoring the results, focusing on three toxic chemicals: benzene, known to cause cancer; naphthalene, a possible carcinogen; and acrolein, a respiratory irritant. Residents questioned the DEP about the location of the monitoring stations, noting none were installed close to the tank cluster, where residents live nearby. Some councilors want the city to enact a local ordinance with stricter air emission standards than the state. DEP officials said they will keep the city council and residents apprised of the monitoring results. DEP is working with the CDC and a state toxicologist.

2020 Holiday Schedule

Maine Municipal Association

HOLIDAYS	DAY/DATE TO BE OBSERVED
Christmas Day (2019)	Wednesday – December 25, 2019
New Year's Day	Wednesday – January 1, 2020
Martin Luther King, Jr. Day	Monday – January 20, 2020
Washington's Birthday/Presidents' Day	Monday – February 17, 2020
Patriots Day	Monday – April 20, 2020
Memorial Day	Monday – May 25, 2020
Independence Day	Friday – July 3, 2020
Labor Day	Monday – September 7, 2020
Indigenous Peoples' Day	Monday – October 12, 2020
Veterans' Day	Wednesday – November 11, 2020
Thanksgiving Day	Thursday – November 26, 2020
Thanksgiving Friday	Friday – November 27, 2020
Christmas Day	Friday – December 25, 2020



Please note: For MMA, holidays that fall on Saturday are observed on the preceding Friday, and holidays that fall on Sunday are observed on the following Monday.

LEGAL NOTES

Tax-Acquired Property: Can We Keep It?

Question: We recently foreclosed on some property for back taxes, and we'd like to keep it for municipal use. Can we do so?

Answer: Yes provided the authority given by the municipal legislative body (either town meeting or town or city council) does not effectively prohibit it – for example, by requiring all tax-acquired property to be sold or by giving all former owners a right to repurchase. There is nothing in State law that does this, and we've rarely seen a local policy or ordinance that did so either. And even if a local measure does prohibit the municipality from retaining tax-acquired property, it can always be amended to make an exception.

But if tax-acquired property is retained, it should be for a good and foreseeable reason, such as recreation land, a productive gravel pit or woodlot, or a site for future public facilities like a school or fire station. Otherwise, retaining tax-acquired property keeps it off the tax rolls and from contributing to the public coffers.

And here's another important consideration: If tax-acquired property is to be kept and improved (built on) or used for products (gravel or timber, for example), the municipality should ensure that it has clear title. Clear or marketable title (title free of defects) does not result from a tax lien foreclosure alone. It requires either a lawsuit to "quiet title" or release deeds from any and all parties who may have a claim to the property.

The reason for this recommendation is simple: Unless a municipality has clear title, any funds it spends on improvements will be at risk, and the municipality may be liable for the value of any products it takes from the property, such as gravel or timber, if a competing claim later defeats the municipality's claim to the property.

But to be clear, a municipality should seek to clear title to tax-acquired property only if it plans to keep the property and improve it or use it for products. There is no reason to clear title if the municipality intends to sell it by quitclaim deed without covenants because doing so warrants nothing about the quality of title and releases only whatever legal interest the municipality may have in the property (see "Tax-Acquired Property: No Warranties Required," *Maine Townsman*, Legal

MUNICIPAL CALENDAR

JANUARY 1 – New Year's Day 2020 – Is a legal holiday. (4 M.R.S. §1051)

ON OR BEFORE JANUARY 15 – Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Health and Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

BY JANUARY 20 – Treasurer of State to post notice of maximum interest rate which can be charged on delinquent taxes (36 M.R.S. § 505).

JANUARY 20 – Martin Luther King, Jr. Day, the third Monday in January, is a legal holiday (4 M.R.S. § 1051).

JANUARY 31 – Deadline to submit quarterly withholding taxes to State Tax Assessor (36 M.R.S. § 5253).

DURING JANUARY – In towns with a March annual meeting, selectmen should begin preparing the town meeting warrant and annual town report. Obtain reports from all departments: schools, roads, etc. Arrange to have annual audit made before town meeting.

BEFORE TOWN MEETING – Unless otherwise provided by charter, selectmen must have a warrant posted at least 7 days before town meeting and have a constable or named resident post and make return (30-A M.R.S. § 2523). If adoption of an ordinance is proposed, make sure of compliance with 30-A M.R.S. § 3002.

- Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A M.R.S. § 122 unless changed by municipal officers.
- Deposit copies of annual report in the municipal office or a convenient place of business for distribution to voters at least 3 days before the annual meeting (30-A M.R.S. § 2801).
- Send copy of Annual Report to: State Assessor, State Librarian, UMO's Folger Library, and Maine Municipal Association.
- Deadline to approve referendum question wording is 60 days before election (30-A M.R.S. § 2528).
- Check 30-A M.R.S. § 5823 for audits, and § 2801 for annual reports.
- Calculate the municipality's "LD 1" levy limit. (30-A M.R.S. § 5271-A). Forms available from MMA.

Notes, April 2009).

For more on tax-acquired property, see our "Information Packet" on the subject, available free to members at www.mermain.org. (By R.P.F.)

BMV Agent Fees Increased

The Legislature has increased the fees municipal agents may charge for motor vehicle registrations from \$4 to \$6 for new registrations and from \$3 to \$5 for renew-

als (see PL 2019, c. 255, eff. Sept. 19, 2019). This is the first such increase since 1991.

