

Maine Town & City

The magazine of the Maine Municipal Association

November 2019

Portland: 'Smart City'

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advancement

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Maine Town & City

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The Magazine of the Maine Municipal Association

FEATURED STORY | 25

Safe upon the Shore



With countless miles of coastline, and offshore elements beyond anyone's control, Maine tests its maritime readiness.

Portland on the Move

Our largest city isn't the only one using "smart" technology, but it has embraced better traffic signals and streets lights in a big way. [Page 7](#)

Forever Chemicals

The prevalence of PFAS chemicals – which linger for long periods of time – deeply concerns water quality experts and regulators. [Page 11](#)

Fighting Addiction

The state and municipal government work together to battle opioid and fentanyl use and overdoses. [Page 21](#)

2019 Convention scenes: Turn here to relive the excitement from MMA's Annual Convention, which was held Oct. 2-3 in Bangor. [Page 16](#)

The MMA seventh-grade essay contest, part of our Citizen Education program, is a great way to showcase local students. [Page 5](#)

ABOUT THE COVER: This photo was taken in Portland recently by Ben Thomas, MMA's website and social media editor.

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

What student wouldn't want to win \$250?

If there was a worthwhile contest in Maine, and a seventh-grade student from your town or city could win \$250 by entering it, wouldn't you want to encourage that? Well, this is your chance.

Since 2012, the Maine Municipal Association has held an essay contest for all seventh graders in the state. There are contest rules, but the general idea is for them to write about what they would change about their hometowns – if they ran things. Each entry starts with the words, “If I led my community...” From there, the student can choose her or his local priorities, and write about them.

Part of our Citizen Education program, MMA sends letters at this time each year to every middle school principal in the state promoting the contest and asking the school to take part. We typically receive 150-200 entries a year, which is good. But we'd like to receive more.

The entries – we publish the three winners' essays each May in this magazine – can be insightful and compelling. Students often pinpoint pressing local issues such as road maintenance, economic development and taxes.

Consider this, from Windsor's Eva Carlezon, who was a 2019 winner: *“Rather than having Windsor's taxpayers spend their hard-earned money on just simply filling cracks, I'd have their money go toward something that more permanently fixes our roads. Fixing our tired roads would make the town more welcoming and beautiful than it already is.”*

And this, from winner Cassidy Dean of Cumberland in 2018: *“A main priority of mine is listening. People spend a lot of time talking, but not always enough time listening... I would focus on hearing input from the community about ways to improve our lives.”*

Once the entries are received, MMA reads and judges them. Writing clarity is important, but even more so, our judges look for original ideas and a knowledge of what municipalities can and cannot do (our written instructions provide basic guidance for students about this). Two of our recurring judges have been: Kate Dufour, who heads our State & Federal Relations Department, and serves as a Hallowell City Councilor; and, Doug Eugley, an accountant in our Finance Department, who often serves as Town Meeting Moderator in his hometown of Sidney.

Eventually, three winners are chosen, and each receives a \$250 award to be used for educational purposes. Winners are notified that they have been selected by their hometown municipal officials – not by MMA. We've been impressed with how sincerely our members take on the task of bestowing the awards. Students, parents and teachers often show up at the municipal meetings where the recognition is given.

We encourage you to contact your middle school principal and teachers now to ask if your seventh graders participate in the contest. The more that young people in Maine know about municipal government, the better for all of us. ■

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Portland an innovative leader in 'Smart City' technology

Traffic signals and street lights are big parts of the equation, as Maine's largest city – among others – uses advancements to be cost-effective and safer.

By Susan Cover

The state's largest city is looking to make better use of technology and data to ensure traffic flows more smoothly, streetlights operate more efficiently and crosswalk signals help pedestrians cross the street without causing a major traffic jam.

And someday, it might have autonomous vehicles shuttling residents and visitors around the city. It's all part of becoming a "Smart City," a term that has different meanings across the country. To officials in Portland, it's about finding cost-effective ways to address common problems.

"It's the philosophy of the city manager," said Jessica Grondin, Portland's communications director. "He's been pushing us to be more innovative, efficient and effective."

The effort began 18 months ago, when the city took over the management of city streetlights from Central Maine Power, converting the lights to LED. Because the city no longer had to pay CMP to maintain the lights and the new lights were more energy efficient, it gave the city seed money to think about other projects. The city hired a consultant, Andrew Butcher of Fourth Economy Consulting, to lay the groundwork for innovation projects – and to write the job description for a new position to oversee them all, Butcher said.

"Broadly speaking, Smart City

technology integrates sensor technology so infrastructure can produce data to improve performance management and deliver public benefit," he said.

At the end of March, the city hired Lena Geraghty as director of Innovation and Performance Management.

"One of the major parts of my job is to make sure the city has a cohesive Smart Cities vision," she said. "There

Sustainability Office – including a major initiative to partner with South Portland to examine the possible future effects of climate change – all fall under Portland's definition of what it means to be a Smart City, she said.

"A lot of these things are individual department efforts and there hasn't been someone who is serving as that lynchpin to make sure that we are doing projects that make sense and

projects that are in alignment with priorities of the city and the community," she said.

The conversion to LED streetlights led to a "huge cost savings" for the city, she said. In prior years, Portland spent more than \$1 million a year on streetlight infrastructure. The change also means the city can respond more quickly when lights malfunction, and it gives the city the ability to dim certain lights or make them brighter when necessary, Grondin said.

Brian Whitney, president of the Maine Technology Institute, said his group has

provided funding for Smart Communities Maine, a group devoted to finding ways to upgrade and improve infrastructure "at a regional scale," according to its website www.smartcommunitiesmaine.org.

Whitney described Portland City Manager Jon Jennings as "truly one of the Maine pioneers and leading adopters of Smart City technology."

He said in addition to Portland, Falmouth, Biddeford, Rockland and



Busy 'smart' intersection in Portland. (Submitted photo)

have been a lot of great efforts in the city to do some Smart Cities projects."

List of projects

Those projects include replacing streets lights, upgrading traffic signals so they respond to vehicles rather than changing because they are on a timer and planning for the possibility that someday there may be a need for autonomous vehicles, she said. In addition, the ongoing work by the city's

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

South Portland, among other communities, are converting to the LED bulbs. In addition, he said, there are 13 Maine communities working with the state to install adaptive traffic signals.

“These advanced traffic controllers connect signals to one another, implement priority access for emergency vehicles and provide better pedestrian access,” he said.

In addition, Lewiston is working with Butcher to develop what Butcher called a “smart infrastructure strategy” at the same time the city is looking to improve housing in its downtown corridor.

As Portland examines more ways to use technology to make life better for residents and visitors, Geraghty said that could mean installing a system that will automatically warn people when a high tide is likely to lead to flooding. She can envision a time when a sensor sends messages to cell-phones to warn people who are parked along Commercial Street that they should move their vehicles.

And while other cities across the

country are installing camera systems to gather data as part of their move to become Smart Cities, Geraghty said Portland officials are cautious about protecting privacy. For example, if the city wants to gather data about how many people cross the street in a particular area, it takes a count rather than set up a video camera that would show individual faces, she said.

By the end of the year, Geraghty’s goal is to have a comprehensive Smart Cities plan for Portland that lays out what’s been done so far and what’s left

to do based on areas where the city would like to see improvement. Geraghty said while it would be tempting to try cutting edge technology because it’s new, part of her job is to ensure that the city is finding ways to improve life by better responding to things like broken street lights or the traffic congestion that is common in larger cities.

“How can we be sure that Smart Cities solutions that we’re looking at are responsive to alleviating concern around traffic and congestion and ensuring consistency?” she asked. “It’s bet-



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Traffic signals

One way to help commuters get to work on time each day is by upgrading existing traffic signals so they work together to respond to changing traffic patterns, Geraghty said. For example, the technology can tell when there are many vehicles in the middle lane, indicating that most drivers are planning to drive straight through an intersection. It can react to that information and coordinate other nearby signals to keep traffic flowing, she said.

“It’s avoiding issues of sitting at a red light when no cars are coming in either direction,” she said.

The city installed the new signals in parts of the city, resulting in a 20 to 30 percent reduction in wait times at a busy area known as Woodfords Corner, Grondin said.

When the work is completed, 28 locations in the city will have upgraded traffic signals, which is about one-quarter of the signals in the city, Geraghty said. It costs \$50,000 per intersection to upgrade the signals, which includes the controllers, detection equipment and labor, she said.

Later, the city will look at Commercial Street to see what the possibilities might be in that busy, tourist friendly part of Portland. Geraghty said Com-

mercial Street poses a different set of challenges, in part because of things like fog. Will the sensors work in fog or will the city have to buy a thermal sensor rather than an infrared sensor?

Grondin said there are plans for “intelligent pedestrian signals” on Commercial Street that would hold pedestrians on the sidewalk until there was a big group to help traffic move more smoothly. The technology will be able to give priority to ambulances and police cruisers responding to emergencies and to city buses that are moving large numbers of people, Geraghty said.