In light of the law's use of the phrase "A municipal agent may charge," (see 29-A M.R.S. § 201(3)(A)), the Bureau of Motor Vehicles (BMV) advises that the new fees are maximums and that municipalities may decide to charge less or even nothing at all. We concur with this reading, but we also note that the law does not specify *who* on behalf of a municipality

LEGAL NOTES

gets to make this determination. To avoid arbitrary or inconsistent application of municipal agent fees, we suggest that the municipal officers (selectmen or councilors) adopt a policy, consistent with the statute, establishing uniform fees for all customers and circumstances.

Inasmuch as the statutes authorizing municipal agent fees for ATV, snowmobile, and watercraft registrations also employ the permissive “may,” we assume the State views these fees as maximums too and that municipalities may charge less. Accordingly, we also suggest that the municipal officers’ policy address these fees as well.

Incidentally, the bill (LD 917) that led to the increase in municipal agent fees for motor vehicle registrations also proposed to increase agent fees for ATV, snowmobile, and watercraft registrations. The bill was stripped of these other fee increases, however, and as enacted, the bill raised agent fees only for motor vehicle registrations. The agent fees for ATV, snowmobile, and watercraft registrations have been unchanged since 1995.

Also, there has been no increase in municipal agent fees for other State services, such as hunting and fishing licenses. (By R.P.F.)

Breach of Executive Session

Question: Is it illegal to breach the confidentiality of an executive session, and if so, what’s the penalty?

Answer: Surprisingly perhaps, Maine’s Freedom of Access Act (FOAA) or “Right to Know” law does not explicitly prohibit disclosing the contents of an executive session to a non-participant, nor does it specify any penalty for doing so. There may be a reasonable expectation that all participants in an executive session will respect its confidentiality, but this assumption is neither imposed nor enforced by the FOAA itself.

This doesn’t mean, though, that a person who is the subject of an executive session has no legal remedy if confidential information is made public. Depending on the circumstances, the person may have grounds for a private civil lawsuit against those responsible for the disclosure. But if so, this is for the claimant to pursue privately if they wish, with their own attorney and at their own expense.

As for a board whose executive session

is breached, if the offender is a member of the board itself, one appropriate response may be to convene another executive session, ideally with the board’s attorney, to reiterate the purposes of executive sessions and to emphasize not only the importance of discretion but also the risks of public disclosure, including potential personal liability for the offender. A board may also publicly censure or scold a member who breaches an executive session, though doing so has no legal consequences.

For much more about executive sessions, see MMA’s “Information Packet” on the Right to Know law, available free to members at www.memun.org. (By R.P.F.)

Municipal Deorganization

Ever heard of these Maine towns: Brookton, Mayfield, or Orneville? How about Salem, Forest City, or Silver Ridge? Probably not. That’s because over the last 140 years the Legislature has deorganized or dissolved these and more than 40 other towns and plantations and made them part of the Unorganized Territory (UT), which is governed by a partnership of sorts between the State and the counties.

There was a spike in municipal deorganization in the 1930s and 1940s – during the Great Depression and the Second World War – when apparently many young and able-bodied residents from more sparsely populated parts of Maine simply left and never returned. Then, after a thirty-year pause, the pace of deorganization picked up again in the 1980s and has continued modestly ever since. For a complete list of deorganized towns and plantations since 1878, go to the Maine State Auditor’s UT webpage here: <https://www.maine.gov/audit/unorganized-territory/index.html>

Despite a recent uptick in municipal deorganization (there have been five since 2015), the statutory process is not a quick or easy one (see 30-A M.R.S. §§ 7201-7211). It entails 12 steps, beginning with a 50% voter petition and initial vote and ending (usually several years later) with approval by the Legislature and then by 2/3 of local voters. In between, a plan for deorganization must be prepared by a local committee in consultation with the State Commission on Municipal Deorganization and approved by interim local vote. In a word, it’s complicated. For full step-by-step details and a helpful checklist, again

see the State Auditor’s UT webpage.

For the record, Maine still has some 487 cities, towns, and plantations – almost as many as New Hampshire (234) and Vermont (255) combined. Maine also has three relatively new towns, which all happen to be islands: Long Island (1993), Frye Island (1998), and Chebeague Island (2007). (By R.P.F.)

Board Vote by Secret Ballot Violates Right to Know Law

(Reprinted from the February 2007 *Maine Townsman* Legal Notes.)

Question: Can a municipal board legally vote by secret ballot?

Answer: No. According to a 1981 opinion by Maine’s Attorney General (Op. Me. Att’y Gen. (Oct. 6, 1981)), a secret ballot is not a permissible method of voting in any meeting that is required by Maine’s Freedom of Access Act (FOAA) or “Right to Know” law to be open to the public. (Almost all municipal board meetings are subject to the law’s open meetings provisions, see 1 M.R.S. §§ 402(2)(C), 403.)

The Attorney General’s reasoning was simple: Section 401 of the FOAA states that the law intends for public bodies to deliberate and act openly. A secret ballot, on the other hand, is designed to ensure privacy and anonymity. A secret ballot vote defeats the open meetings intent of the law because it shields public officials from public scrutiny and individual accountability. It is therefore impermissible in an open meeting.

Although there was (and still is) no Maine case law directly on point, and although the AG’s opinion is strictly that (an opinion), we couldn’t agree more with it. (By R.P.F.) ■

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Maine Municipal Bond Bank

2020 SPRING BOND ISSUE SCHEDULE

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

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

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

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

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

Wednesday, February 12th

Application Deadline.

Wednesday, March 18th

Application approval (Board Meeting).

Monday, April 6th

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

Wednesday, April 8th

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

Monday, April 20th & Tuesday, April 21st

Maine Municipal Bond Bank Pricing.

Wednesday, April 22nd

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Monday, May 11th

Final documents due from bond counsel.

Wednesday, May 20th

Pre-Closing.

Thursday, May 21st

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2020 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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