Driverless cars

In July 2018, Portland was one of seven cities from across the country selected by INRIX, a Kirkland, Wash.-based tech firm, to test a pilot program for self-driving cars, Grondin said. In the first phase, the city will work with the company to map the city, with a focus on managing traffic on Franklin and Commercial streets, according to the Bangor Daily News.

In addition, Geraghty and others from around the state are working closely with the Maine Department of Transportation as members of the Autonomous Vehicle Commission that is working to create rules to govern the technology.

The commission is charged with coordinating efforts “among state

agencies and knowledgeable stakeholders to inform the development of a process to allow an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way,” according to the resolve that created the commission. An initial report is due back to the Legislature in January 2020 with a final report due in 2022.

Part of what’s behind Portland’s interest in exploring driverless cars is finding ways to deal with the congestion and parking problems that come with being the state’s largest city. The vehicles could also be used to help some of the city’s disadvantaged population, such as providing ways for the elderly to get to the grocery store or doctor’s appointments, Geraghty said.

Geraghty, who previously worked as a senior adviser for the Johns Hopkins University’s Center for Government Excellence, said other cities and towns in Maine interested in trying out some of the Smart Cities technologies could look to work with the private sector to address needs specific to their communities. She’s also interested in exploring regional solutions.

“Making space for these types of brainstorming sessions in government can be hard when everyone is so focused on doing daily operations, being responsive to the public and being good stewards,” she said. “Even just creating a half an hour a week for a team to come together and talk about what the potential is in the organization can get you a long way to really making a difference in your community.” ■

ABOUT THIS SERIES

Through next month, Maine Town & City writer Susan Cover will take us on a journey along U.S. Route 1, a series that started last March. We will highlight communities and municipally related issues situated along Route 1 each month, ending with an article from York County. 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 enjoy the project.

Eric Conrad, Editor



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PFAS primer: Common, 'forever chemicals' raising concerns

Maine water-quality officials are learning how chemicals used in common consumer and firefighting substances can accumulate, affecting groundwater, milk and humans.

By Glenn Adams

They're known as "forever chemicals" for reasons that are riveting the attention of government at all levels in Maine.

PFAS, technically Perfluoroalkyl and Polyfluoroalkyl, are chemicals that are not naturally occurring, are stable and persistent in the environment, toxic at low concentrations, and easily transferred to groundwater and other media, according to the Maine Department of Environmental Protection. They are also bioaccumulative, meaning they gradually accumulate, as do substances such as pesticides or other chemicals, in an organism.

In use worldwide since the 1950s, PFAS are found in non-stick cookware, water-resistant cookware, stain-resistant fabrics and carpets, some cosmetics and firefighting foams, and products that resist grease, water and oil, according to the Agency for Toxic Substances and Disease Registry, or ATSDR.

While chemicals used in those consumer items make life easier, they have a cost. ATSDR says the yearly cost of just four childhood diseases and conditions – cancer, lead poisoning, developmental disabilities and asthma – is \$54 billion. It also says that environmental factors contribute to 25 percent of all diseases worldwide.

Maine Gov. Janet Mills last March created a task force to identify the extent of PFAS exposure in the state, examine the risks of PFAS to state residents and the environment, and recommend ways to most effectively address risks posed by PFAS.

PFAS, which are used in thousands of industrial and commercial applications, processes and products, have been detected in drinking water, soil and vegetation in several locations across the country including in Maine, Mills' order creating the task force says. PFAS chemicals have also been found in food, and even some brands of dental floss.

Also in March, the state DEP announced it will require the testing for PFAS of all sludge material licensed for land application in the state. Sludge spreading was a longstanding practice in Maine and other states long before anyone knew it contained PFAS, or what the health implications of those chemicals are.

On farms where sludge has been found to have elevated levels of PFAS, the state has authorized testing of the soil where it would be spread, a DEP official told The Intercept online publication. If those tests exceed a screening level, farms are prohibited from spreading sludge in those areas, the official said.

Maine detection

PFAS were detected in a West Kennebunk well in 2016. The PFAS were below the EPA's health advisory set in 2016, but the well was shut down anyway in 2017.

PFAS also turned up on a farm in Arundel, where sludge from sewer districts, and sludge and fly ash from a paper mill, had been spread as soil enhancers in the 1980s.

Tests on the Stoneridge dairy farm, owned by Fred and Laura Stone, registered PFAS at twice the Environmental Protection Agency's health advisory.

High levels of one type of PFAS compound, perfluorooctanesulfonic

acid, or PFOS, was found in the drinking water, soil, hay and cow milk on the Stones' farm, according to Berman & Simmons law firm of Lewiston, which represents the couple. As a result, the firm says, the couple had to discontinue selling their milk and shut down farm operations.

"The loss of their business has been emotionally and financially devastating," the law firm said on its website.

The PFOS levels in Fred and Laura Stone's blood far exceeded the national average of 4.7 parts per billion, a figure set by the U.S. Centers for Disease Control and Prevention's National Health and Nutrition Examination Survey.

Fred Stone's PFOS level, according to June 2019 lab results, was 111 ppb, while Laura Stone's was 93.5 ppb. But those levels could have been even higher before Stones installed a water filtration system and discontinued milk production, said the law firm, which is representing the Stones in a lawsuit against manufacturers of PFAS substances and those responsible for spreading sludge on their farm.

"When the contamination was discovered at the farm, we assumed that it must have gotten inside of our bodies, because we have been drinking the water and milk for many years," Fred Stone said. "These blood test results add injury to insult. First, it was our farm, then it was our cows and now it's us."

Benjamin Gideon, an attorney representing the Stones, said the couple will face "a lifetime of negative health consequences."

Gideon also is concerned that there are others like the Stones. Most locations in Maine where municipal and paper company sludge were

Glenn Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsgjr1@gmail.com.

spread have not been tested for PFAS.

"We do not know how many farms or private wells are contaminated or how many Maine people face serious health risks from exposure to these dangerous 'forever' chemicals. Through our lawsuit, we plan to try to find answers to these important questions," Gideon said.

Association perspective

About 50 percent of Maine's population gets its water from private sources, said Jeff McBurnie, residuals chair for the Maine Water Environment Association, which is active on the governor's PFAS task force. Owners of those private systems may want to pay attention to the PFAS issue, what activities go on around their wells, and consider getting their water tested, he said.

McBurnie also recommends that managers of municipal water systems

keep a close eye on this developing issue through federal and state agencies.

"The science on the health side is still evolving," said McBurnie, who is also director of permitting and regulatory affairs for Casella Organics. "The politics and science are constantly changing at the state and federal level... Don't panic, but don't keep your head in the sand and think this issue is going away."

So far, he said, most public water systems in Maine have not been affected by PFAS. Managers who were contacted for this article were aware of the issue.

"For us in particular, it's not too bad because there's minimal development around our watershed," said Mike Corson, superintendent of the Anson-Madison Water District, whose intake is at Hancock Pond in Embden.

But Corson said his district understands that PFAS are a continuing issue of concern and that it keeps up with EPA requirements on testing.

Bangor Water District's drinking water source since 1959 has been Floods Pond in Otis, which is 17 miles from the city in a forested watershed owned nearly entirely by the city, said Dina Page, water quality manager for the district.

As with other districts, Bangor tests its water periodically under EPA regulation, and has found no PFAS. A few places are lucky enough to have their water sources in isolated places, said Page, "and we are one of them." Bangor Water serves 50,000 people in six communities.

Portland Water District serves about 200,000 people, or 16 percent of the state's population, in 11 communities. PWD draws its water from Sebago Lake, which PWD General Manager Carrie Lewis describes as "a unique and amazing treasure."

PWD itself has a unique distinction of being exempted from the fil-

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tration requirement of the federal Safe Drinking Water Act because its water source is so clean, says PWD's website. The exemption is reviewed annually by the Maine Drinking Water Program.

The Sebago watershed is very well protected with minimal sources of wastewater and "an enormous dilution factor" with nearly a trillion gallons of water in it, said Lewis. "All indications point to a continued pristine nature of Sebago Lake."

Still, Sebago has tested for some of the 4,000 PFA compounds starting in 2009. In the latest round of testing, using state-of-the-art measuring apparatus this year, it tested for 13 of those compounds. Results of 12 showed no trace of the PFAS, and one tested for 2 parts per trillion, a small fraction of the EPA health advisory figure of 70 ppt, said Lewis. That is also the lowest possible level at which a compound can be detected.

More testing

Turning to the other end of the system – wastewater – there is no clearly defined methodology for testing, said Lewis. But the testing of biosolids for

PFAS at the wastewater treatment site shows results that are "pretty consistent with our peers," said Lewis.

Water is just one potential source of PFAS, Lewis pointed out. "But how does that stack up against all of the other ways that we're exposed to those chemicals? These things are in everything we touch on a daily basis."

A recent study shows 712 sites in 49 states, including seven in Maine, where PFAS contamination is found. Northeastern University's environmental health research institute reports these contamination sites at:

- The former Loring Air Force Base in Limestone (firefighting foam)
- Houlton International Airport (firefighting foam)
- Bangor International Airport (firefighting foam)
- Navy VLF Transmitter in Cutler (firefighting foam)
- The former Brunswick Naval Air station (firefighting foam)
- Kennebunk, Kennebunkport and Wells Water District (drinking water test data)
- Sanford Water District (drinking water test data)

The Limestone, Bangor and Brunswick locations are eligible to receive Defense Department funds for PFAS cleanups. But the Environmental Health Strategy Center in Maine says federal protections against PFAS are still inadequate.

"Because of a broken federal chemical safety system, states can and must step up to protect the health of young children and families from toxic food packaging chemicals linked to cancer, infertility, and harm to brain development," said Mike Belliveau, executive director of the strategy center.

A bill pushed by Belliveau's group last spring and signed into law by Mills phases out food packaging containing PFAS, such as grease-resistant food wrappers, bakery bags, and molded fiber bowls and plates, if the state finds that safer alternatives are available by Jan. 1, 2022.

Meanwhile, the state DEP is preparing a bill for the 2020 legislative session that would expand the state's ability to order "responsible parties" to clean up sites with potential toxins. That authority already applies to substances such as mercury, lead and di-



Meet Our Attorneys

Jonathan A. Pottle

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

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oxin. The bill would broaden that list to include PFAS as well as pollutants that have yet to appear as concerns.

Neighboring New Hampshire is among the other states that have taken similar steps.

The task force ordered by Mills is charged with identifying the sources of PFAS contamination, exposure pathways that lead to the greatest risks to public health and the environment, and examining the burdens and benefits of various treatment and disposal options for PFAS-contaminated media.

The group has begun discussing recommendations that could become part of a final report to be presented to the governor and Legislature before the end of the year.

Proposals that appeared to have support among task force members include more testing of public and private drinking water sources, testing for PFAS in higher-risk areas such as manufacturing sites and landfills, and requiring fire companies to report when they use foam containing PFAS. Also discussed are expansion of public education about PFAS and calling for better federal regulations.

While solutions to correct identified public health concerns need to be implemented, the task force must also consider who will pay for and implement the recommendations. Relying solely on property taxpayers who happen to reside in the impacted community may not be an appropriate means

for addressing a statewide problem.

Suggesting the importance of the task force's work is its membership: commissioners of four state departments (DEP; Health and Human Services Agriculture, Conservation and Forestry; and Defense, Veterans and Emergency Management). Other members include a public health physician, a Maine nonprofit that deals with health effects from chemical contamination, a representative of the paper industry, wastewater treatment plant operators and drinking water supply professionals, and biosolids and residuals management professionals.

At the federal level, the congressionally created ATSDR is required to conduct public health assessments at hazardous waste storage and destruction facilities when requested by states. ■

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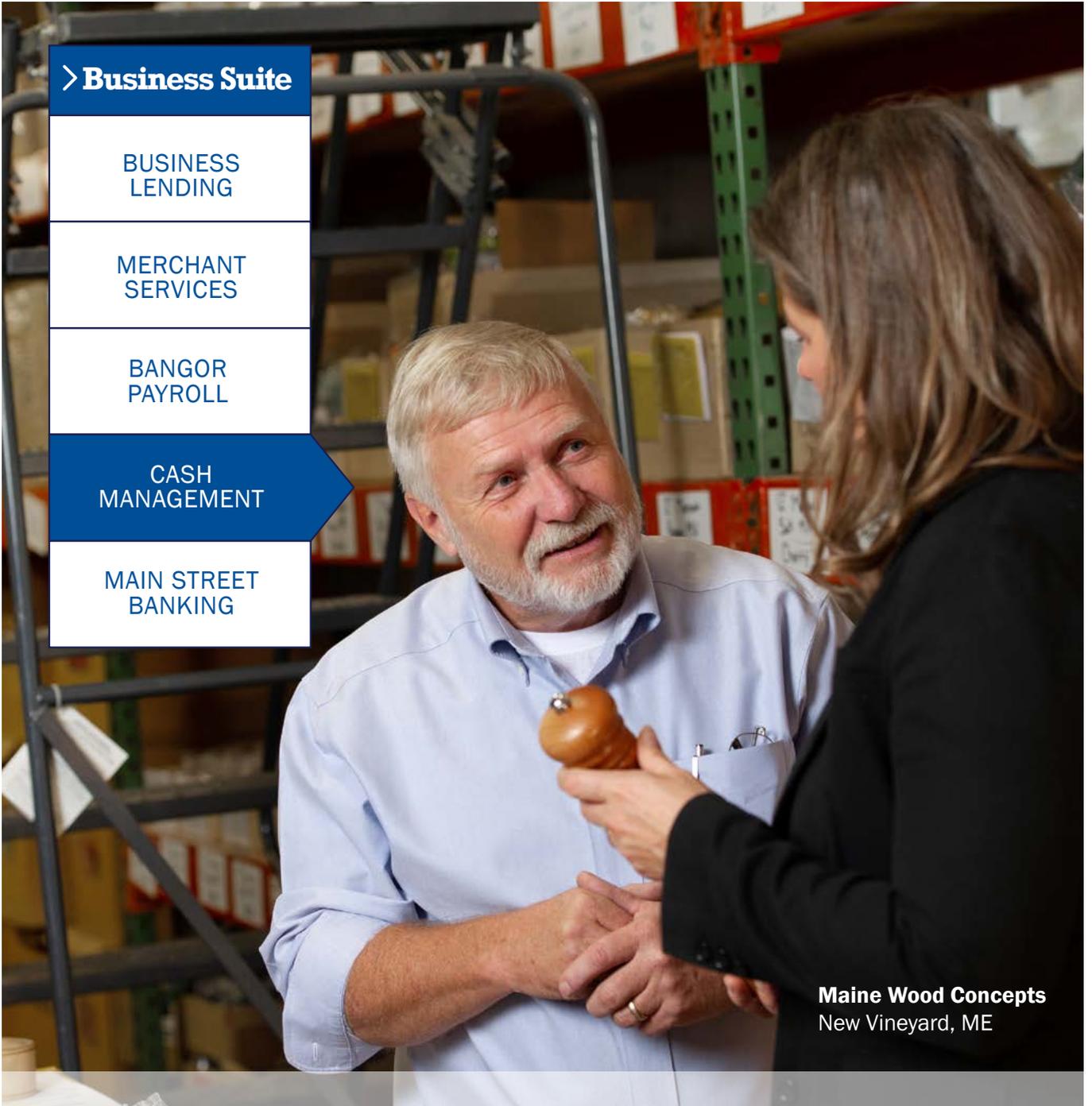
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Local and state action takes shape in battle with opioids

Efforts to combat addiction sprout throughout Maine. Gov. Mills appointed veteran health-care leader Gordon Smith to raise awareness and laud local success.

By Betty Adams

Communities that have lost people to the ravages of opioids and similar drugs are finding their own tactics to help residents. These include forming coalitions, leveraging grants and getting municipal bodies to offer leadership and lend support.

And those efforts have strong state backing.

In late January, Maine Gov. Janet Mills appointed Gordon Smith as the state’s director of opioid response to “marshal the collective power of state government to combat the opioid epidemic.”

In the announcement of Smith’s appointment, the true cost of that epidemic was made clear: “In the past five years, at least 1,630 people in Maine have died from drug overdose – more than the populations of Chesterville, Eastport or North Berwick.” In 2017, a total of 417 Mainers “died from drug overdose – more than one per day – and 908 children who were born in Maine were affected by drugs.”

Since his appointment, Smith, who recently retired as executive vice president of the Maine Medical Association, has been crisscrossing the state, meeting with local officials, offering support where possible and sharing what other communities have done successfully.

That includes a project sponsored by the Greater Portland Council of Governments to reduce the stigma of addiction. “The disease of addiction

is a disease of isolation and a disease of shame,” Smith said. “Leaders in the community are trying to lower that stigma and begin the journey so people are treated like human beings.”

The project brought together a police department, school system and municipal government, as well as a number of other entities.

Smith said that he’s seen progress and would like to see that program stretch into rural Maine.

Smith outlined some ideas to address opioid misuse among rural populations, including telemedicine, and talked of state investment in recovery centers. “We now have nine and will have 11; they offer support and link people to treatment,” he said.

Smith added that he hopes that when municipal officials see this article “they will call us.”

Fits all sizes

In Bridgton, a Cumberland County town of about 5,000 which swells considerably during the summer because of its many lakes, Police Chief Richard Stillman found a significant addiction problem when he arrived there from Walpole, Mass., in mid-2015.

After talks with local doctors and a series of community meetings, a coalition formed and, working with Tri-County Mental Health Services and Crooked River Counseling, succeeded in getting a peer support recovery center attached to Bridgton Hospital.

While the coalition was unsuccessful in getting a federal SAMHSA (Substance Abuse and Mental Health Services Administration) grant, “We

OPIOID DEATHS BY COUNTY (2018)

| | |
|--------------|-----|
| ANDROSCOGGIN | 26 |
| AROOSTOOK | 4 |
| CUMBERLAND | 70 |
| FRANKLIN | 5 |
| HANCOCK | 9 |
| KENNEBEC | 38 |
| KNOX | 3 |
| LINCOLN | 4 |
| OXFORD | 9 |
| PENOBSCOT | 39 |
| PISCATAQUIS | 5 |
| SAGADAHOC | 0 |
| SOMERSET | 9 |
| WALDO | 6 |
| WASHINGTON | 8 |
| YORK | 48 |
| TOTAL | 283 |

(There were 354 total drug deaths statewide in 2018; 80 percent attributed to opioids.)

Source: Expanded Maine Drug Death Report for 2018. Updated 4/19/19 by Marcella H. Sorg, PhD Margaret Chase Smith Policy Center University of Maine.

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

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

created partnerships that are worth their weight in gold,” said Stillman, who remains treasurer of the board of the Lakes Region Substance Awareness Coalition. The coalition serves people in Bridgton, Brownfield, Casco, Denmark, Fryeburg, Harrison, Lovell, Naples, Raymond, Sebago, Stow, Sweden and Waterford.

He also noted that Bridgton will be served through SAMHSA grant to Opportunity Alliance (the Community Action Agency for Cumberland County). It will allow the agency’s Public Health Program “to implement community-driven efforts to advance substance use prevention in four communities in Cumberland County experiencing higher than average risk factors for early substance use and later disorder: Portland, South Portland, Westbrook and Bridgton, Maine,” according to the SAMHSA announcement. The five-year grant carries \$300,000 in funding for fiscal 2019.

Stillman said the community attitude toward people suffering with drug addiction has changed for the better, but that the target substance is shifting now. “We may have to grow out of the opiate-only attitude and be open to any substance misuse disorder,” he said. “It went from heroin to fentanyl; now we’re seeing meth.”

Farther north, Penobscot County

saw 53 overdose deaths in 2018, with 39 of those attributed to opioids, according to the expanded Maine Drug Death Report for 2018 that was updated in April 2019.

Randy Jackson, a councilor in the Penobscot County town of Millinocket and a retired physician’s assistant, said the effort there to help combat the epidemic of opioid misuse began in earnest last spring with formation of a Mental Health and Opioid Committee.

Jackson credited Kyle Leathers, a selectman from East Millinocket who saw the ramifications of the epidemic in his work as a school teacher, and the Millinocket police chief at the time, Steve Kenyon, with providing the impetus.

“We actually had a town meeting on opioid crisis awareness and drew about 50-60 people to that room,” Jackson said.

Sober houses

Organizers learned that people seeking opioid treatment were traveling 70 miles to Bangor to get it. Jackson said the community decided, “This problem is here. Why don’t we treat it here?” Now a sober house and a recovery house are in the works as committee members continue to seek funding. The coalition was unsuccessful

in a bid for a Maine Health Access Foundation grant. “Filling out funding forms is a quirky endeavor,” Jackson said. “You’ve got to (constantly) be on the computer and looking.”

He also noted that the two women hoping to open a sober house will need the support of the town council to bring that effort into fruition. “Many of these nonprofits need a partner to go in with as far as applying for grants. The towns can take on that responsibility and help these fledgling groups because getting nonprofit status (with the IRS) takes a year or so.”

Like Stillman, Jackson praised the value of having all the players at the same table. He said that when two federally funded health clinics participated in the same meeting, “One of them was quite amazed that the other was so far ahead in treatment.” “They were gearing up to have 10 of their providers undertake this, with a waiting list of 350 people to treat just in the four municipalities.” Those towns are Millinocket, East Millinocket, Medway and Lincoln.

However, challenges continue for the community.

Jackson said that most recently the town’s police chief came to the Millinocket Town Council to request funding for thicker gloves for police officers because a version of fentanyl



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now circulating – carfentanyl, also known as elephant tranquilizer – could be absorbed through the latex gloves they had been using when responding to reports of overdoses. The request was OK'd.

“Whatever’s new in New York and California, it’s here in Millinocket,” Jackson said. “It’s incredible.”

In Falmouth, Town Manager Nathan Poore said the conversation about dealing with the challenge of opioid misuse began regionally about three years ago.

“We decided that opioid awareness and education was one of top issues we wanted to address,” said Nathan Poore, town manager of Falmouth.

Falmouth volunteered to pilot the project, and in October 2018 was formally notified of its selection as “the first pilot town in the Communities Addressing Opioid Misuse pilot project. The project seeks to expand municipal

leaders’ understanding of the root causes of opioid addiction – including Adverse Childhood Experiences – and engage them as champions for comprehensive, evidence-based solutions in their communities.”

Among the project’s goals was “to expand municipal leaders’ understanding of the root causes of opioid addiction... and engage them as champions for comprehensive, evidence-based solutions in their communities.”

Falmouth held a workshop for municipal leaders in January, followed by a public forum in March on addiction and opioid misuse. Gorham has held a forum as well. The other communities in the metro regional coalition of Cape Elizabeth, Falmouth, Portland, Scarborough, South Portland and Westbrook – are expected to take something similar steps, Zoe Miller, director of community outreach at GPCOG, told the Portland Press Herald at the time.

Local action

Millinocket Councilor Jackson said, “I think it’s grassroots that gets all these things done. It’s recognition of the problem and then deciding are you going to ignore or are you going to do something about it?”

Jackson also cautioned, “Did you know that it takes about five years of abstinence before the brain stops searching for opioids on a daily basis? And it also takes about 14 years to clear the brain from the opioid fog that exists long after the abstinence of opioid abuse. This is a chronic disease problem that many do not see.”

At the end of her first 100 days in office, Gov. Mills office announced what the state had accomplished to combat the opioid crisis, including establishing a “Prevention Recovery Cabinet, distributing 35,000 units of Naloxone (an anti-overdose medication), and training 250 recovery coaches.

In July, she hosted the Opioid Response Summit, where Bridgton’s Chief Stillman participated in a panel on “The Power of Community Coalitions.”

“We were part of breakout group; some organizations had been in place for a long time. We were one of the newest – only three years old,” he said.

Jackson attended the summit as well. “That was fantastic,” he said, “And it was so invigorating to look and see the groundswell of support for this endeavor of taking care our own, so to speak.”

With more communities looking for help, Smith knows he is likely to be busier than ever as the state’s point person. “Fewer than 20 percent of those with substance misuse disorder actually seek treatment,” Smith said. “We’ve got a long way to go.” ■

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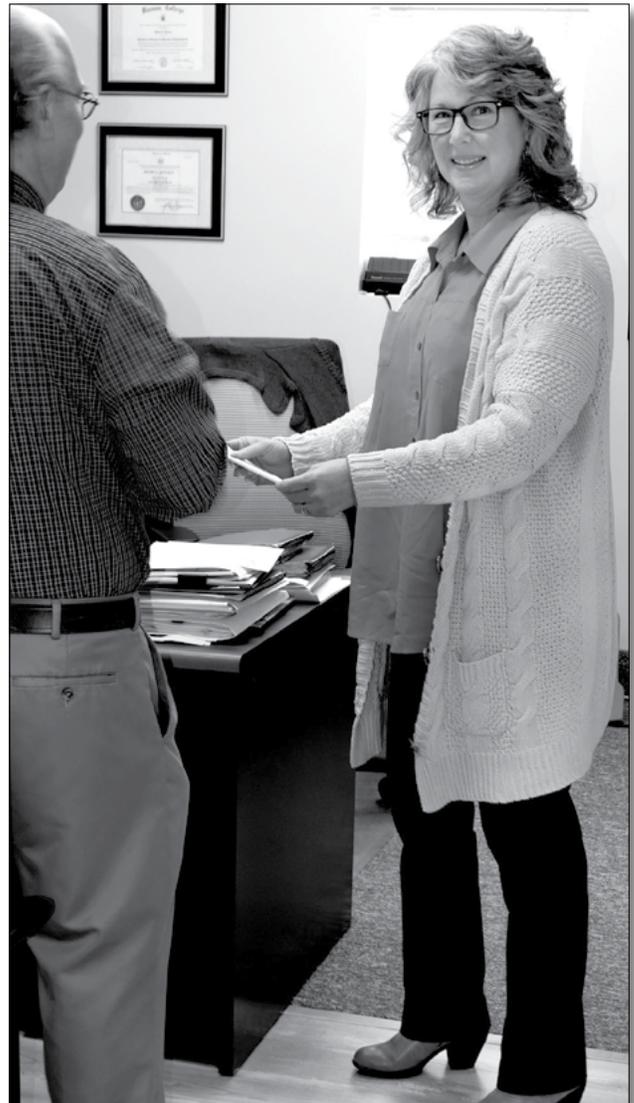
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How prepared is Maine for a major maritime rescue operation?

With more coastline than California – not counting hundreds of offshore islands – coastal communities are exposed to a mass-casualty event. Officials seek to raise awareness.

By Janine Pineo

“It doesn’t have to be a cruise ship. Think about those planes going to Europe. How about an oil tanker coming out of Halifax?”

Those are but three types of transport that could be involved in a maritime mass rescue operation, rare events for which Andrew Sankey, director of the Hancock County Emergency Management Agency, must prepare. “It’s a low-incident, high-risk scenario.”

“People don’t believe anything bad is going to happen,” said Dale Rowley, director of the Waldo County Emergency Management Agency.

Therein lies part of the problem in not only preparing but maintaining a readiness for something that might never occur, but if it did could end in hundreds of casualties.

How prepared are municipalities when it comes to a maritime disaster in Maine waters? And how do those coastal communities – and inland municipalities, too – determine what their resources are, or are not, in handling what could be hundreds of people, including the injured and deceased?

The answer on preparedness is not a clear one, although some regions are considered to be farther along the readiness scale than others. Part of that seems to be driven by the busyness of ports in a particular area, such as Bar Harbor and Portland, but that is not always the case. Maine has more coastline than California, not counting more than 4,600 island shores which give the state in excess of 5,000 miles of coastline and all the water in between, where anything could happen.

To understand the enormity of organizing the resources that might be needed in a mass rescue opera-



The scene at Belfast harbor. (Photo by Janine Pineo)

tion (MRO), consider the list the U.S. Coast Guard compiled (this is only part of it): town or jurisdiction, police and fire departments, harbor master, small passenger vessel operators, charter boat operators, county emergency management agency, county/local airport, Maine Emergency Management Agency, search and rescue organizations, American Red Cross, hospitals, Maine Marine Patrol, commercial fishermen, medical examiner and mortuaries, USCG First District-Boston, USCG Sector Northern New England-South Portland, closest USCG Small Boat Station, closest USCG Marine Safety Detachment, and good Samaritans.

“By definition, an MRO is beyond the capability of one agency to handle, so the more planning, coordination and exercises we can do to prepare for that incident, the better,” says Arn

Hegggers, whose expertise in maritime rescue preparedness comes from more than 24 years in the Coast Guard, including captain of the Port of Chicago, a commercial fishing vessel examiner for the Marine Safety Office in Portland, a port security specialist for USCG Sector Northern New England, past president of the Maine Association of Local Emergency Managers and now a USCG civilian preparedness specialist.

It was a decade ago that a coordinated effort began between different agencies to address MRO preparedness. Sankey said that in 2009, with cruise ships a regular occurrence in Bar Harbor and visits on the rise, “everyone got together and said we need to do something.” The result was a two-year effort to create a working plan. “I was the guinea pig for this here,” he said.

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

Bar Harbor event

Coast Guard involvement began in 2010. “We did a big exercise in Bar Harbor, started with a seminar, then a tabletop exercise, then a full scale,” Hegggers said.

Since then, Hegggers said, the Coast Guard has worked the most with Hancock, Cumberland, Washington, Knox and Waldo counties. “The plan is to get all coastal communities prepared for these type incidents,” he said.

An effort began last year in southern Maine that resulted in the Casco Bay Emergency Response Group. Helping to lead that group is Daryen Granata, a captain in the Scarborough Fire Department, deputy harbor master for Saco and vice president of the Maine Harbor Masters Association. Granata started his career in the Coast Guard in Maine and has worked for Marine Patrol. He also organized the first harbor patrol unit for Biddeford and Saco. Calling himself sort of a resident expert, Granata said it helps that he has experience across multiple agencies.

“I got very well-versed in maritime rescue and law enforcement,” he said. “It’s just second nature to me.”

A single response plan for the state isn’t an option. “Maine has a very unique geography,” Granata said.

“That’s what drives our response.”

The four seasons also play into that, he said, as does who answers a maritime call, which in Cumberland County could be the Coast Guard, Marine Patrol or Portland. “The Coast Guard says let’s capitalize on that in this area,” he said.

The goals for the group? “Everybody has an operational plan,” Granata said. “Everybody (is) on the same page.”

To that end, the group has had sessions over the past year, including one for search patterns and another for communications. “We’re getting there,” Granata said. “We’ve come a long way in a year.”

Communication is a perfect example of a hurdle faced statewide, with no single channel that everyone on the water uses in an emergency. This was pointed out during the initial meeting for a Penobscot Bay group on Oct. 8 in Belfast.

Among the 21 attending the session to kick start a counterpart to the Casco Bay group was Waldo County EMA Director Rowley, who in a later interview said that he wasn’t sure how many he could contact via maritime radio if an emergency call needed to go out.

Rowley was beginning to create

a list for a working group, knowing there were no federal or state assets in the county, such as a Coast Guard vessel. When asked where things stood at the moment if a mass maritime accident occurred, he replied, “We don’t have a capability at all in Waldo County.”

Busy on the water

He ticked off some of the regular maritime traffic in the county waters: a freight vessel a day on average at Searsport, summertime cruise ships, the Islesboro ferry, the Belfast shipyard and good-sized yachts in the harbor. If one counts towns up the Penobscot River, the county has nine towns with coastline and not all have a harbor master. “Many of our towns are really small,” he said. He wasn’t sure of the status of harbor master in a couple of towns because “they change so often.”

The county does not have a boat of its own and Rowley said he knows of only one available boat in Searsport in the winter because all the others are pulled for the season. The Belfast Fire Department does have a coastal boat, he said, as he listed local assets. “Ninety-nine percent of the boats in Penobscot Bay are private,” he said.

Another concern raised during the meeting was liability for private good Samaritans. Rowley was considering that, too, citing the MEMA act, which does have liability coverage and worker’s compensation, but with a caveat: “They can’t go out on their own. We have to activate them.”

Rowley intends to host a meeting bringing together as many local assets as possible. “Our goal is to build some sort of local capability because nothing exists right now,” he said.

Municipalities can initiate their own review of capabilities, too. Mount Desert in 2016 did just that.

“There was talk about having a cruise ship come into Northeast Harbor,” said Mike Bender, fire chief and emergency management director for the town. “That got the ball rolling.”

Beyond the opinion of residents, who later voted against the idea, public safety officials had to examine the situation, Bender said, so he put out a call to Sankey at the county EMA and said, “We need to have a plan in place.”

Sankey coordinated all the play-



This vessel touches the rocky shore. (Submitted photo)

ers, which was the same group that participated in the 2009 Bar Harbor exercises, including the Southwest Harbor Coast Guard Station.

"We didn't want to have a large-scale event," Bender said. Planning took a few months, and in early 2017, Hegggers from the Coast Guard presented the tabletop-exercise scenario of a couple of smaller vessels colliding, with multiple casualties.

Bender said that the exercise showed what the capabilities were for the groups involved and what needed work. Where vessels would dock and unload people was a concern, as well as access by ambulance. Setting up a command and control is key to keeping track, he said, to avoid duplicating resources and also manage the Good Samaritans, such as lobstermen, coming in to help

"One of the biggest things," Bender said, "is you get to meet all the agencies." That included Coast Guard, Marine Patrol and EMS from off the island.

Another area highlighted was communications. "Everyone has their own frequency, their own channels," Bender said. It helped to know who can be on what channel.

The Mount Desert exercise illustrated what is emphasized in maritime disaster planning: No single entity can handle a mass marine incident. That includes a municipality.

Sankey pointed out that municipalities have a resource at their fingertips, their county EMA. "EMA does this on behalf of the municipalities," he said.

But when an emergency occurs, it boils down to one stark fact. "All emergencies are local at the lowest possible level," Sankey said. ■

MARITIME INFORMATION

For more information about maritime event preparedness, contact Arn Hegggers at Arn.M.Hegggers@uscg.mil or 207-741-5439 or Daryen Granata at dgranata@scarborough-maine.org or 207-939-3737.

MARITIME EXERCISE: WHALE WATCH CAPTAIN OFFERS HIS PERSPECTIVE

By Janine Pineo

One of the participants in the 2009 to 2011 Bar Harbor exercises was the Bar Harbor Whale Watch Co. The company has seven vessels, ranging in capacity from 12 passengers to 440.

Larry Nuesslein, captain and manager, says that while some tours stay in the bay, others go as far as 50 miles offshore.

"Helping the cruise ships became part of our business after 9/11 because we have the federally required security plan for our docks," he wrote in an email. "We also assist with tendering people off the cruise ships with our vessels if the ship does not have enough tendering capacity on their own."

Nuesslein said that the Coast Guard requires safety and security drills on his company's vessels and at its facility.

"It became apparent in our training and in looking at other marine incidents in the news that if a serious incident occurred on one of our boats, that there would be a limited amount the USCG could do to help us in a timely manner. We are just too far from the bigger USCG boats that could help us evacuate our larger vessels. We realized we would largely have to self-rescue our passengers with one of our other larger boats and hope for Good Samaritan help from, most likely, area fishing vessels if we had to conduct a mass evacuation."

He continued: "After 9/11 there was also a push from the government to make anyone potentially involved assisting with a rescue (including private companies) familiar with the other potential people working on a rescue."

The mass-rescue exercise involved what Nuesslein said was "always a worry:" A cruise ship tender piloted by someone unfamiliar with the territory, specifically a rock ledge near Bar Island and Sheep Porcupine Island near Bar Harbor.

"Anyone who is a local mariner could see that the people who pilot the cruise ship tenders are at first unfamiliar with the area, not used to dealing with the fog and often seem to be new operators. The tender operators are licensed, but that doesn't mean that they will be proficient in operating in our challenging waters without some experience," he said. "A grounding could happen to any mariner but more likely to someone new to the area."

"The hypothetical grounding occurred on a foggy day," he said. "Our company and other local boating companies, various cruise ship companies, Passenger Vessel Association, the USCG, Maine Marine Patrol, Maine Forest Service, Bar Harbor Police and Fire Department, State Police, Acadia National Park, MDI Hospital and surrounding town agencies near MDI all were involved."

A number of things were revealed and acted on after the exercise, which proved somewhat prescient by what happened in 2012.

"Lessons learned was that better communication was essential. It will take a good amount of time for any sizable amount of assistance to arrive from the outside. Ledges that are near areas when cruise ship tenders operate should be marked," Nuesslein wrote. "The USCG SWH Mount Desert Island Community Resource Partners was started after the exercise as result of lessons learned as a way to help. Buoys were added near the ledge several years after the exercise. The USCG did not want to pay for the buoys so the town paid for them."

In October 2012, a cruise ship tender ran aground on that ledge used in the hypothetical exercise. More than 90 passengers were on board as the tender was returning to the ship after dark. ■



Tabletop exercise. (Photo by Janine Pineo)

Casco's exemplary fisherman: Four decades of public service

Long-time Manager David P. Morton retires after 41 years of managing his town, fixing boilers on Christmas Day and calling bingo during Casco Days.

By Deborah Cabana and Doug Webster

Very few of us know of someone that has done the same job in the same town for 40-plus years. This past June, David P. Morton retired after 41 years as Casco's town manager. Over the preceding several months, as David approached retirement, there were various articles in local newspapers commemorating his achievements and a well-attended retirement celebration held at Camp Sunshine in late June.

Many Sebago Lake region residents have been fortunate to know and work with David. Even amidst the occasional Town Meeting political firestorm, or standing room only Board of Selectperson's meeting, his consistently calm demeanor served as the keel to equitably resolve the matter at hand. He is a living example of community involvement and has had a profound positive impact on Casco, municipal government and the Lakes Region.

David grew up in Windham and was a "basketball legend" in school per Kevin Joyce (Cumberland County Sheriff). He married his high school sweetheart, Donna, in June 1975. He interned with the Town of Gorham and worked for then Town Manger Eben Marsh until finishing college.

In February 1978, David became Casco's second town manager at 22 years of age. The first manager lasted only six months. David and Donna moved to Casco, as required for the position, and lived in a drafty 1800s farmhouse on Mayberry Hill Road. The Board of Selectpersons encouraged David to downplay his age and focus on his recent college degree. He held several roles including manager, town clerk, registrar of voters, road commissioner, tax collector, and occasional custodian and dog catcher.

Throughout the next 40-plus years, David's steady hand guided Casco through countless challenges and accomplishments including the following: Coffee Pond watershed environmental action; capping the Town's landfill; opening the transfer station; spearheading the state's first regional bulky waste facility; the ice storm of 1998; two tax revaluations; and, one of the state's first contract zoning agreements, Point Sebago.

His second answer

As a seasoned municipal representative, David brings a host of natural and acquired abilities to be an effective leader. Throughout the years, the most consistent and influential character trait that David brought to Casco is his primary identity as a fisherman.



David Morton (Submitted photo)

David himself will calmly and candidly confirm this. At his retirement party, his son Ben recounted several fishing trips growing up. Upon meeting other fishermen or travelers, they would ask David what he did for work. He would consistently reply that he was a fisherman. Only if pressed would he

respond that sometimes he did "a little work" for the Town of Casco.

Many of David's classmates, including virtually all of his senior basketball team, attended David's retirement party. His classmates, including one of the authors of this article, found him to be quiet. In an interview for a Bridgton News article (June 27), David commented: "I still am quiet. I will go for long times without saying anything. I like to listen. You learn a lot more when you listen." He went on to clarify that he does not look forward to public speaking and that he "(doesn't) aspire to be in the limelight."

At David's retirement party, former Gorham Town Manager Eben Marsh said that even as a college student, David never had a bad word to say about anyone or the situation – an unwavering trait to this day. Mr. Marsh also confirmed that David already had his bear-claw handshake and good chuckle to "let you know that things are going to be OK."

David has an uncanny ability to read the tenor of a meeting and keep it moving. Several years ago, the Casco's selectpersons held a workshop to solicit input on proposed, expensive structural repairs to the Pleasant Lake dam designed by an engineer. At the beginning of the meeting, David was clear that the P.E. was not attending the meeting to save taxpayer dollars.

After a series of detailed questions were directed to David regarding the specifics, the tension at the meeting was clearly rising. When the next technical question was posed and directed to David, he smiled just a bit and said calmly, "Well, quite frankly, I'm not a dam expert," followed by his chuckle and everyone laughing.

Many colleagues had positive accolades about David at his retirement party. Long-time Manager Paul Bird wrote that David has shown by example an extraordinary ability and talent to provide stable leadership while at the same time acting in the best interests of Casco. Tony Plante (former Windham Manager) spoke to how David's understated and low-key candor provided a calming influence and thoughtful, trusted presence. Marcus Ballou of the Maine Municipal Association commented that David is a stellar example of commitment to local government.

David has always been a consummate professional. Casco resident Tom Mulkern has known and worked with David for 34 years as a town employee, fire and rescue volunteer and Casco Days coordinator. In a Bridgton News article, Tom said that "the thing about Dave is – he is a professional. He is willing to listen to people, and willing to resolve issues when they need to be resolved." Mr. Mulkern went on to say that Dave "always had the open-door policy. He is always willing to listen to you and to offer his opinion when it is asked for."

David's consistent devotion to Casco and its residents is exemplified by his role at Casco Days as the Bingo announcer for the past 35 years, and by countless other volunteer efforts. As part of his retirement, David's daughter, Jen, will take the reins as Casco Days' official bingo announcer. Donna recalls one Christmas Day when their kids were young that he drove in a storm to Town Hall to get the boiler running to prevent frozen pipes.

Work stays at the office

At his retirement party, his family commented that he never complained or brought job problems home. When the inevitable town business question arose on non-work time, David would simply ask the person to call or e-mail him at work. At the retirement party, David's children and Donna all spoke of consistent adoration and support. Their family home was always a caring place.

The Bridgton News asked David what advice he has for the incoming manager. David replied that "If I had any advice, it is to listen to as many people as you can, trust the judgment

of your employees and try to enjoy working with the (Casco Board of Selectpersons)."

At his retirement party, Maine State legislators Sue Austin, Bill Diamond and Jessica Fay presented David with a plaque from the State of Maine commemorating his 41 years of public service. As a lasting tribute to David, current Casco Board of Selectpersons Chair Holly Hancock announced that the town will dedicate its new Town Hall as the David P. Morton Town Office Building.

"I am overwhelmed, honored," David said. "I'm not sure how to explain it. Appreciative. I really feel honored." (Per a July 26 article in the Lakes Region weekly.)

The quote on the podium at David's retirement party read: "Thank you for all you have done. Congratulations and best wishes from the Town of Casco, your friends, and colleagues." ■

Deb Cabana was a classmate of David and Donna in Windham; she remains good friends with them and is the town manager in Gray. Doug Webster is a Casco resident who has known and worked with David for 30 years.

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PEOPLE

John Sylvester, who served his Town of Alfred for decades, with a special interest in the poor and others living on the edge of society, died Oct. 3 at the age of 78. Sylvester's leadership style was remembered as strong, direct, caring and consensus-building.



John Sylvester

"John's leadership came from his deep sense of caring for people, especially those who were having a tough time or marginalized by society," Sanford City Councilor Joseph Hanslip told the Journal Tribune. Hanslip worked closely with Sylvester as members of the York Budget Committee.

"John was a strong personality and had his beliefs, but he always cared about the suggestions, beliefs and opinion of others," Hanslip said. "His work ethic... was unparalleled. He walked the walk and will be missed by many people."

Sylvester, a Portland native, was known for his love of rural Maine towns, including Springvale and then Alfred, where he moved with his wife in 1975. Sylvester began his public service in the 1960s while also building a logging and masonry company – including building rock walls for the late President George H.W. Bush at the family's Walker Point compound in Kennebunkport.

He served as selectman for 21 years, until 2016. He served on the York Budget Committee and the Animal Welfare Society, among many other efforts. He worked every day until he died.

He served on many boards, including the Maine Municipal Association's Executive and Legislative Policy committees from 2005 to 2012. He served as MMA president in 2010. He founded the 12 Town Group to meet regularly with officials from surrounding towns to talk about common issues and resolutions.

In his obituary, his family members talked about how many friends he made over his lifetime. "John always had time for others and ultimately wanted to see people happy."

Bangor City Manager **Cathy Conlow** and Portland City Manager **Jon Jennings** were among those honored in August at the Maine Town, City and County Management Association's Annual Institute at the Sugarloaf Mountain Hotel.

Conlow, who has led her city for seven years, won MTCMA's Linc Stackpole Award, which is the organization's most prestigious annual recognition. Conlow was nominated by Bangor City Council Chair Sarah Nichols, South Portland City Manager Scott Morelli and Presque Isle City Manager Martin Puckett, among others.

"What I admire about Cathy is how she leads," wrote Nichols. "Her leadership style does not come from a place of self-promotion, it comes from a place of group collaboration, where the entire city staff has ownership of the work that is done."



Cathy Conlow

Conlow, a graduate of Shippensburg University of Pennsylvania, has worked in municipal government for 30 years, including as Orono Town Manager before starting in Bangor. Her nomination also cited various community positions she holds in the Greater Bangor area and her leadership on the Municipal Review Committee, which developed and provides oversight for an innovative regional solid waste facility.

Jennings won the MTCMA Leadership Award. He was nominated by Portland City Council members Belinda Ray and Jill Duson. His nomination was supported by a bevy of municipal managers in southern Maine, including: Morelli; Nathan Poore of Falmouth; Tom Hall of Scarborough; Matthew Sturgis of Cape Elizabeth; and, Jerre Bryant of Westbrook.

Jennings' nomination and award centered on a huge issue that his city faced this year, when 280 people seeking asy-



Jon Jennings

lum in the United States arrived in Portland, straining that city's resources. The influx was handled by a community coalition of businesses, non-profits, government resources and individual citizens.

Jennings' leadership was viewed as a key. Morelli wrote that Jennings' management skills and collaborative style helped to "galvanize an entire city and region." Jennings has been manager of the City of Portland since 2015.



Gary Fortier

After 50 years of public service, **Gary Fortier** announced last month he would not seek re-election to the Ellsworth City Council on Nov. 5. Fortier served on the council from 1992 to 2001 and was elected again in 2004 and attended

his final meeting last month. Fortier, 65, started his public service as a teenager in 1970, serving as a fire department volunteer, following in the steps of his grandfather, father and brothers. Over the decades, in addition to his council service, Fortier served on more than a dozen city committees and civic organizations. He was also a member of the MMA Executive Committee.

A veteran town manager, **William "Bill" Post**, is the new Rockport manager after working eight years in Bowdoinham. He holds a Master's degree in public administration from the University of Maine. With 24 years of experience as a town manager, Post led the towns of Waldoboro and Damariscotta before taking the Bowdoinham job. He replaces Rick Bates, who retired after managing the town for six years. Bates has been hired to consult on and oversee the new library project. Bates' public service career began in 1977 in New Hampshire. Post said transparency and effective communication are among his priorities. Meanwhile, Thomas Woodin has been named Bowdoinham manager, effective Sept. 9. Woodin accepted the post after managing Boothbay Harbor for 12 years. The council was excited to recruit Woodin, who holds a bachelor's degree in political science from the University of Southern Maine. ■

STATEWIDE

In honor of the 200th birthday of the state next year, the U.S. Postal Service will design and issue two different “forever” stamps featuring Maine. Although not official, one design features the Coastal Maine Botanical Gardens in Boothbay as one in a series of Maine gardens, while another of the stamps features the painting “Sea at Ogunquit” by Edward Hopper. No date has been set for their release.

STATEWIDE

Central Maine Power announced in October it is considering spending millions of dollars to improve its existing electricity distribution system over five years. The firm proposed a “ground-to-sky” tree-trimming program in its 12 worst-performing circuits, as well as hardening the lines with stronger poles, coated wires and additional equipment to stave off power failures in severe storms. Also, CMP has proposed making early investments in northwestern Maine after complaints from customers in the area. Although not officially OK’d by regulators, they authorized CMP to invest \$7 million over five years to improve service between Jackman, Caratunk and Dover-Foxcroft.

BANGOR

The city council last month authorized the police department to charge a fee to group homes and homeless shelters if they find a 911 call was not an emergency. The vote was 8-0. Under the new program, police will levy fees only after a facility has made more than three calls in one year that are non-emergencies. The fee will be \$31 for each responding officer for each of the four to eight non-911 calls. It jumps to \$155 per officer after that. According to police, the state licenses group homes, known as “low barrier” homes to accommodate people with intellectual disabilities. Homeless shelters don’t have strict rules for either admission or use of drugs and alcohol. An example of a bogus 911 call is a request for police to respond because someone would not put down the TV remote control. Police will continue working with the facilities, hoping each party can “train” the other on what constitutes emergencies that deserve a police respond. Bangor police respond to 175 to 200 non-emergency calls annually for group homes. A similar number was not available for homeless shelters.

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.

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

2019 MMA Convention Presentations. MMA posted many of the PowerPoint slides and written handouts that were offered by speakers at last month’s convention in Bangor. Look for the convention logo and select “Presentations & Handouts.”

BAR HARBOR

If your idea of camping is a hotel room with cable TV, you’re in luck. Acadia National Park officials unveiled a plan to build 64 “Glamps” – a new word to describe the combination of glamorous and camp. Similar “glamping” has recently opened in Durham, Kennebunkport and Sanford. Under the plan for Bar Harbor, 64 “rustic-luxe” canvas tents will be erected on 60 acres of land near Acadia. Each glamp will be designed to blend in with nature while offering the comforts of an upscale hotel room. A bar and restaurant, a store, pool and dog park also are envisioned. Rental costs are not yet available.

FREEPORT

There isn’t any quicksand in Maine, but for one land surveyor a large pool of heavy mud can cause the same effect. Firefighters arrived at about lunch time on Oct. 27 to rescue the man, who was waist deep in the muck by the time help arrived. Each time he moved or wiggled in an effort to get out, the deeper he would sink. After one police officer tried to pull the man to safety, she also began to sink. That’s when firefighters were called. They found the man after 15 minutes, some 150 feet from the Interstate near Exit 22. The firefighters used aluminum ladders, firefighters crawled over the mud, in the rain, to rescue the man. Firefighters needed to dig out enough mud from the pond and straps for security as they pulled out the six-foot, four-inch man. The police chief said in his 28 years with the town, he had never had to pull a person out of a mound of mud. No one knows who made the 911 call.

ROCKLAND

This renowned coastal city continues to process a hefty number of applications for renovations to existing homes – including

some of which cost more than the value of the home. For the second straight year, the city has issued permits for more than \$1 million in housing renovations. Rockland officials said the city is experiencing a building boom, while a state association of Realtors report showed that September housing sales statewide were the highest in 20 years with 1,866 homes sold. Recently, a buyer of a 1,300-square-foot Rockland house built in 1860, complete with a separate cottage, razed the old to make room for a modern 1,700-square-foot house expected to cost \$450,000 to build. Realtors said strong September sales make 2019 the best year on record.

WATERVILLE

On Martin Luther King Weekend 2009, a diverse group of 65 individuals participated in a three-day public, strategic planning event in Waterville to address climate change. From this, Sustain Mid Maine Coalition (SMMC) was formed. The name was chosen by those in attendance with Mid-Maine loosely defined as an area around Waterville, more or less from Belgrade to Unity, and Vassalboro to Skowhegan. Sustain Mid Maine Coalition’s target population includes all municipalities, households, businesses and institutions within that area, serving approximately 45,000 people. The mission of SMMC is to promote sustainable living practices in the Mid Maine region. The coalition is a collaborative partnership of major stakeholders, engaged citizens, municipal leaders, educational institutions, businesses and service agencies working to build the systems and infrastructure for a thriving community and a sustainable economy. Promoting renewable energy, such as solar, is essential to achieving the mission of the Sustain Mid Maine Coalition. ■

MUNICIPAL BULLETIN BOARD

SPECIAL SESSION!

Dec. 3

Workplace Active Threat Defense: Augusta

This new MMA workshop, "Surviving the Life or Death Gap," has been called "the best training in any topic" by former attendees. It may be the most important. Presented by Joseph Hileman and Terry Choate, Jr., former police officers who run a company called Blue-U Defense, this session starts with establishing a high level of understanding of what we face during an unplanned incident of violence, and how our natural reactions affect our ability to respond. There also will be a segment on recognizing signs of impairment. Attendees will learn to think differently about what is truly necessary to survive, win – and go home.

The workshop will be held at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. It starts with registration at 8:30 a.m. and ends at 2 p.m. Cost is \$110 for MMA members.

Dec. 5

Planning Boards/BOA: Augusta (live video to Caribou)

An attorney from MMA's Legal Services Department and Kristin Collins, attorney with Preti Flaherty in Augusta, will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Dec. 5 at the MMA Conference Center in Augusta. The workshop will be carried live via video conference to the Northern Maine Development Commission office in Caribou.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members in Augusta; \$45 for MMA members in Caribou.

SPECIAL SESSION!

Dec. 9

Diversity Immersion: Lewiston

Think well beyond race and ethnicity. This new MMA workshop will give you essential tools to lead, hire and recruit in a diverse community. Participants will learn how to jump-start inclusion efforts, lead positive change and build an inclusive workplace culture. You will see why and how we develop biases; and, you will practice essential skills needed to live, work, lead and play in our diverse community. It's experiential with activities and exercises sprinkled throughout.

The instructor is Susan Gallant, a Maine expert in leadership development who is graduate of Waterville High School with a PhD from Boston University. Cost is \$70 for MMA members and \$140 for non-members. The all-day workshop will be held at the Ramada Lewiston Hotel and Conference Center, starting with registration at 8:30 a.m.

Dec. 19

Elected Officials Workshop: Augusta (live video to Caribou)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Dec. 19 at the MMA Conference in Augusta. The workshop will be carried live via video conference to the NMDC office in Caribou. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members in Augusta; \$45 for MMA members in Caribou.

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I certify that the statements made by me above are correct and complete.

Eric Conrad, Editor



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

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

LEGAL NOTES

U.S. DOL Issues New Overtime Regulations

The U.S. Department of Labor (DOL) has issued long-anticipated regulations revising the overtime pay exemption under the federal Fair Labor Standards Act (FLSA).

Effective Jan. 1, 2020, the regulations increase the minimum salary required for an employee to be exempt from overtime pay requirements from \$455/week to \$684/week (or \$35,568/year). Employers will be allowed to use certain nondiscretionary bonuses and incentive payments to satisfy up to 10% of the minimum salary. The regulations make no changes to the “duties test” for determining whether salaried workers who earn more than the minimum salary are exempt from overtime pay requirements.

The regulations also formally rescind regulations issued in May 2016, which sought to raise the salary threshold to \$913/week. That threshold was invalidated by a federal court and never enforced.

To prepare for the new minimum salary, we recommend that employers review all positions currently assumed to be exempt. For employees who earn less than \$684/week, the employer may (1) raise the employee’s salary to the new minimum and continue to treat the employee as exempt (assuming the “duties test” is also met), or (2) treat the employee as nonexempt and pay time-and-a-half the employee’s hourly rate for all work hours exceeding 40 in a workweek, or (3) treat the employee as nonexempt and limit the employee’s work hours to no more than 40 in a workweek.

Remember that municipal employers in Maine are governed by federal, not state, overtime regulations.

For more on the new overtime regulations, see this U.S. DOL webpage <https://www.dol.gov/whd/overtime2019/index.htm> and MMA’s “Information Packet” on the FLSA, available free to members at www.memun.org. (By S.F.P.)

Maine’s New Paid Leave Law

Maine’s new paid leave law requires employers to provide employees with paid time off, for any reason, beginning Jan. 1, 2021 (see PL 2019, c. 156). The law – the first of its kind in the nation – is deceptively simple.

Employers, public and private, that

MUNICIPAL CALENDAR

ON OR BEFORE DECEMBER 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

DECEMBER 25 — Christmas Day - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

DURING DECEMBER — Towns that elect officials by secret ballot under 30-A MRSA § 2528 must make nomination papers available 40 days before the filing deadline. The filing deadline is 60 days before the election date. For most towns with March elections, papers must be made available beginning sometime in December, depending on the date of the election.

BY JANUARY 1 — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 MRSA § 3922). ■

have more than 10 employees in the usual and regular course of business for more than 120 days in any calendar year must permit employees to earn paid leave at the employee’s base pay and with the same benefits as provided for other types of paid leave.

Employees can earn one hour of paid leave for every 40 hours worked, up to 40 hours per year, beginning with the start of employment, but may be required to wait 120 days before using it. Absent an emergency, illness, or other sudden necessity, an employee must give reasonable notice to the employee’s supervisor of intent to use leave, which must be scheduled to prevent undue hardship on the employer.

The new law is enforceable only by the Maine Department of Labor (DOL) and expressly preempts municipal ordinances regulating earned paid leave. It also does not apply to employees covered by collective bargaining agreements (union contracts).

But left unanswered are many important questions, including what constitutes reasonable notice and undue hardship, how will current paid time-off policies be affected, can unused time off be rolled over to next year, and what about unused time off upon separation of employment. These and other unresolved issues will have to be addressed by the Maine DOL via rulemaking.

The Maine DOL will be holding “listening sessions” throughout the state over the next several months to solicit rulemaking suggestions from employers and employees. For more on this process, go here: http://www.maine.gov/labor/news_events/article.shtml?id=1585488. And to sign up for updates on Earned Paid Time Off rulemaking, email bls.mdol@maine.gov.

Remember, Maine’s new paid leave law does not take effect until Jan. 1, 2021, so there should be plenty of time for employers, including municipalities, to get up to speed. (By R.P.F.)

Tort Claims Settlements Are Now Public Records

The Legislature has amended the Maine Tort Claims Act (MTCA) to make it clear that, except for information designated confidential by statute or that is not a public record under the Maine Freedom of Access Act, any settlement agreement entered into by a governmental entity, including a municipality, is a public record – insurance payouts are specifically included (see PL 2019, c. 215, eff. Sept. 19, 2019).

The MTCA is the statute that governs all tort claims against governmental entities for money damages (see 14 M.R.S. §§ 8101-8118).

This MTCA amendment is consistent with the law governing other types of

LEGAL NOTES

government settlement agreements, such as employment severance agreements, which are also generally public records (see, e.g., *Guy Gannett Publishing Co. v. University of Maine*, 555 A.2d 470 (Me. 1989)).

Incidentally, the MTCA was also amended during the 2019 legislative session to extend the deadline for filing the required notice of claim from 180 days to one year (see PL 2019, c. 214). This extension applies only to causes of action arising on or after Jan. 1, 2020. (By R.P.F.)

Shoreland Zoning Changes

The Legislature has made several changes to the mandatory shoreland zoning laws. First, the law that requires septic systems in coastal shoreland areas to be inspected before a lot is sold, and repaired or replaced within one year after sale if they are malfunctioning, has been extended to freshwater shoreland areas. This was enacted as PL 2019, c. 43, eff. Jan. 1, 2020.

Also, applicants for shoreland development permits must submit before-and-after photos of the shoreline vegetation and development site. Plus, the maximum civil penalty for any land use violation has been increased from \$2,500 to \$5,000 per day; the maximum civil penalty for violations in the shoreland resource protection zone has been increased from \$5,000 to \$10,000 per day. These changes were enacted as PL 2019, c. 40, eff. Sept. 19, 2019. (By R.P.F.)

Minimum Qualifications for Local Elected Office?

A selectman asked us recently whether their board could establish minimum competency requirements, based on education or experience, for candidates running for local elected offices such as town clerk, tax collector, and treasurer. While the concern is certainly understandable, the answer is clearly no, only a municipal charter can do so.

According to 30-A M.R.S. § 2526(3), in order to hold a municipal office (either elected or appointed), a person must be a resident of Maine, at least 18 years of age, and a citizen of the United States. A municipal officer (selectman or councilor) must also be a registered voter in the

municipality. Likewise, a school board member must be a legal resident of the municipality they represent. Any other qualifications for municipal office may be imposed only by charter (see 30-A M.R.S. § 2526).

We've never seen a municipal charter that imposed minimum competency requirements for *elected* office (though in theory it would be possible). The reason, we suspect, is that when it comes to electing officials, municipalities seem content to defer entirely to the voters' judgment as to the best qualified candidate.

If certain local offices such as clerk, tax collector, and treasurer now require substantial knowledge and expertise (and they do), a better solution for ensuring basic competency may be to convert them from elected to appointed. This can be done by vote of the municipal legislative body (town meeting or town or city council) at a meeting held at least 90 days before the annual meeting at which the change is to become effective. This can sometimes be a difficult political "sell," however, especially in small towns with a long tradition of electing officials, and multiple attempts may be required.

For more on qualifications for municipal office, see the Legal Note by the same title in the May 2008 *Maine Townsman*. (By R.P.F.)

Water & Sewer District Liens

Several recent inquiries prompt us to remind municipal tax collectors and treasurers to send copies of tax lien certificates and notices of impending foreclosure to water and sewer districts if they too have recorded liens. This is consistent with our longstanding advice to send these notices to anyone with a

recorded interest in the property, including both lien and mortgage holders (see 36 M.R.S. §§ 942, 943).

We should note that failure to send timely notice to a lien or mortgage holder does not void a tax lien. The lien remains valid but unperfected. The redemption period is also extended as follows:

If the tax collector fails to send a timely true copy of the lien certificate, the lien or mortgage holder has three months after receiving actual knowledge of the recorded lien within which to pay the lien (see 36 M.R.S. § 943, seventh paragraph).

If the treasurer fails to send timely notice of impending foreclosure, the lien or mortgage holder has 30 days after notice is sent within which to pay the lien (see 36 M.R.S. § 943, fifth paragraph).

These extended redemption periods apply to belated notices regardless of how much time has elapsed. Once an unknown lien or mortgage holder has been identified, the belated notice(s) should be sent promptly but with the extended redemption period noted. (By R.P.F.) ■

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